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State/Territory Name: Louisiana

State Plan Amendment (SPA) #: LA 24-0008

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S3-14-28
Baltimore, Maryland 21244-1850



Financial Management Group

May 29, 2024

Kimberly Sullivan
Medicaid Executive Director
Louisiana Medicaid Program
Louisiana Department of Health Bureau of Health Services Financing
628 North Fourth Street Post Office Box 91030
Baton Rouge, Louisiana 70821-9030

RE: TN 24-0008

Dear Director Sullivan:

The Centers for Medicare & Medicaid Services (CMS) has reviewed the proposed Louisiana state plan amendment (SPA) to Attachment 4.19-C LA-24-0008, which was submitted to CMS on March 19, 2024. This plan amendment updates the provisions governing leave of absence days for intermediate care facilities for individuals with intellectual disabilities (ICF/IID) in order to increase the total leave days for ICF/IID residents from 45 to 60 and from 30 consecutive days in any single occurrence to 45 consecutive days.

We reviewed your SPA submission for compliance with statutory requirements, including in sections 1902(a)(2), 1902(a)(13), 1902(a)(30), 1903 as it relates to the identification of an adequate source for the non-federal share of expenditures under the plan, as required by 1902(a)(2) of the Social Security Act and the applicable implementing Federal regulations.

Based upon the information provided by the state, we have approved the amendment with an effective date of February 20, 2024. We are enclosing the approved CMS-179 and a copy of the new state plan pages.

If you have any additional questions or need further assistance, please contact Tom Caughey at 517-487-8598 or via email at tom.caughey@cms.hhs.gov.

Sincerely,



Rory Howe, Director
Financial Management Group

Enclosures

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL**

FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES

1. TRANSMITTAL NUMBER 24-0008	2. STATE LA
3. PROGRAM IDENTIFICATION: TITLE <u>XIX</u> OF THE SOCIAL SECURITY ACT	
4. PROPOSED EFFECTIVE DATE February 20, 2024	
6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars) a. FFY <u>2024</u> \$ <u>(43,509)</u> b. FFY <u>2025</u> \$ <u>(65,640)</u>	
7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT Attachment 4.19-C, Page 1-1.a.	8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable) Same (22-0018)

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

5. FEDERAL STATUTE/REGULATION CITATION
42 CFR 447.40

9. SUBJECT OF AMENDMENT

The purpose of this SPA is to amend the provisions governing leave of absence days for intermediate care facilities for individuals with intellectual disabilities (ICF/IID) in order to increase the total leave days for ICF/IID residents from 45 to 60 and from 30 consecutive days in any single occurrence to 45 consecutive days.

10. GOVERNOR'S REVIEW (Check One)

- GOVERNOR'S OFFICE REPORTED NO COMMENT
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED:

The Governor does not review State Plan material.

11. SIGNATURE OF STATE AGENCY OFFICIAL

[Redacted Signature]

12. TYPED NAME

**Michael Harrington, MBA, MA designee for
Ralph L. Abraham, M.D.**

13. TITLE

Secretary

14. DATE SUBMITTED

15. RETURN TO

**Kimberly Sullivan
Medicaid Executive Director
Louisiana Department of Health
628 North 4th Street
P.O. Box 91030
Baton Rouge, LA 70821-9030**

FOR CMS USE ONLY

16. DATE RECEIVED
March 19, 2024

17. DATE APPROVED
May 29, 2024

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL
February 20, 2024

19. SIGNATURE OF APPROVING OFFICIAL

[Redacted Signature]

20. TYPED NAME OF APPROVING OFFICIAL
Rory Howe

21. TITLE OF APPROVING OFFICIAL
Director, FMG

22. REMARKS

STATE OF LOUISIANA

PAYMENTS FOR MEDICAL AND REMEDIAL CARE AND SERVICES

METHODS FOR PAYMENT FOR RESERVING BEDS DURING A BENEFICIARY’S ABSENCE FROM AN INPATIENT FACILITY

CITATION

42 CFR 447.40

PAYMENT FOR RESERVATION OF BEDS

A temporary absence of a beneficiary from a facility (nursing facility or ICF/IID) will not interrupt the monthly vendor payment to the facility, provided the facility keeps a bed available for the beneficiary subject to the limitations outlined in I and II below.

