

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing and Office of Aging and Adult Services

Home and Community-Based Services Waivers Support Coordination Workforce Bonus Payments (LAC 50:XXI.553)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt LAC 50:XXI.553 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.1, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing support coordination services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan Act of 2021 (ARPA). The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services promulgated an Emergency Rule which adopted provisions in order to establish workforce bonus payments for support coordination agencies along with audit procedures and sanctions (*Louisiana Register*, Volume 48, Number 8). Upon further discussion with various stakeholders, the department has determined that it is necessary to amend the provisions governing the bonus payments approved by CMS under section 9817 of ARPA.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued provider participation in the Medicaid Program.

Effective December 20, 2022, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the July 31, 2022 Emergency Rule which adopted provisions governing workforce bonus payments for agencies providing support coordination services to HCBS waiver participants.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services

Waivers

Subpart 1. General Provisions

Chapter 5. Support Coordination Standards for Participation for Office of Aging and Adult Services Waiver Programs

Subchapter C. Provider Responsibilities

§553. Workforce Bonus Payments

A. Establishment of Support Coordination Workforce Bonus Payments

1. Support coordination agencies (SCAs) who provided services April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each SCA staff member that worked directly with participants for those months.

2. The SCA staff member who worked directly with participants from April 1, 2021 to October 31, 2022 must

receive at least \$250 of this \$300 bonus payment paid to the agency. This bonus payment is effective for all affected SCA staff member of any working status, whether full-time or part-time.

3. – 4. Repealed.

B. Audit Procedures for Support Coordination Workforce Bonus Payments

1. The bonus payments reimbursed to support coordination agencies shall be subject to audit by LDH.

2. Support coordination agencies shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the support coordinator bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

4. Support coordination agencies shall produce the requested documentation upon request and within the timeframe provided by LDH.

5. Non-compliance or failure to demonstrate that the bonus payments were paid directly to support coordinators may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid program.

C. Sanctions for Support Coordination Workforce Bonus Payments

1. The support coordination agencies will be subject to sanctions or penalties for failure to comply with this Rule. The severity of such action shall depend upon the following:

- a. failure to pay support coordinators the \$250 monthly bonus payments;
- b. the number of employees identified as having been paid less than the \$250 monthly bonus payments; or
- c. the persistent failure to pay the \$250 monthly bonus payments; or
- d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

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