

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule revising the regulations governing the licensure of home health agencies in February of 1995 (*Louisiana Register*, Volume 21, Number 2). This Rule was subsequently amended in November of 1996 to revise the provisions contained in §§9165-9169, 9173, 9177 and 9193 (*Louisiana Register*, Volume 22, Number 11) and in December 2001 to amend provisions of the February 1995 and November 20, 1996 Rules (*Louisiana Register*, Volume 27, Number 12). The department now proposes to amend the December 20, 2001 Rule to revise the provisions governing emergency preparedness requirements for home health agencies. This action is being taken to prevent imminent peril to the health and well-being of Louisiana citizens that have been evacuated as a result of natural disasters or other emergencies. It is anticipated that the implementation of this Emergency Rule will be cost neutral for state fiscal year 2005-06.

Effective October 15, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions contained in the December 20, 2001 Rule governing emergency preparedness requirements for home health agencies.

**Title 48**

**PUBLIC HEALTH GENERAL**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 91. Minimum Standards for Home Health Agencies**

**§9121. Emergency Preparedness**

A. The home health agency shall have an emergency preparedness plan which conforms to the current Office of Emergency Preparedness (OEP) model plan and is designed to manage the consequences of natural disasters or other emergencies that disrupt the home health agency's ability to provide care and treatment or threaten the lives or safety of its clients. The home health agency is responsible for obtaining a copy of the current Home Health Emergency Preparedness Model Plan from the Louisiana Office of Emergency Preparedness.

B. At a minimum, the agency shall have a written plan that describes:

1. the evacuation procedures for agency clients who require community assistance as well as for those with available caregivers to another location;
2. the delivery of essential care and services to agency clients whether they are in a shelter or other locations;
3. the provisions for the management of staff, including distribution and assignment of responsibilities and functions;
4. a plan for coordinating transportation services required for evacuating agency clients to another location; and
5. assurance that the agency will notify the client's family or caregiver if the client is evacuated to another location.

C. The home health agency's plan shall be activated at least annually, either in response to an emergency or in a planned drill. The home health agency's performance during the activation of the plan shall be evaluated and documented. The plan shall be revised if the agency's performance during

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Minimum Standards for Home Health Agencies  
Emergency Preparedness (LAC 48:I.9121)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby amends LAC 48:I.9121 as authorized by R.S. 36:254 and R.S. 40:2116.31-40. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

an actual emergency or a planned drill indicates that it is necessary.

D. Any updates or revisions to the plan shall be submitted to the parish Office of Emergency Preparedness for review. The parish Office of Emergency Preparedness shall review the home health agency's plan by utilizing community wide resources.

E. As a result of an evacuation order issued by the parish Office of Emergency Preparedness (OEP), it may be necessary for a home health agency to temporarily relocate outside of its licensed geographic service area. In such a case, the agency may request a waiver to operate outside of its licensed location for a time period not to exceed six months in order to provide needed services to its clients and/or other evacuees of the affected areas. The agency must provide documentation as required by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.31-40.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2249 (December 2001), LR 32:

Interested persons may submit written comments to Ben A. Bearden at the Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He 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.

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0510#089

## DECLARATION OF EMERGENCY

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Outpatient Services/Private Hospitals  
Reimbursement

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and Act 182 of the 2005 Regular Session of the Louisiana Legislature. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule in January of 1996 which established the reimbursement methodology for outpatient hospital services at an interim rate of 60 percent of billed charges and cost settlement adjusted to 83 percent of allowable costs documented in the cost report, except for laboratory services subject to the Medicare fee schedule, outpatient rehabilitation and outpatient surgeries (*Louisiana Register*,

Volume 22, Number 1). The January 20, 1996 Rule was subsequently amended to reduce the reimbursement paid for outpatient services (*Louisiana Register*, Volume 26, Number 12). Rules were later promulgated to increase the reimbursement paid for outpatient hospital rehabilitation services rendered to Medicaid recipients who are age 3 and older, outpatient clinic services, and outpatient laboratory services (*Louisiana Register*, Volume 29, Number 7).

Act 182 of the 2005 Regular Session of the Louisiana Legislature, enacted as the Healthcare Affordability Act, established the Louisiana Healthcare Affordability Trust Fund as a special fund in the state treasury for the purposes of preserving and enhancing the availability of inpatient and outpatient hospital care for all patients, enhancing the stability of Medicaid funding by capturing a reliable source of funding for a portion of the state's obligation, and easing "cost-shifting" to employers and private insurers by providing reimbursement for a portion of hospitals' uncompensated care and Medicaid underpayment. The monies in the fund shall be generated by a provider fee levied on all hospitals licensed by the state under R.S. 40:2100 et seq., except for those hospitals specifically exempted by the provisions contained in Act 182. In order to comply with the directives of the Act, the bureau amended by Emergency Rule the methodology for reimbursements paid for outpatient services rendered in private (nonstate) acute hospitals (*Louisiana Register*, Volume 31, Number 7). This Emergency Rule is being promulgated to continue the provisions contained in the July 1, 2005 Emergency Rule.

This action is being taken to enhance federal revenues.

### Emergency Rule

Effective for dates of service on or after October 30, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the reimbursement methodology for outpatient hospital services rendered in private (nonstate) acute hospitals to increase the reimbursement paid in the current fiscal year by at least 13 percent greater than the base year Medicaid hospital rate. If the hospital outpatient payment is based on costs reported on the Medicaid cost report, the cost settlement in the current fiscal year is at least 13 percent greater than the base year Medicaid hospital cost settlement rate. The amount of the increase to the per diem rate will be adjusted if the total reimbursement rate increases exceed the \$170,000,000 total additional annual costs to the state set forth in Act 182 of the 2005 Regular Session of the Louisiana Legislature.

Implementation of the provisions of this Emergency Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He 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.

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0510#084