DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

Intermediate Care Facilities for Persons with Intellectual Disabilities--Dedicated Program Funding Pool Payments
(LAC 50:VII.32917)

The Department of Health, Bureau of Health Services Financing amends LAC 50:VII.32917 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.1, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 199 of the 2022 Regular Session of the Louisiana Legislature appropriated funds to the Department of Health for supplemental payments to non-state, non-public providers for intermediate care facilities for persons with intellectual disabilities (ICFs/IID). In compliance with Act 199, the Department of Health, Bureau of Health Services Financing amends the provisions governing reimbursement to ICFs/IID in order to allow a one-time, lump sum payment from the dedicated funding pool.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program. It is anticipated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by $27,974,178 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing amends the provisions governing reimbursement to ICFs/IID in order to provide a one-time, lump sum payment from the dedicated funding pool.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part VII. Long-Term Care
Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities
Chapter 329. Reimbursement Methodology
Subchapter A. Non-State Facilities
§32917. Dedicated Program Funding Pool Payments

A. – B.5. ...
C. Effective for providers active and Medicaid certified as of July 1, 2022, a one-time, lump sum payment will be made to non-state, non-public intermediate care facilities for individuals with intellectual disabilities (ICFs/IID).

1. Methodology
   a. Payment will be based on each provider’s specific pro-rated share of an additional dedicated program funding pool totaling $27,974,178.
   b. The pro-rated share for each provider will be determined utilizing the provider’s percentage of program Medicaid days for dates of service in a three consecutive month period selected by the department occurring between January 1, 2022 and December 31, 2022.
   c. If the additional dedicated program funding pool lump sum payments exceed the Medicare upper payment limit in the aggregate for the provider class, the department shall recoup the overage using the same means of distribution in §32917.C.1.b above.
   d. The one-time payment will be made on or before June 30, 2023.
   e. All facilities receiving payment shall be open and operating as an ICF/IID at the time the payment is made.
   f. Payment of the one-time, lump sum payment is subject to approval by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 46:28 (January 2020, amended LR 48:
Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

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