

## **NOTICE OF INTENT**

### **Department of Health Health Standards Section**

#### **Case Management Licensing Standards (LAC 48:I.4901, 4925, 4931, and 4973)**

The Department of Health, Health Standards Section (the department), proposes to amend LAC 48:I.4901, §4925, §4931, and §4973 as authorized by R.S. 36:254 and R.S. 28:380-451. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department proposes to amend the provisions governing the licensing of case management in order to: (1) modify qualifications for case managers and supervisors, (2) adjust the timeframe in which providers must respond to the department's written report of licensing inspection findings, (3) change how often a case manager must conduct visits with the consumer/guardian as part of the linkage and monitoring/follow-up process, and (4) require the development of policy and procedure for preventing, responding to, reporting, and mitigating instances of healthcare workplace violence.

#### **Title 48 PUBLIC HEALTH—GENERAL Part I. General Administration Subpart 3. Licensing and Certification**

#### **Chapter 49. Case Management**

#### **§4901. Personnel Standards**

A. Staff Qualifications

1. - 2.c. ...

d. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields listed in accordance with §4901.A.2.c.; or

e. a bachelor's or master's degree in a field other than listed above, if approved by the Office for Citizens with Developmental Disabilities (OCDD) and the Bureau of Health Services Financing (BHSF).

3. - 3.d. ...

4. Case management supervisors hired or promoted on or after October 1, 2021, shall meet the following qualifications for education and experience:

a. - c. ...

d. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields listed in §4901.A.4.c, and two years of paid post degree experience in providing support coordination services; or

e. a bachelor's or master's degree in a field other than listed above, if approved by OCDD and the BHSF.

B. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 20:885 (August 1994), amended by the Department of Health, Bureau of Health Services Financing, LR 47:1305 (September 2021), amended by the Louisiana Department of Health, Health Standards Section, LR 51:

**§4925. Licensing Inspections**

A. Licensing inspections must generally be completed annually, but may occur at any time. No advance notice may be given. Licensors must be given access to the provider office site, staff members or consumers, and all relevant files and records. Licensors must explain the licensing process in an initial interview and must report orally on any deficiencies found during the inspection prior to leaving the agency. A written report of findings must be forwarded to the provider. The provider must respond to the deficiencies cited with a plan of corrective action acceptable to the secretary within 10 working days of receipt.

AUTHORITY NOTE: Promulgated in accordance with R. S. 28:380-451.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of

Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 20:888 (August 1994), amended by the Louisiana Department of Health, Health Standards Section, LR 51:

**§4931. Case Management/Service Coordination Services**

A. - A.4.c. ...

5. Monitoring/follow-up, which must include ongoing interaction with the consumer/guardian, family members and professionals (as appropriate), and service providers to ensure that the agreed upon services are provided in a coordinated and integrated manner and are adequate to meet the needs and stated goals of the service plan. The case manager must conduct at a minimum, quarterly visits with the consumer/guardian as part of the linkage and monitoring/follow-up process.

6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:380-451.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 20:888 (August 1994), amended by the Louisiana Department of Health, Health Standards Section, LR 51:

**§4973. Personnel Practices**

A. The provider must have written employment and personnel policies which include:

1. ...
2. a description of hiring practices, which includes a policy against discrimination based on race, color, religion, sex, age, national origin, handicap, political beliefs, disabled veteran, veteran status or any other nonmerit factor;
3. a description of procedures for: employee evaluation, promotion, disciplinary action, termination, and hearing of employee grievances; and
4. preventing, responding to, reporting, and mitigating instances of healthcare workplace violence.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:380-451.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 20:893 (August 1994), amended by the Department of Health, Health Standards Section, LR 51:

### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on

the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule may have an indeterminable impact on the staffing level requirements or qualifications required to provide the same level of service, the direct or indirect cost to small businesses, or to the provider's ability to provide the same level of service as described in HCR 170. The proposed Rule may indeterminable economic benefit to licensed case management providers associated with broadening the applicant pool.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the

provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have an impact on the staffing level requirements or qualifications required to provide the same level of service, the direct or indirect cost to the provider, or to the provider's ability to provide the same level of service as described in HCR 170. The proposed Rule may indeterminable economic benefit to licensed case management providers associated with broadening the applicant pool.

### **Public Comments**

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, Post Office Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. May 28, 2025.

### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, Louisiana 70821-0629; however, such request must be received no later than May 12, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on May 27, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street,

Baton Rouge, Louisiana. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after May 12, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Drew P. Maranto

Interim Secretary

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: CASE MANAGEMENT LICENSING STANDARDS**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation. It is anticipated that \$864 will be expended in FY 25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the licensing of case management providers to: (1) modify qualifications for case managers and supervisors to broaden the applicant pool, (2) adjust the timeframe in which providers must respond to the department's written report of licensing inspection findings from 15 to 10 days, (3) change how often a case manager must conduct visits with the consumer/guardian as part of the linkage and monitoring/follow-up process from monthly to a minimum of quarterly, and (4) require the development of policy and procedure for preventing, responding to, reporting, and mitigating instances of healthcare workplace violence.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no impact on state revenue collections. This is a licensing rule that does not add any licensing fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

It is anticipated that this proposed rule may have an indeterminable economic benefit to licensed case management providers associated with broadening the applicant pool.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that this proposed rule may have an indeterminable impact on the staffing level requirements or qualifications required to provide the same level of service.