



## LNHA Regulatory Update: June 2020

### Emergency Rule

#### Program and Service Amendments Due to COVID-19

In response to the public health emergency declarations and rapid advancement of COVID-19 throughout the state, the Louisiana Department of Health (LDH) previously promulgated an Emergency Rule on March 19, 2020, to provide for the continuation of essential programs and services. This Emergency Rule continues the provisions of the previously issued Emergency Rule, which are as follows:

- LAC 50:II.20006: The per diem rate paid to non-state nursing facilities shall contain an add-on of \$12 for the period of the Presidential COVID-19 declaration.
- LAC 50:II.20021: For each Medicaid recipient, nursing facilities shall be reimbursed for up to seven hospital leave of absence days per occurrence and 15 home leave of absence days per calendar year. Additionally, the state may allow the reimbursement paid for leave of absence days to be equal to 100 percent of the applicable per diem rate.

The Emergency Rule will be in effect for the maximum period allowed under the Act or the duration of the COVID-19 statewide public health emergency declaration, whichever comes first. A full text of the rule can be found [here](#) on page 11 of the PDF.

#### COVID-19 Disease Reporting (LAC 51:II.105 and 107)

LDH and Office of Public Health (OPH) find it necessary to add COVID-19 to the list of Class A Diseases or Conditions, which require reporting within 24 hours to OPH. Additionally, COVID-19 was added to the list of diseases in which electronic reporting by a laboratory/facility must include any results, negative or positive, for all components of testing.

The Emergency Rule will become effective July 5, 2020, and will remain in effect for a maximum of 120 days or until a Final Rule is promulgated. A full text of the rule can be found [here](#) on page 13 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](mailto:whataway@lnha.org).