



LNHA Regulatory Update: March 2021

Emergency Rule

Programs and Services Amendments Due to the Coronavirus Disease 2019 Public Health Emergency

In response to the ongoing public health emergency, the Louisiana Department of Health (LDH) has continued the provisions of the previous Emergency Rules. The provisions include the \$12 add-on to the per diem rate to nursing facilities. The extension will continue to be in effect for the maximum period allowed under the Act or the duration of the COVID-19 public health declaration, whichever comes first.

A full text of the rules can be found [here](#) on page 14 of the PDF.

Notice of Intent

Mandatory Tuberculosis (TB) Testing (LAC 51:II.503 and 505)

Following the guidance from the Centers for Disease Control and Prevention (CDC), as well as data monitored by LDH-OPH's Tuberculosis (TB) Control Program, this proposed rule eliminates the current requirement for annual TB testing for most employees, students or volunteers at any medical or 24-hour residential facility requiring licensing by the LDH, or at any LDH-OPH parish health unit or an LDH-OPH out-patient health care facility. In lieu of annual TB testing for these persons, the rule proposes to require that certain educational materials be provided to these persons annually.

The proposed rule adds paragraph (D) to the section which reads:

D. Annually, but no sooner than 6 months since last receiving tuberculosis educational information (more fully described at the end of this sentence) or symptom screening, all employees, students in the healthcare professions, or volunteers at any medical or 24-hour residential facility requiring licensing by LDH or at any hospital or nursing home (as defined in Parts XIX and XX of the Sanitary Code, respectively, herein, and including intermediate care facilities for the developmentally disabled) requiring licensing by the LDH or at any LDH-OPH parish health unit or and LDH-OPH out-patient health care facility shall receive, at a minimum, educational information explaining the health concerns, signs, symptoms, and risks of tuberculosis.

A full text of the rules can be found [here](#) on page 78 of the PDF. Interested persons may submit written comments on the proposed rule and the comments must be received no later than April 8, 2021, by close of business. Comments should be addressed to Allen Enger, LDH Rulemaking Coordinator, P.O. Box 629, Baton Rouge, LA 70821. If a public hearing is held, it will be on April 27, 2021, in room 173 of the Bienville Building located at 628 North Fourth St., Baton Rouge, LA.

Final Rule

Nursing Facilities – Non-Emergency Transportation for Medical Appointments (LAC 50:II.10137)

A final rule has been published regarding non-emergency transportation for medical appointments. The rule reads as follows:

E. Non-Emergency Transportation for Medical Appointments

1. It is the responsibility of the nursing facility to arrange for or provide its residents with non-emergency transportation to all necessary medical appointments when use of an ambulance is not appropriate. This includes wheelchair bound residents and those residents going to therapies and hemodialysis. Transportation shall be provided to the nearest available qualified provider of routine or specialty care within reasonable proximity to the facility. Residents can be encouraged to utilize medical providers of their choice in the community in which the facility is located when they are in need of transportation services. It is also acceptable if the facility or legal representative/sponsor chooses to transport the

resident.

2. If non-emergency transportation is required, and it is medically necessary for the resident to be transported to a necessary medical appointment by ambulance, the nursing facility will be responsible for contacting the appropriate managed care organization (MCO) or fee-for-service (FFS) transportation representative and submitting the completed Certification of Ambulance Transportation form to the MCO or FFS representative prior to the scheduled pick-up time.

A full text of the rule can be found [here](#) on page 44 of the PDF.

Questions

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