

2023 Regular Session

HOUSE RESOLUTION NO. 173

BY REPRESENTATIVES BUTLER AND ECHOLS

A RESOLUTION

To direct the Louisiana Department of Health to report information, including statistics, on abuse and neglect in certain Medicaid programs.

WHEREAS, the Louisiana Department of Health (LDH) defines abuse as the infliction of physical or mental injury, or actions which may reasonably be expected to inflict physical injury, on an adult by other parties as defined in R.S. 15:1503; and

WHEREAS, LDH also defines neglect as the failure, by a caregiver responsible for an adult's care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his well-being as defined in R.S. 15:1503; and

WHEREAS, according to LDH, the integrity of the Medicaid program in this state is protected by its abuse policies; and

WHEREAS, the LDH website provides detailed descriptions of activities that may be considered abusive in accordance with Louisiana law and otherwise; and

WHEREAS, there is a multitude of Medicaid-related health programs in this state; and

WHEREAS, Medicaid is the primary health insurance provider for many individuals with disabilities; and

WHEREAS, such individuals rely heavily on the Medicaid program in this state and the caregivers and additional support provided by such programs; and

WHEREAS, such individuals may require a significant amount of medical attention and daily living assistance as they are unable to care for themselves; and

WHEREAS, ensuring the safety of such individuals in this state is of the utmost importance to the Legislature of Louisiana and the citizens of this state; and

WHEREAS, the statistics of such programs are indicative of the effectiveness and efficiency of the Medicaid program in this state; and

WHEREAS, it is the duty of the Legislature of Louisiana to ensure the integrity of Medicaid program in this state and the practices of the program to ensure the safety of recipients of such services.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby direct the Louisiana Department of Health to produce a report enumerating and summarizing all allegations of abuse and neglect in Medicaid providers of Home and Community-Based Services (HCBS) as defined in R.S. 40:2120.2, Intermediate Care Facilities for the Developmentally Disabled (ICF-DD), and Adult Day Health Care (ADHC) services.

BE IT FURTHER RESOLVED that the statistics shall include information from the Health Standards Section of the Louisiana Department of Health, adult protection services of the office of aging and adult services, the Louisiana Department of Children and Family Services, and the governor's office of elderly affairs regarding services provided by the office of aging and adult services, the office for citizens with developmental disabilities, nursing homes, intermediate care facilities for developmental disabilities, waiver programs, and any other facilities that provide home- and community-based living services in this state for which the Louisiana Department of Health has oversight.

BE IT FURTHER RESOLVED that the information included in the report shall contain statistics from January 1, 2021, to December 31, 2022.

BE IT FURTHER RESOLVED that the information required by this Resolution shall include all of the following information:

(1) The existing rules promulgated to address the reporting of claims of abuse and neglect for the state's Medicaid program of residents and clients of Medicaid providers of HCBS, ICF-DD, and ADHC.

(2) An enumerated list summarizing the reported abuse and neglect claims of residents, clients of residents, and clients of Medicaid providers of HCBS, ICF-DD, and ADHC.

(3) An enumerated list of the additional rules promulgated in effect from January 1, 2021 to December 31, 2022 and applicable to allegations of abuse and neglect involving residents and clients of Medicaid providers of HCBS, ICF-DD, and ADHC services.

BE IT FURTHER RESOLVED that on or before July 1, 2024, the Louisiana Department of Health shall submit to the House Committee on Health and Welfare and the David R. Poynter Legislative Research Library a written report of its findings.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Louisiana Department of Health.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES