John Bel Edwards
GOVERNOR

Stephen R. Russo JD
INTERIM SECRETARY

State of Louisiana

Louisiana Department of Health
Office of the Secretary

To: **The Honorable John Bel Edwards, Governor, State of Louisiana (Via Email)**
The Honorable Jeff Landry, Attorney General, Louisiana Department of Justice (Via Email)
The Honorable Patrick Page Cortez, President, Louisiana Senate (apa.senatepresident@legis.la.gov)
The Honorable Clay Schexnayder, Speaker, Louisiana House of Representatives (apa.housespeaker@legis.la.gov)
Catherine Brindley, Editor, *Louisiana Register* (reg.submission@la.gov)
Senate Health and Welfare Committee (apa.s-h&w@legis.la.gov)
House Health and Welfare Committee (apa.h-hw@legis.la.gov)

From: By Cindy Rivera for **Stephen R. Russo, JD, Interim Secretary, Louisiana Department of Health**

Date: **March 16, 2020**

Re: **Justification of Promulgation of Emergency Rule**
LAC 50:XXVII.505 Emergency Telemedicine

MEMORANDUM

In accordance with the Administrative Procedure Act (La. R.S. 40: 950 *et seq.*) as amended, the Louisiana Department of Health, Office of Public Health, is submitting the following emergency rule that amends LAC 50:XXVII.505, Emergency Telemedicine.

This action is being taken as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. The changes amend the provisions governing coverage of telemedicine during a declared disaster.

Should you have any questions or require additional information regarding this matter, please do not hesitate to contact Marcus Bachhuber, MD, at marcus.bachhuber@la.gov or (225) 726-4571.

Attachments: Emergency Rule – LAC 50:XXVII.505

Cc: Jennifer Katzman, Medicaid Deputy Director, LDH
Marcus Bachhuber, MD, Medicaid Chief Medical Officer, LDH
Veronica Dent, Medicaid Program Manager, LDH
Anita Dupuy, Legislative Liaison, LDH
Allen Enger, Rulemaking Coordinator, LDH
Catherine Brindley, *Louisiana Register* Editor, Office of the State Register

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

Emergency Telemedicine
(LAC 50:XXVII.505)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:I.505 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(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing adopts provisions governing coverage of telemedicine during a declared disaster.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued and expanded access to telemedicine services during a declared emergency. It is estimated that implementation of this Emergency Rule will have no programmatic costs for state fiscal year 2019-2020.

Effective March 16, 2020, the Department of Health, Bureau of Health Services Financing adopts provisions governing the coverage of telemedicine during a declared emergency.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part I. Administration
Subpart 1. General Provisions

Chapter 5. Telemedicine

§505. Telemedicine in the Event of an Emergency

A. In the event of a declared emergency, Medicaid may temporarily cover services provided through the use of an interactive audio telecommunications system, without the requirement of video, if such action is determined to be necessary to ensure sufficient services are available to meet recipients' needs.

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, LR 46:

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.

Interested persons may submit written comments to Erin Campbell, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821—9030. Ms. Campbell 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

Interim Secretary

By Cindy Russo for
3/16/20

PROVIDER IMPACT STATEMENT

Emergency Telemedicine

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this Emergency Rule has been considered. It is anticipated that this Emergency Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Stephen R. Russo, JD

Interim Secretary