

2016 Regular Session

HOUSE BILL NO. 498

BY REPRESENTATIVE POPE

HEALTH CARE/FACILITIES: Institutes a moratorium on new pediatric day health facility licenses

1 AN ACT

2 To enact R.S. 40:2193.5, relative to pediatric day healthcare facilities; to provide for a  
3 moratorium on additional licenses for such facilities; to provide for exceptions to the  
4 moratorium; to provide for the duration of the moratorium; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2193.5 is hereby enacted to read as follows:

8 §2193.5. Additional licenses; moratorium; exceptions

9 A. Except as provided in Subsection C of this Section, and subject to  
10 approval by the Centers for Medicare and Medicaid Services, the Department of  
11 Health and Hospitals shall implement a moratorium on additional licenses for  
12 pediatric day healthcare facilities, and shall not approve any additional pediatric day  
13 healthcare facilities.

14 B.(1) The prohibition established by the provisions of this Section shall  
15 apply only to applications for new facilities not approved prior to July 1, 2016. The  
16 prohibition shall become enforceable on July 1, 2016, and shall remain in effect until  
17 July 1, 2017.

18 (2) The prohibition established by the provisions of this Section shall not  
19 apply to the replacement of existing facilities.

20 C. The moratorium provided in this Section shall not apply in cases in which  
21 a prospective pediatric day healthcare facility certifies to the department that it will

1       accept no payment for services that is funded wholly or in part by state funds,  
 2       including but not limited to reimbursement from the state Medicaid program. No  
 3       pediatric day healthcare facility that the department licenses pursuant to the  
 4       exception authorized in this Subsection may enroll as a provider in the Medicaid  
 5       program of this state.  
 6       Section 2. This Act shall become effective on July 1, 2016.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 498 Engrossed

2016 Regular Session

Pope

**Abstract:** Institutes a moratorium on new pediatric day health facility licenses to be effective July 1, 2016, through July 1, 2017.

Present law provides for licensure and regulation of pediatric day healthcare facilities, defined in present law as follows:

"Pediatric day healthcare facility" means a facility that may operate 7 days a week, not to exceed 12 hours a day, to provide care for medically fragile children under the age of 21, including technology-dependent children who require close supervision. Care and services to be provided by the facility shall include but shall not be limited to nursing care; respiratory care; physical, speech, and occupational therapies; assistance with aids of daily living; transportation services; and education and training.

Proposed law retains present law.

Proposed law requires the Department of Health and Hospitals (DHH) to implement a moratorium on additional licenses for pediatric day healthcare facilities.

Proposed law provides that the moratorium shall apply only to applications for new facilities not approved prior to July 1, 2016. Provides that the moratorium shall become enforceable on July 1, 2016, and shall remain in effect until July 1, 2017.

Proposed law provides that the moratorium shall not apply to the replacement of existing facilities.

Proposed law provides an exception to the moratorium in cases in which a prospective pediatric day healthcare facility certifies to DHH that it will accept no payment for services that is funded wholly or in part by state funds, including but not limited to reimbursement from the state Medicaid program. Provides that no pediatric day healthcare facility that DHH licenses pursuant to this exception may enroll as a Medicaid provider.

Effective July 1, 2016.

(Adds R.S. 40:2193.5)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Decrease the duration of the moratorium from eight years to one year.
2. Provide an exception to the moratorium in cases in which a prospective pediatric day healthcare facility certifies to DHH that it will accept no payment for services that is funded wholly or in part by state funds, including but not limited to reimbursement from the state Medicaid program.
3. Provide that no pediatric day healthcare facility that DHH licenses pursuant to the exception detailed above may enroll as a Medicaid provider.