
DIGEST

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HB 204 Engrossed

2021 Regular Session

Turner

Abstract: Provides relative to the delivery of Medicaid waiver services, long-term personal care services, and other Medicaid-funded services for persons with disabilities.

Proposed law provides that, for its purposes, the following definitions apply:

- (1) "Direct service worker" means an unlicensed person who provides personal care or other services and support to persons with disabilities to enhance their well-being and which involves face-to-face direct contact with the person. Functions performed by a direct service worker may include but are not limited to assistance and training in activities of daily living, personal care services, and job-related supports.
- (2) "Individual and family support services" means Medicaid-funded direct support and assistance services authorized by the Louisiana Department of Health for a service recipient during that person's waking or sleeping hours when natural supports for the person are unavailable.
- (3) "Long-term personal care services" and "LT-PCS" mean services that provide assistance with distinct tasks associated with the performance of a service recipient's activities of daily living. Such assistance may be either the actual performance of a personal care task for the service recipient or supervision and prompting so the individual performs the task by himself.
- (4) "Service recipient" means a recipient of any Medicaid-funded service for persons with developmental, intellectual, or physical disabilities.
- (5) "Synchronous interaction" means communication through interactive technology that enables a service recipient and a service provider or other person at two locations separated by distance to interact via two-way video and audio transmissions simultaneously.

Proposed law provides that in unforeseen situations when the scheduled direct service worker becomes unavailable or the service recipient is not comfortable with multiple people in his home, the La. Department of Health (LDH) shall not limit the number of individual and family support service hours that a direct service worker may work in a 24-hour period as long as that worker is willing and able to work.

Proposed law provides that no program which furnishes home- and community-based services shall

prohibit a family member from being a direct service worker for the service recipient in order to qualify for payment through the waiver or LT-PCS program.

Proposed law stipulates that a paid family caregiver who lives in the same setting as a service recipient may provide no more than 40 hours of Medicaid-funded services to the recipient in a work week. Provides that after 40 hours have been provided in a work week, the caregiver may deliver additional units of Medicaid-funded services in that work week only in one or both of the following circumstances:

- (1) When authorized by the service recipient's support coordinator.
- (2) Due to an emergency.

Proposed law requires that service recipients and their direct service workers take all measures necessary to achieve compliance with the 40-hour limit established by proposed law.

Proposed law stipulates that each service recipient's hours shall be based on the recipient's current approved plan of care. Requires that any request for additional hours must have the approval of the designated LDH authority and shall include written relevant assessments and documented justification.

Proposed law provides that in instances in which a direct service worker lives in the same setting as the service recipient, LDH shall require documentation of services rendered and verification of such documentation.

Proposed law provides that each Medicaid waiver and LT-PCS program which requires quarterly visits to a service recipient's home shall, upon request of the service recipient, allow for such visits to be conducted remotely through any means of synchronous interaction, including virtual contact, approved by LDH.

Proposed law authorizes delivery by synchronous interaction of all of the following services provided in a home setting through any Medicaid waiver or LT-PCS program:

- (1) Case management and support coordination.
- (2) Monthly monitoring.
- (3) Supervised independent living visits.
- (4) Monitored in-home caregiving.
- (5) In-home habilitation.

Proposed law provides that LDH shall require a face-to-face visit after any two consecutive synchronous interactions and shall require documentation of services rendered, and verification of

such documentation, for services delivered through synchronous interaction as authorized in proposed law. Requires LDH to share with a service recipient's support coordination agency and provider agency documentation on synchronous interactions.

(Adds R.S. 40:1250.31-1250.35)

Summary of Amendments Adopted by House

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

1. Delete proposed law prohibiting LDH from limiting the number of individual and family support service hours that a direct service worker may work in a 24-hour period. Add in lieu thereof proposed law providing that in unforeseen situations when the scheduled direct service worker becomes unavailable or the service recipient is not comfortable with multiple people in his home, LDH shall not limit the number of individual and family support service hours that a direct service worker may work in a 24-hour period as long as that worker is willing and able to work.
2. Delete proposed law stipulating that no Medicaid waiver or LT-PCS program which furnishes home- and community-based services shall require that a direct service worker live apart from the service recipient in order to qualify for payment through the waiver or LT-PCS program. Add in lieu thereof proposed law providing all of the following:
 - a. No program which furnishes home- and community-based services shall prohibit a family member from being a direct service worker for the service recipient in order to qualify for payment through the waiver or LT-PCS program.
 - b. A paid family caregiver who lives in the same setting as a service recipient may provide no more than 40 hours of Medicaid-funded services to the recipient in a work week. After 40 hours have been provided in a work week, the caregiver may provide additional units of Medicaid-funded services in that work week only in one or both of the following circumstances:
 - (i) When authorized by the service recipient's support coordinator.
 - (ii) Due to an emergency.
 - c. Service recipients and their direct service workers shall take all measures necessary to achieve compliance with the 40-hour limit established by proposed law.
3. Authorize the provision of certain support coordination services through synchronous interaction.

4. Require LDH to share with a service recipient's support coordination agency and provider agency documentation on synchronous interactions.