The Department of Health, Bureau of Health Services Financing adopts LAC 50:XV.10704 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.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing case management services for the early and periodic screening, diagnosis, and treatment targeted population and for participants in the New Opportunities Waiver under section 9817 of the American Rescue Plan. The Department of Health, Bureau of Health Services Financing adopts the provisions governing targeted case management services in order to establish workforce retention bonus payments along with audit procedures and sanctions.

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 approximately $815,100 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing adopts provisions governing targeted case management services in order to establish workforce retention bonus payments along with audit procedures and sanctions.

The severity of such action will depend upon the following:

1. The case management agency will be subject to sanctions or penalties for failure to comply with this Rule. The severity of such action will depend upon the following:
   a. failure to pay case managers the $125 monthly bonus payments;
   b. the number of employees identified as having been paid less than the $125 monthly bonus payments;
   c. the persistent failure to pay the $125 monthly bonus payments;
   d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

   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 and Hospitals, Bureau of Health Services Financing, LR 48:4

   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