Louisiana Legislative		E FISCAL OFFICE cal Note						
Fiscal Office		Fiscal Note On: HB 204 HL	S 21RS	580				
Fiscal Office Fiscal Notes	Bill Text Version: ENGROSSED							
	Opp. Chamb. Action:							
JAAAK II II I ANNA	Proposed Amd.: Sub. Bill For.:							
Date: May 4, 2021	12:45 PM	Author: TURNER	Author: TURNER					
Dept./Agy.:LDH								
Subject: disability services		Analyst: Shawn Hotstream						

EXCEPTIONAL PERSONS

EG INCREASE GF EX See Note

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Provides relative to the delivery of Medicaid-funded services for persons with disabilities

<u>Proposed law</u> provides that the department shall not limit the number of individual and family support service hours that a direct service worker may work in a 24-hour period in certain situations. <u>Proposed law</u> provides that no program that furnishes home and community based services shall prohibit a family member from being direct service worker for the service recipient in order to qualify for payment through waiver or LTPCS progrm. Each service recipient's hours shall be based on the recipient's current approved plan of care. Any request for additional hours shall require approval of the designated authority and shall include written relevant assessments and documented justification. In instances where the direct service worker lives in the same setting as the service recipient, the department shall require documentation of services rendered and verification of such documentation. <u>Proposed law</u> allows quarterly visits to the service recipient's home, upon request of the recipient, to be conducted remotely through any means approved by the department. <u>Proposed law</u> provides that certain services provided by LDH in an in-home setting through any Medicaid waiver or LT-PCS program of LDH may be delivered by synchronous interaction. The department shall require a face to face visit after any 2 consecutive synchronous interactions. The department shall require a documentation of services rendered and verification of services rendered and verification of such documentation of such documentation for such services.

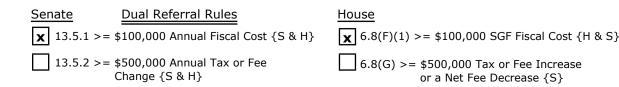
EXPENDITURES State Gen. Fd.	2021-22 INCREASE	<u>2022-23</u> INCREASE	<u>2023-24</u> INCREASE	<u>2024-25</u> INCREASE	2025-26 INCREASE	<u>5 -YEAR TOTAL</u>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2021-22	2022-23	2023-24	2024-25	2025-26	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
1	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

This measure is <u>anticipated to result in a significant Medicaid expenditure increase for LDH</u> as a result on the department not being able to prohibit a family member from being a direct service worker (DSW) for a service recipient in LT-PCS state plan program. 42 CFR 440.167 prohibits federal match on payments to legally responsible individuals, including family members, in the provision of Medicaid state plan personal care services. To the extent legally responsible members would be reimbursed under this bill, LDH would be required to replace federal matching dollars with a like amount of state general funds (federal match approximately 67% of cost, average annual cost of LT-PCS recipient is \$18,785). Information provided by LDH indicates approximately 40% (3,760) of LT-PCS participants have a family member serving in a legally responsible role, who are currently prohibited by LDH from being the direct service worker. As an illustrative example, if 50% of these legally responsible individuals request the ability to be a DSW as provided for under this bill, the cost in FY 22 would be \$26.1 M, and \$23.8 M in future fiscal years. Additionally, LDH anticipates 3 additional positions (\$278,238) to monitor new administrative and monitoring requirements imposed by CMS related to cases where states authorize legally responsible family members to provide waiver services.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.



Alan M. Bodberger

Alan M. Boxberger Staff Director