

responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at close of business, 4:30 p.m., on April 29, 2019.

**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, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on April 9, 2019. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on April 25, 2019 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Stanley Bordelon at (225) 219-3454 after April 9, 2019. 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. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Rebekah E. Gee MD, MPH  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Nursing Facilities  
Reimbursement Methodology**

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

It is anticipated that implementation of this proposed rule will result in estimated state general fund net programmatic costs of approximately \$270 for FY 18-19, \$1,376,214 for FY 19-20 and \$3,120,246 for FY 20-21. The state match shall be funded through an intergovernmental transfer of state funds from Louisiana State University to the department to secure federal match. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 18-19 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 66.40 percent in FYs 19-20 and 20-21.

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

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$270 for FY 18-19, \$2,719,660 for FY 19-20 and \$6,166,555 for FY 20-21. It is anticipated that \$270 will be collected in FY 18-19 for the federal share of the expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 66.40 percent in FYs 19-20 and 20-21.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed Rule adopts provisions governing nursing facility reimbursement to establish reimbursement for a facility

that is operated by an entity that has a Cooperative Endeavor Agreement (CEA) with Louisiana State University (LSU) to conduct a geriatric nursing facility training program at the location of the current John J. Hainkel, Jr. Home and Rehabilitation Center, or any other location approved by the parties and the department. This rule will provide an enhanced rate to compensate the parties to the CEA to provide high quality geriatric care in both an institutional and community setting. It is anticipated that implementation of this Rule will increase Medicaid programmatic expenditures by approximately \$4,095,874 for FY 19-20 and \$9,286,981 for FY 20-21.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This rule has no known effect on competition and employment.

Jen Steele  
Medicaid Director  
1903#045

Gregory V. Albrecht  
Chief Economist  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Emergency Response Network Board**

LERN Destination Protocol: BURN  
(LAC 48:I.19201)

Notice is hereby given that the Louisiana Emergency Response Network Board has exercised the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and intends to codify in LAC 48:I.Chapter 192, Section 19201, a rule revised by the Louisiana Emergency Response Network Board in a meeting of January 17, 2019, the following "LERN Destination Protocol: BURN", adopted as authorized by R.S. 9:2798.5. The rule establishes the destination protocol for use by the LERN Communication Center for patients with burn injuries.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 15. Emergency Response Network**

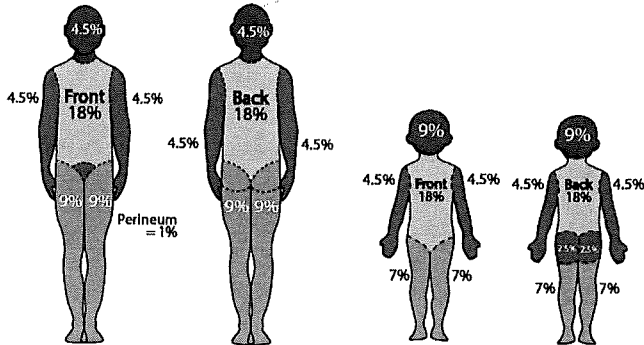
**Chapter 192. Burn Protocols**

**§19201. LERN Destination Protocol: BURN**

A. Call LERN Communication Center at 1-866-320-8293 for patients meeting the following criteria.

Burn Patient with Trauma	Yes→	See LERN Trauma Destination Protocol
↓ No		
<ul style="list-style-type: none"> <li>Burn patient without patent airway</li> <li>Patients with facial / airway burns or anticipated airway compromise</li> <li>Burn patient with &gt; 40 % BSA without IV or IO access</li> </ul>	Yes→	Transport to Closest ED
↓ No		
<ul style="list-style-type: none"> <li>2<sup>nd</sup> and 3<sup>rd</sup> degree burns involving: <ul style="list-style-type: none"> <li>&gt; 10% BSA</li> <li>Face, hands, feet, genitalia, perineum, or major joints</li> <li>Circumferential Burns</li> <li>Electrical burns, including lightning injury</li> <li>Chemical burns</li> </ul> </li> <li>Or</li> </ul>	Yes→	Transport to Closest Burn Center <i>* If distance or patient condition impedes transport to burn center, consider transport to most appropriate resourced hospital.</i>

<ul style="list-style-type: none"> <li>Inhalation injury</li> <li>All Third Degree Burns</li> </ul>		
↓ No		
Transport per Local EMS Protocols		
<ul style="list-style-type: none"> <li>In the event of a burn disaster, each burn center should immediately contact LERN. LERN Call Center (LCC) will conduct a bed poll.</li> <li>In the event of a burn disaster and excess beyond capacity, the next geographically closest burn center should be alerted immediately by LERN.</li> </ul>		



**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:2846(A), R.S. 40:2845(A)(1) and R.S. 9:2798.5.

**HISTORICAL NOTE:** Promulgated by the Department of Health, Emergency Response Network, LR 45:

#### Family Impact Statement

1. What effect will this Rule have on the stability of the family? The proposed Rule will not affect the stability of the family.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? The proposed Rule will not affect the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? The Rule will not affect the functioning of the family.

4. What effect will this have on family earnings and family budget? This Rule will not affect the family earnings or family budget.

5. What effect will this have on the behavior and personal responsibility of children? This Rule will not affect the behavior or personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, the proposed Rule will have no impact.

#### Poverty Impact Statement

The proposed Rulemaking will have no impact on poverty as described in R.S. 49:973.

#### Small Business Analysis

The impact of the proposed Rule on small business has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small business as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small business.

#### Provider Impact Statement

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

#### Public Comments

Interested persons may submit written comments relative to the proposed Rule until 4:30 p.m., Wednesday, April 10, 2019 to Paige Hargrove, Louisiana Emergency Response Network, 14141 Airline Hwy., Suite B, Building 1, Baton Rouge, LA 70817, or via email to [paige.hargrove@la.gov](mailto:paige.hargrove@la.gov).

Paige Hargrove  
Executive Director

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

##### RULE TITLE: LERN Destination Protocol: BURN

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

The proposed rule change is anticipated to increase expenditures for the Louisiana Emergency Response Network (LERN) by approximately \$429 in FY 19 and \$213 in FY 20 for the publication of the proposed rule. It is not anticipated that any other state or local governmental units will incur costs or savings as a result of this rule change.

The proposed rule adopts Louisiana Administrative Code (LAC) Title 48 – Public Health General, Part I – General Administration Subpart 15 – Emergency Response Network, Chapter 192 – Burn Protocols, Section 19201 – Destination Protocol: Burn. The Louisiana Emergency Response Network (LERN) Board is authorized to adopt protocols for the transport of trauma and time sensitive ill patients. The LERN Board developed a destination protocol for use by the LERN Communication Center to direct burn patients to the most appropriate burn center or emergency room for treatment. This rule codifies the burn destination protocol.

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

Implementation of the proposed rule will have no effect on revenue collections of state or local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will have no cost or economic benefit to directly affected persons or nongovernmental groups.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on employment. The establishment of the destination protocol for the burn patients includes the four existing state burn centers. Geography is the primary factor dictating the hospital destination. Therefore, this rule should have little to no effect on competition.

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Executive Director  
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Evan Brasseaux  
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Legislative Fiscal Office