
DIGEST

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HB 405 Original

2017 Regular Session

Hoffmann

Abstract: Provides relative to the system of Medicaid-funded services for persons with disabilities administered by the La. Dept. of Health (LDH).

Proposed law provides that its purpose is to reform the methodologies and processes governing Medicaid reimbursement for disability services in order to ensure that these services are provided in the most efficient and effective manner possible.

Proposed law provides the following definitions:

- (1) "Home- and community-based service provider" means an agency, institution, society, corporation, person or persons, or any other individual or group that provides one or more home- and community-based services as defined in present law (R.S. 40:2120.1 et seq.); but shall not include any of the following:
 - (a) Any person, agency, institution, society, corporation, group, or entity that solely prepares and delivers meals, that solely provides sitter services, or that solely provides housekeeping services.
 - (b) Any person, agency, institution, society, corporation, group, or entity who provides gratuitous services.
 - (c) Any licensed practical nurse or registered nurse who has a current state license in good standing and who provides personal nursing services in the home to an individual, provided that the nurse has contracted with the individual or family for such services and payment therefor.
 - (d) Staffing agencies which supply contract workers to a healthcare provider licensed by LDH.
 - (e) Any person who is employed as part of a self-direction program authorized by LDH.
- (2) "Support coordination agency" means a private agency which provides assistance to individuals in gaining access to the full range of needed services including medical, social, educational, and other support services.

Proposed law provides that LDH, with limited exceptions as specified in proposed law, shall

reimburse providers of disability services in accordance with the following requirements:

- (1) LDH shall reimburse home- and community-based service providers licensed pursuant to present law based on an individual per diem rate.
- (2) LDH shall reimburse support coordination agencies on a monthly basis for services delivered through the residential options waiver program and for early and periodic screening, diagnostic, and treatment services.

Proposed law provides that LDH may apply a reimbursement methodology other than one listed above only if all of the following conditions are satisfied:

- (1) The secretary of LDH determines that applying the reimbursement methodology would be in the best interest of recipients of developmental disabilities services.
- (2) All providers which would receive reimbursement through the methodology indicate their approval of the use of the methodology to LDH.

Proposed law prohibits LDH from implementing any change in a methodology or process for reimbursing providers of developmental disabilities services which would result in a reimbursement rate which is lower than the rate in effect at the time.

Proposed law provides that LDH shall require utilization of electronic plans of care within each Medicaid waiver program providing developmental disabilities services, and shall provide by rule for a streamlined approval process for plans of care.

Proposed law requires LDH to adopt regulations to identify cost savings resulting from streamlining efforts within the disability services system and to utilize those cost savings to increase reimbursement rates for providers of those services.

Proposed law prohibits LDH from adopting any regulation that would result in increased costs for providers of disability services unless one or more of the following conditions are satisfied:

- (1) The regulation is required by an agency of the federal government.
- (2) LDH implements a corresponding rate increase to cover the cost of the requirement.

Proposed law requires LDH to initiate promulgation of all rules required by proposed law through the notice process provided for in the Administrative Procedure Act (R.S. 49:953(A)) prior to Dec. 1, 2017.

Proposed law requires LDH to submit to the U.S. Department of Health and Human Services prior to Dec. 1, 2017, any revisions to Medicaid waiver program agreements, amendments to the Medicaid state plan, and other documents as are necessary to implement the provisions of proposed law.

(Adds R.S. 40:1248.1-1248.6)