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## DIGEST

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Broadwater

HB No. 635

**Abstract:** Creates the "Residential Options Waiver Fiscal Management Act" to authorize a Medicaid enrollee who hires a direct service worker as a home-based attendant to choose a fiscal/employer agent.

Proposed law may be cited as the "Residential Options Waiver Fiscal Management Act".

Proposed law defines "department" as the Dept. of Health and Hospitals (DHH).

Proposed law defines "direct service worker" as an unlicensed person who provides personal care or other services and support to persons with disabilities or to the elderly to enhance their well-being and which involves face-to-face direct contact with the person. Functions performed may include but are not limited to assistance and training in activities of daily living, personal care services, and job-related supports.

Proposed law defines "fiscal/employer agent" as a business that performs the Medicaid enrollee's employer-related payroll functions.

Proposed law defines "region" as any of the delineated set of administrative regions of DHH.

Proposed law defines "self-direction option" as a service delivery option which allows a Medicaid enrollee to become the employer of the direct service worker chosen by the Medicaid enrollee for hire to provide supports.

Proposed law requires a Medicaid enrollee, when hiring a home-based attendant pursuant to the self-direction option of the Residential Options Waiver program or its successor, to select a fiscal/employer agent from a list of agents registered with DHH to provide fiscal/employer agent services within the same region in which the Medicaid enrollee is located.

Proposed law requires DHH, if the Medicaid enrollee is unable to or chooses not to select a particular fiscal/employer agent, to assign the next available registered company on DHH's rotation list of approved fiscal/employer agents for the region in which the Medicaid enrollee is located to act as a fiscal/employer agent for the direct service worker.

Proposed law requires DHH to establish and maintain a rotation list of approved fiscal/employer agents for each region. Proposed law further requires DHH to establish minimum standards, rules, and procedures for participation in a rotation list.

Proposed law requires a fiscal/employer agent located within La. to register only for the region in which the fiscal/employer agent is located.

Proposed law requires a fiscal/employer agent located outside of La. to choose one region in which the fiscal/employer agent will provide services upon registering with DHH. If a fiscal/employer agent located outside of La. does not choose a region at the time of registration, proposed law requires DHH to assign the fiscal/employer agent a region after considering the service needs of each region.

Proposed law requires DHH to establish an annual opt-in period of not less than 30 days each year, during which period any company may apply for approval by the department as a fiscal/employer agent and placement on the rotation list. Proposed law further requires DHH, during the annual opt-in period, to review the qualifications of any fiscal/employer agent previously approved by DHH and placed on the department's rotation list.

Proposed law prohibits DHH from recommending a specific fiscal/employer agent to a Medicaid enrollee and requires each Medicaid enrollee to be referred to DHH's rotation list.

Proposed law requires DHH to duly record the selection of a Medicaid enrollee who exercises an option to select a fiscal/employer agent.

Proposed law requires DHH to pay the same reimbursement rate to each fiscal/employer agent, regardless of whether the fiscal/employer agent is located within or outside of La.

(Adds R.S. 40:1300.325-1300.327)