

2020 Regular Session

HOUSE BILL NO. 370

BY REPRESENTATIVES THOMAS AND WRIGHT AND SENATOR MIZELL

HEALTH CARE/FACILITIES: Provides for calculation of Medicaid per diem rates for certain intermediate care facilities for people with developmental disabilities

1 AN ACT

2 To amend and reenact R.S. 40:2180.2(introductory paragraph) and to enact R.S.  
3 40:2180.2(11) and 2180.6, relative to intermediate care facilities for people with  
4 developmental disabilities; to provide for regulations of the Louisiana Department  
5 of Health pertaining to such facilities; to provide for the calculation of Medicaid  
6 rates paid to such facilities; to require the establishment of a four-bed peer group for  
7 such facilities for purposes of rate calculation; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:2180.2(introductory paragraph) is hereby amended and reenacted  
10 and R.S. 40:2180.2(11) and 2180.6 are hereby enacted to read as follows:

11 §2180.2. Promulgation of rules

12 The department shall promulgate, in accordance with the Administrative  
13 Procedure Act, licensing standards, rules, and regulations; regarding, ~~but not limited~~  
14 to without limitation, all of the following:

15 \* \* \*

16 (11) A four-bed home peer group for per diem rate calculation as specifically  
17 provided in R.S. 40:2180.6.

18 \* \* \*

1        §2180.6. Four-bed peer group; rate calculation

2                A. The department shall establish for per diem rate calculation purposes a  
3        four-bed peer group for ICF/DD facilities that were licensed by the department to  
4        operate four-bed homes on the effective date of this Section.

5                B.(1) The department shall promulgate rules and regulations in accordance  
6        with the Administrative Procedure Act to provide for a four-bed home peer group for  
7        per diem rate calculation and shall file a state plan amendment with the Centers for  
8        Medicare and Medicaid Services amending the Medicaid state plan as necessary to  
9        establish a four-bed peer group for ICF/DD facility rate calculation.

10               (2) The regulations required by this Subsection shall provide for calculation  
11        of per diem rates for four-bed homes in ICF/DD facilities based on the approved  
12        methodology contained in the approved Medicaid state plan.

13               (3) Four-bed ICF/DD facilities shall receive a fair allocation of the Medicaid  
14        share of facility-specific costs directly incurred by such facilities as a result of their  
15        compliance with the department's licensing of four-bed homes, and the payment of  
16        such costs shall be made retroactive to the earliest date allowed by law.

17        Section 2.(A) The secretary of the Louisiana Department of Health shall commence  
18        the promulgation of administrative rules required by Section 1 of this Act no later than  
19        October 1, 2020.

20        (B) The secretary of the Louisiana Department of Health shall take such actions as  
21        are necessary to cause the Medicaid state plan amendment required by Section 1 of this Act  
22        to be submitted to the Centers for Medicare and Medicaid Services no later than October 1,  
23        2020.

24        Section 3. This Act shall become effective upon signature by the governor or, if not  
25        signed by the governor, upon expiration of the time for bills to become law without signature  
26        by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
27        vetoed by the governor and subsequently approved by the legislature, this Act shall become  
28        effective on the day following such approval.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 370 Original

2020 Regular Session

Thomas

**Abstract:** Creates a four-bed peer group for intermediate care facilities for people with developmental disabilities and provides for the calculation of Medicaid per diem rates for those facilities.

Present law provides for licensure and regulation of intermediate care facilities for people with developmental disabilities (ICF/DD) by the La. Department of Health (LDH).

Proposed law retains present law and adds a requirement that LDH establish, for per diem rate calculation purposes, a four-bed peer group for ICF/DD facilities that were licensed to operate four-bed homes on the effective date of proposed law.

Proposed law requires LDH to promulgate administrative rules providing for a four-bed home peer group for per diem rate calculation and to file with the federal Medicaid agency any state plan amendment necessary to provide for the rate calculation.

Proposed law requires that the rules and regulations promulgated pursuant thereto to provide for calculation of per diem rates for four-bed homes in ICF/DD facilities based on the approved methodology contained in the approved Medicaid state plan.

Proposed law stipulates that four-bed ICF/DD facilities shall receive a fair allocation of the Medicaid share of facility-specific costs directly incurred by such facilities as a result of their compliance with licensing requirements of LDH for four-bed homes, and that the payment of such costs shall be made retroactive to the earliest date allowed by law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2180.2(intro. para.); Adds R.S. 40:2180.2(11) and 2180.6)