The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.6101 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 Supports Waiver services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan. The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing reimbursement in the Supports Waiver in order to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by providing increased pay to direct service workers. It is anticipated that this Emergency Rule will increase expenditures in the Medicaid Program by approximately $1,457,752 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amends the provisions governing reimbursement in the Supports Waiver to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by providing increased pay to direct service workers. It is anticipated that this Emergency Rule will increase expenditures in the Medicaid Program by approximately $1,457,752 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amends the provisions governing reimbursement in the Supports Waiver to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by providing increased pay to direct service workers. It is anticipated that this Emergency Rule will increase expenditures in the Medicaid Program by approximately $1,457,752 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amends the provisions governing reimbursement in the Supports Waiver to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by providing increased pay to direct service workers. It is anticipated that this Emergency Rule will increase expenditures in the Medicaid Program by approximately $1,457,752 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amends the provisions governing reimbursement in the Supports Waiver to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by providing increased pay to direct service workers. It is anticipated that this Emergency Rule will increase expenditures in the Medicaid Program by approximately $1,457,752 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amends the provisions governing reimbursement in the Supports Waiver to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by providing increased pay to direct service workers. It is anticipated that this Emergency Rule will increase expenditures in the Medicaid Program by approximately $1,457,752 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amends the provisions governing reimbursement in the Supports Waiver to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by providing increased pay to direct service workers. It is anticipated that this Emergency Rule will increase expenditures in the Medicaid Program by approximately $1,457,752 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amends the provisions governing reimbursement in the Supports Waiver to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by providing increased pay to direct service workers. It is anticipated that this Emergency Rule will increase expenditures in the Medicaid Program by approximately $1,457,752 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amends the provisions governing reimbursement in the Supports Waiver to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by providing increased pay to direct service workers. It is anticipated that this Emergency Rule will increase expenditures in the Medicaid Program by approximately $1,457,752 for state fiscal year 2022-2023.
requests issued by LDH pursuant to this Rule. The severity of such an action will depend upon the following factors:

i. failure to pay I/DD HCBS direct service workers the floor minimum of $9 per hour and/or the $125 monthly bonus payments;

ii. the number of employees identified as having been paid less than the floor minimum of $9 per hour and/or the $125 monthly bonus payments;

iii. the persistent failure to pay the floor minimum of $9 per hour and/or the $125 monthly bonus payments; or

iv. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

I. Establishment of Support Coordination Workforce Retention Bonus Payments

a. Support coordination providers providing services on or after April 1, 2021 shall receive bonus payments of $150 per month for each support coordination worker that worked with participants for that month. These payments will remain in effect for each month thereafter that the support coordination worker works with participants and is still employed with that agency.

b. The support coordination worker that worked with participants on or after April 1, 2021 must receive at least $125 of this $150 bonus payment paid to the provider. This bonus payment is effective for all affected support coordination workers of any working status, whether full-time or part-time.

c. Bonus payments will end March 31, 2025 or when the state’s funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

d. LDH reserves the right to adjust the amount of the bonus payments paid to the support coordination workers as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

2. Audit Procedures for Support Coordination Workforce Retention Bonus Payments

a. The bonus payments reimbursed to support coordination providers shall be subject to audit by LDH.

b. Support coordination providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the support coordination bonus payments.

c. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

d. Support coordination providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

e. Noncompliance or failure to demonstrate that the bonus payments were paid directly to support coordination workers may result in the following:

i. sanctions; or

ii. disenrollment from the Medicaid Program.

3. Sanctions for Support Coordination Workforce Retention Bonus Payments

a. The support coordination provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

i. failure to pay support coordination workers the $125 monthly bonus payments;

ii. the number of employees identified as having been paid less than the $125 monthly bonus payments;

iii. the persistent failure to pay the $125 monthly bonus payments; or

iv. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

J. ...