

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 687****2024 Regular Session****Butler**

HEALTH: Provides relative to the licensing of "PACE" program providers

Synopsis of Senate Amendments

1. Provides that a PACE enrollee may be a recipient or participant that has been approved by Medicare or the Louisiana Medicaid Program or is otherwise qualified to enroll as a PACE participant for PACE services provided by an approved and licensed PACE provider.
2. Requires a PACE provider to provide services only to a participant who has chosen PACE services and who has been approved by Medicare or Louisiana Medicaid Program or is otherwise qualified to become a PACE enrollee.
3. Removes proposed law provision that permits a PACE license to allow a PACE provider to contract with other licensed or certified healthcare providers to provide certain approved PACE services.
4. Provides that a PACE provider may contract with other licensed or certified medical or healthcare providers or professionals to provide approved PACE services to an approved PACE enrollee.
5. Removes requirement for rules, regulations, and licensing standards to become effective upon signature from the secretary of the La. Dept. of Health.
6. Removes requirement for the rules, regulations, and licensing standards to have the effect of law.
7. Makes technical corrections.

Digest of Bill as Finally Passed by Senate

Proposed law adds "Program for All-Inclusive Care of the Elderly (PACE)" to the list of employers for which a background check is required as provided for in present law.

Proposed law provides that proposed law shall be known and may be cited as the "Licensing Program for All-Inclusive Care of the Elderly (PACE)".

Proposed law authorizes the La. Dept. of Health (LDH) to promulgate and publish rules and regulations to provide for the licensing of the PACE providers.

Proposed law defines "department", "license", "PACE enrollee", "PACE services", "PACE provider", "secretary", and "standards".

Proposed law requires all PACE providers to be licensed by LDH and stipulates certain criteria for licensure validity. Proposed law further provides that a PACE license shall be valid for 12 months, beginning in the month of issuance and expiring on the last day of the 12th month.

Proposed law requires LDH to facilitate the form for the physical license and requires licensees to post licenses in conspicuous locations.

Proposed law provides that PACE licenses shall not be transferrable and requires new owners of newly acquired PACE providers to notify LDH of the change in ownership and apply for

new licensure at least 45 days before the transfer in ownership.

Proposed law requires a PACE provider to only provide services to participants who are enrolled in the PACE program and are approved by Medicare or the state Medicaid program or participants who are otherwise qualified to become PACE enrollees.

Proposed law further requires PACE providers to only provide services to approved PACE enrollees.

Proposed law allows PACE providers to provide services to all of the following approved PACE enrollees:

- (1) Home- and community-based services as provided in present law.
- (2) Adult day health care facility services as provided in present law.
- (3) Home health agency services as provided in present law.

Proposed law allows PACE providers to contract with a Louisiana-licensed and certified hospital, nursing facility, or hospice agency, to arrange or provide hospital, nursing facility, or hospice services for an approved PACE enrollee. Proposed law further provides that a PACE provider may contract with other licensed or certified medical or healthcare providers or professionals to provide approved PACE services to an approved PACE enrollee.

Proposed law requires LDH to promulgate and publish rules, regulations, and licensing standards. Proposed law further provides criteria for such rule promulgation.

Proposed law provides that no PACE provider will be required to obtain licensure in accordance with proposed law until the rules, regulations, and standards are promulgated by LDH.

Proposed law requires PACE providers to submit an initial licensing application and licensing fee within 90 days of the promulgation of the initial rules, regulations and licensing standards. Proposed law further provides that if the entity is not licensed within 180 days after submission of its initial licensing application and fee, the entity shall cease and desist operations until such time as it is licensed as a PACE provider by LDH.

Proposed law further provides regulations and fees associated with renewal of licensure.

Proposed law provides that LDH may conduct onsite surveys and inspections for licensees.

Proposed law requires applicants to keep records and maintain certain reports.

Proposed law furnishes penalty provisions for PACE providers who operate without a license.

Proposed law requires LDH to seek an injunction against any PACE provider that receives a cease and desist order from LDH in accordance with proposed law and does not cease operations immediately. Proposed law further requires any PACE provider against whom an injunction is granted to be liable to the department for attorney fees, costs, and damages.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1203.1(4)(aa) and R.S. 40:2120.61-2120.70)