

RÉSUMÉ DIGEST

ACT 444 (HB 687)

2024 Regular Session

Butler

New 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 existing law.

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

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

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

New law requires all PACE providers to be licensed by LDH and stipulates certain criteria for licensure validity. New 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.

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

New 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.

New 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.

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

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

New 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. New 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.

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

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

New 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. New 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.

New law specifies requirements for licensure and provides that if a PACE organization operates in more than one departmental region, the PACE organization shall obtain a separate PACE provider license for each region.

New law provides regulations and fees associated with initial licensure and the renewal of licensure. New law details provisions for the expiration of licensure.

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

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

New law provides that LDH may assess a PACE provider a survey or investigation fee, not exceeding the amount specified in new law.

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

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

Effective upon signature of governor (June 3, 2024).

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