



LNHA Regulatory Update: July 2020

Emergency Rule

Program and Service Amendments Due to the COVID-19 Public Health Emergency

In response to the public health emergency declarations and the rapid advancement of COVID-19 throughout Louisiana, several health agencies promulgated Emergency Rules which amended the provisions of Title 50 of the Louisiana Administrative Code in order to adopt temporary measures to provide for the continuation of essential programs and services. The department has now determined that additional amendments to Title 50 are necessary due to the COVID-19 public health emergency. The amendments relax requirements for coverage under the Medicaid, including the following:

- **Fair Hearings:** The 30-day requirement for the applicant and enrollee to request a fair hearing shall be waived. Applicants and enrollees must request a fair hearing within 120 days of the date of the adequate or timely decision notice issued by the Medicaid Program.
- **Asset Verification Program:** Asset verification for aged, blind and disabled applicants will be performed through a post-eligibility review following the certification.

The department also extended a previously issued Emergency Rules which included an add-on rate to the per diem. The previously issued amendments include:

- **Reimbursement Adjustment:** The per diem rate paid to privately owned or operated nursing facilities shall include an add-on of \$12 for the duration of the public health emergency or to end at the discretion of the state.
- **Medicaid Eligibility:** Throughout the duration of the public health emergency declaration, eligibility application and renewal time periods will be relaxed and self-attestation will be accepted for all eligibility criteria, excluding verification of citizenship and immigration status, and post-enrollment verification will be conducted for coverage under Medicaid.

A full text of the rules can be found [here](#) on page 12 of the PDF. The Emergency Rules will be in effect for the maximum period allowed under the Act or the duration of the COVID-19 public health emergency declaration, whichever comes first.

Final Rule

Facility Need Review — Relocation of Nursing Facility Beds (LAC 48:I.12529)

In the [March 2020](#) edition of *The Louisiana Register*, a Notice of Intent was published that amended the provisions governing the facility need review (FNR) process in order to allow the department to approve a one-time partial relocation/transfer of a nursing facility's Medicaid FNR approvals to another licensed, certified and operational nursing facility within the same parish/service area under certain conditions.

Since its introduction, the proposed rule has been properly implemented through the administrative process. As such, the rule became effective on July 20, 2020. A full text of the rules can be found [here](#) on page 89 of the PDF.

Questions

If you have comments or concerns regarding this update, contact LNHA's Legal and Policy Director, Wes Hataway at whataway@lnha.org.