

## DECLARATION OF EMERGENCY

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

Home and Community-Based Services Waivers  
Community Choices Waiver  
Self-Direction Initiative  
(LAC 50:XXI.8501)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend LAC 50:XXI.8501 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. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever comes first.

The Community Choices Waiver (CCW) self-direction initiative allows participants to coordinate the delivery of personal assistance services through an individual direct support professional rather than through a licensed, enrolled provider. The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the provisions governing the CCW self-direction initiative in order to remove the specific age requirement for employees under the self-direction service option and stipulate that these providers must meet the minimum age requirement per LAC 48:I.Chapter 92.

This action is being taken to promote the health and welfare of CCW participants by increasing provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will have no fiscal impact for state fiscal year 2022-2023.

Effective June 9, 2023, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services (OAAS) amend the provisions governing the CCW self-direction initiative in order to remove the specific age requirement for employees under the self-direction service option and stipulate that these providers must meet the minimum age requirement per LAC 48:I.Chapter 92.

### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part XXI. Home and Community-Based Services Waivers**

#### **Subpart 7. Community Choices Waiver**

#### **Chapter 85. Self-Direction Initiative**

#### **§8501. Self-Direction Service Option**

A. - C.2.d.vi. ...

D. Employee Qualifications. All employees under the self-direction option must:

1. meet the minimum age requirement per LAC 48:I.Chapter 92;

2. - 3. ...

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 and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3523 (December 2011), amended LR 39:321 (February 2013), LR 39:1779 (July 2013), amended by the Department of Health, Bureau of Health Services

Financing and the Office of Aging and Adult Services, LR 44:1900 (October 2018), 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.

Tara A. LeBlanc, Bureau of Health Services Financing, 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.

Stephen R. Russo, JD  
Secretary

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