

2019 Regular Session

HOUSE RESOLUTION NO. 282

BY REPRESENTATIVES THOMAS, BILLIOT, TERRY BROWN, CARMODY,
FALCONER, MARINO, STEFANSKI, WHITE, AND WRIGHT

HEALTH CARE/FACILITIES: Requests the La. Department of Health to establish a four-bed peer group for intermediate care facilities for people with developmental disabilities

1 A RESOLUTION

2 To urge and request the Louisiana Department of Health to establish a four-bed peer group
3 for intermediate care facilities for people with developmental disabilities for the
4 purpose of Medicaid reimbursement rate calculation for those facilities.

5 WHEREAS, intermediate care facilities for people with developmental disabilities,
6 referred to hereafter as "ICF/DD", are facilities that provide services to individuals with
7 developmental or intellectual disabilities who require twenty-four hours of care per day in
8 community, group, or residential home settings; and

9 WHEREAS, ICF/DDs are licensed and regulated by the Louisiana Department of
10 Health (LDH) in accordance with the provisions of R.S. 40:2180 et seq.; and

11 WHEREAS, under Louisiana's Medicaid state plan, ICF/DDs are grouped by number
12 of beds in resident rooms in a system known as peer group classification which is utilized
13 for purposes of calculating Medicaid reimbursement rates paid to the respective facilities;
14 and

15 WHEREAS, Louisiana's current ICF/DD peer groups are one-to-eight beds, nine-to-
16 fifteen beds, sixteen-to-thirty-two beds, and thirty-three or more beds; and

17 WHEREAS, Alexander Milne Developmental Services, known commonly as
18 "Milne", is a nonprofit organization that has provided services to people with intellectual and
19 developmental disabilities for over one hundred twenty years and was this state's first
20 community-based provider of such services; and

1 WHEREAS, after Hurricane Katrina irreparably damaged the New Orleans
2 residential facility that Milne had operated in the Gentilly neighborhood since 1913, Milne
3 and LDH agreed to a memorandum of understanding under which Milne would build and
4 operate four-bed group homes and participate in the Louisiana Medicaid program; and

5 WHEREAS, while its residents remained in Laurel, Mississippi, where they
6 evacuated after the 2005 hurricane and where Milne acquired a former healthcare facility for
7 use as a temporary home, Milne worked to reestablish an ICF/DD in Louisiana and opened
8 its current residential community outside of Covington in April of 2015; however, this
9 community of four-bed group homes was placed in the one-to-eight-bed peer group for
10 Medicaid reimbursement purposes, causing Milne to be reimbursed below its costs for
11 providing services to its residents; and

12 WHEREAS, Milne has provided services to people with developmental and
13 intellectual disabilities since 2015 at a significant financial loss; and

14 WHEREAS, the establishment of a four-bed ICF/DD peer group by LDH would help
15 to ensure the viability of providers such as Milne, as well as any other provider similarly
16 situated on the date of filing of this Resolution, which developed four-bed group homes
17 pursuant to an agreement with the department, became licensed by the department to operate
18 four-bed group homes, and now furnish high-quality institutional-level care in four-bed
19 group home settings.

20 THEREFORE, BE IT RESOLVED that the House of Representatives of the
21 Legislature of Louisiana does hereby urge and request the Louisiana Department of Health
22 to establish a four-bed peer group for intermediate care facilities for people with
23 developmental disabilities for the purpose of Medicaid reimbursement rate calculation for
24 those facilities.

25 BE IT FURTHER RESOLVED that the department shall promulgate rules and
26 regulations in accordance with the Administrative Procedure Act to provide for the ICF/DD
27 peer group called for in this Resolution and shall file a state plan amendment with the
28 Centers for Medicare and Medicaid Services to amend the Medicaid state plan as necessary
29 to establish this peer group.

1 BE IT FURTHER RESOLVED that the rules of the department and Medicaid state
2 plan shall ensure that four-bed ICF/DDs receive a fair allocation of the Medicaid share of
3 facility-specific costs directly incurred by such facilities as a result of their compliance with
4 the department's licensing of four-bed homes, and that payment of such costs be made
5 retroactive to the earliest date allowed by law.

6 BE IT FURTHER RESOLVED that the department shall submit the Medicaid state
7 plan amendment required by this Resolution to the Centers for Medicare and Medicaid
8 Services no later than December 1, 2019.

9 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
10 secretary of the Louisiana Department of Health.

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)]

HR 282 Original

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Thomas

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