The period of absence is determined by counting, as the first day of absence, the day the beneficiary left the facility. Only a period of 24 hours or more shall be considered an absence. Absences for 23 hours or fewer, on a consistent basis, could jeopardize continued medical certification for the resident.

The Louisiana Department of Health, Health Standards Section, shall determine whether hospitalization is for an acute condition or if a beneficiary's plan of care provides for leaves of absence.

I. Leave Days for Residents of ICF/IID Facilities

- A. For residents of ICF/IID facilities, the bed is reserved for up to seven days per hospitalization for treatment of an acute condition. Hospital leave days are reimbursed at 85 percent of the current applicable ICF/IID per diem rate.
- B. The bed of a resident of an ICF/IID facility is reserved for up to 60 leave of absence days per beneficiary per state fiscal year, with a 45-day limit per temporary absence per beneficiary when permitted by the beneficiary's plan of care. A leave of absence is any temporary stay outside of the facility provided for in the beneficiary's plan of care. The count of utilized leave days begins on July 1 of each year and runs through June 30 of the following year.

Leave days covered under the 60-day limit include visits with relative(s) or friend(s) and camp days. Leave days for the following purposes will be excluded from the annual 60-day limit, but are still limited to 45 days per occurrence per beneficiary, and shall be included in the written plan of care:

- (1) Special Olympics;
- (2) Road Runners Club of America events, including but not limited to events intended to raise money to help ICF/IID beneficiaries participate in the Special Olympics;
- (3) Louisiana planned conferences such as, but not limited to, those sponsored by the Community Residential Services Association (CRSA), a consumer driven support system that advocates choices for persons with disabilities;
- (4) Trial discharge leaves - 14 days per occurrence;
- (5) Official state holidays; and
- (6) Two days for bereavement of close family members, as outlined below:

parent	stepparent	stepsister
child	stepchild	grandparent
spouse	mother-in-law	grandchild
brother	father-in-law	
sister	stepbrother	

STATE OF LOUISIANA

PAYMENTS FOR MEDICAL AND REMEDIAL CARE AND SERVICES

METHODS FOR PAYMENT FOR RESERVING BEDS DURING A BENEFICIARY'S ABSENCE FROM AN
INPATIENT FACILITY

- C. Any leave of absence during a federal public health emergency, declared by the Department of Health and Human Services (HHS) will be excluded from both the annual day limit and the consecutive day limit, as long as the leave of absence is included in the written plan of care.
- D. Effective for dates of service on or after July 15, 2022 the reimbursement to non-state ICF/IID for leave of absence days is 85 percent of the current applicable per diem rate.

II. Leave Days for Residents of Nursing Facilities

- A. For each Medicaid beneficiary, nursing facilities shall be reimbursed for up to seven hospital leave of absence days per occurrence per year, and 15 home leave of absence days per year when permitted by the beneficiary's plan of care. These days are recomputed annually beginning on January 1 of each year.
- B. The reimbursement for hospital leave of absence days is 75 percent of the applicable per diem rate.
- C. Nursing facilities with occupancy rates under 90 percent. Effective for dates of service on or after February 20, 2009, reimbursement for hospital and home leave of absence days will be reduced to 10 percent of the applicable per diem rate in addition to the nursing facility provider fee.
- D. Nursing facilities with occupancy rates equal to 90 percent or greater.
 - 1. Effective for dates of service on or after February 20, 2009, the reimbursement paid for home leave of absence days will be reduced to 90 percent of the applicable per diem rate, which includes the nursing facility provider fee.
 - 2. Effective for dates of service on or after March 1, 2009, the reimbursement for hospital leave of absence days shall be 90 percent of the applicable per diem rate, which includes the nursing facility provider fee.
 - 3. Effective for dates of service on or after July 1, 2013, the reimbursement paid for leave of absence days shall be 10 percent of the applicable per diem rate in addition to the provider fee amount. The provider fee amount shall be excluded from the calculations when determining the leave of absence days payment amount.
- E. Occupancy percentages will be determined from the average annual occupancy rate as reflected in the Louisiana Inventory of Nursing Home Bed Utilization Report published from the period six months prior to the beginning of the current rate quarter. Occupancy percentages will be updated quarterly when new rates are loaded and shall be in effect for the entire quarter.