

2019 Regular Session

HOUSE RESOLUTION NO. 282

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

A RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES