

<b><u>Document ID:</u></b>	<b><u>Title: National Clinical Services (NCS) 514 Privacy and Confidentiality Policy &amp; Procedure - Louisiana Medicaid</u></b>	
<b><u>Parent Documents: AETCSPS-073727</u></b>		
<b><u>Effective Date:</u></b> <b><u>See Document Information Page</u></b>	<b><u>Last Review Date:</u></b> <b><u>See Review and Revision History Section</u></b>	<b><u>Business Process Owner (BPO):</u></b> <b><u>Sr. Principal Clinical Ldr, CS AMA UM Leadership</u></b>
<b><u>Exhibit(s): N/A</u></b>		
<b><u>Document Type: Tool</u></b>		

## **PURPOSE**

**This Amendment is written to meet regulatory and legislative requirements under Louisiana law/regulation that impact NCS 514 Privacy and Confidentiality policy. This amendment will be used in conjunction with NCS 514 to comply with Louisiana requirements**

## **SCOPE**

<b><u>Applies to Department:</u></b>	<b><u><input type="checkbox"/> Care Management</u></b>	<b><u><input type="checkbox"/> Precertification (including NME, SCPU, Specialty Medical Precert)</u></b>	<b><u><input type="checkbox"/> NME Case Management</u></b>	<b><u><input type="checkbox"/> Aetna Maternity Program</u></b>
	<b><u><input type="checkbox"/> SCPU Case Management</u></b>	<b><u><input type="checkbox"/> 24-Hour Nurse Line</u></b>	<b><u><input type="checkbox"/> DM</u></b>	<b><u><input type="checkbox"/> BH</u></b>
	<b><u><input type="checkbox"/> Medical Management – Concurrent Review</u></b>	<b><u><input type="checkbox"/> Medical Management – Prior Authorization</u></b>	<b><u><input checked="" type="checkbox"/> Medical Management – Utilization Management</u></b>	<b><u><input type="checkbox"/> Medical Management</u></b>

<b><u>Product:</u></b>	<b><u><input type="checkbox"/> HMO</u></b>	<b><u><input type="checkbox"/> EPO</u></b>	<b><u><input type="checkbox"/> PPO</u></b>	<b><u><input type="checkbox"/> MC/POS</u></b>	<b><u><input type="checkbox"/> TC</u></b>	<b><u><input type="checkbox"/> JV</u></b>
	<b><u><input checked="" type="checkbox"/> Medicaid</u></b>					

**These requirements apply when the Controlling State is Louisiana.**

## **POLICY**

<b><u>Legislation</u></b>	<b><u>Policy/Procedure Language Change:</u></b>
<b><u>2023 Louisiana Medicaid Managed Care Organization, Attachment A: Model Contract, Section 2.17.5.8</u></b>	
<b><u>The contract's data sharing policies and agreements with providers shall address</u></b>	<b><u>The health plan's data sharing policies and agreements with providers will address</u></b>

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<b><u>and comply with applicable Federal and State data privacy and security requirements, with Network Providers and community health workers, by request.</u></b>	<b><u>and comply with applicable Federal and State data privacy and security requirements, with Network Providers and community health workers, by request.</u></b>
<b><u>2023 Louisiana Medicaid Managed Care Organization, Attachment A: Model Contract, Section 2.6.1.2.5.2</u></b>  <b><u>Sharing Health needs assessments and other sources identifying Social Determinants of Health (SDOH) needs, subject to State and Federal privacy requirements.</u></b>	<b><u>Sharing Health needs assessments and other sources identifying Social Determinants of Health (SDOH) needs, are subject to State and Federal privacy requirements.</u></b>
<b><u>2023 Louisiana Medicaid Managed Care Organization, Attachment A: Model Contract, Section 2.6.1.2.5.2</u></b>  <b><u>It is important that relevant clinical information is accessible to both the primary care and behavioral health providers consistent with Federal and State laws, regulations, rules, policies and other applicable standards of medical record confidentiality and the protection of patient privacy.</u></b>	<b><u>It is important that relevant clinical information is accessible to both the primary care and behavioral health providers consistent with Federal and State laws, regulations, rules, policies and other applicable standards of medical record confidentiality and the protection of patient privacy.</u></b>
<b><u>2023 Louisiana Medicaid Managed Care Organization, Attachment A: Model Contract, Section 2.9.11.5.1.7</u></b>  <b><u>Ensuring that in the process of coordinating care, each Enrollee’s privacy is protected consistent with the confidentiality requirements in 45 CFR Parts 160 and 164 and all State Statutes. 45CFR Part 164 specifically describes the requirements regarding the privacy of individually identifiable health information.</u></b>	<b><u>Ensuring that in the process of coordinating care, each member’s privacy is protected consistent with the confidentiality requirements in 45 CFR Parts 160 and 164 and all State Statutes. 45CFR Part 164 specifically describes the requirements regarding the privacy of individually identifiable health information.</u></b>

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<p><b><u>2023 Louisiana Medicaid Managed Care Organization, Attachment A: Model Contract, Section 2.9.17.5</u></b></p> <p><b><u>The contractor shall maintain the confidentiality of family planning information and records for each Enrollee including those under the age of majority.</u></b></p>	<p><b><u>The health plan will maintain the confidentiality of family planning information and records for each member including those under the age of majority</u></b></p>
<p><b><u>2023 Louisiana Medicaid Managed Care Organization, Attachment A: Model Contract, Section 2.12.1.2 and 2.12.1.2.2.2</u></b></p> <p><b><u>The contractor shall submit written policies and procedures to Louisiana Department of Health (LDH) or its designee for approval as part of readiness review and prior to any substantive changes. Including provisions for ensuring confidentiality of clinical information.</u></b></p>	<p><b><u>The health plan will present written policies and procedures to LDH for approval prior to any substantive changes, including provisions for ensuring confidentiality of clinical information.</u></b></p>
<p><b><u>2023 Louisiana Medicaid Managed Care Organization, Attachment A: Model Contract, Section 2.18.18.2.2</u></b></p> <p><b><u>The contractor agrees and acknowledges that the Louisiana Legislative Auditor authority (LLA) has the authority pursuant to La.R.S. 24:51 et seq., subject to State and Federal laws and privileges protection the confidentiality of information, to conduct oversight and audit of LDH including the Managed Care Program.</u></b></p>	<p><b><u>The health plan agrees and acknowledges that the Louisiana Legislative Auditor authority has the authority pursuant to La.R.S. 24:51 et seq., subject to State and Federal laws and privileges protection the confidentiality of information, to conduct oversight and audit of LDH including the Managed Care Program.</u></b></p>
<p><b><u>2023 Louisiana Medicaid Managed Care Organization, Attachment A: Model Contract, Section 2.20.7.1</u></b></p> <p><b><u>The contractor shall meet the following requirements: Shall notify LDH upon contact by any investigative authorities conducting Fraud and Abuse investigations, except in situations where</u></b></p>	<p><b><u>The health plan will meet the following requirements:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Will notify LDH upon contact by any investigative authorities conducting Fraud and Abuse investigations, except in situations where investigative</u></b></li> </ul>

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<p><u>investigative authorities make it illegal to provide such notice. The contractor and where applicable, any subcontractors or Material subcontractors shall cooperate fully with the agencies that conduct investigations: full cooperation includes but is not limited to, Timely exchange of information and strategies for addressing Fraud and Abuse, as well as allowing prompt direct access to information, free copies of documents and other available information related to program violations, while maintaining the confidentiality of any investigation. The contractor shall make knowledgeable employees available at no charge to support any investigation,, court or administrative proceedings.</u></p>	<p><u>authorities make it illegal to provide such notice.</u></p> <ul style="list-style-type: none"> <li>• <u>The health plan and where applicable, any subcontractors or Material subcontractors will cooperate fully with the agencies that conduct investigations:</u></li> <li>• <u>full cooperation includes but is not limited to, Timely exchange of information and strategies for addressing Fraud and Abuse, as well as allowing prompt direct access to information, free copies of documents and other available information related to program violations, while maintaining the confidentiality of any investigation.</u></li> <li>• <u>The health plan will make knowledgeable employees available at no charge to support any investigation,, court or administrative proceedings.</u></li> </ul>
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## **REVIEW AND APPROVALS**

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Jess Hall, Chief  
Executive Officer

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Date

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Antoinette Logarbo,  
M.D.  
Chief Medical Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jared Wakeman,  
M.D.  
Behavioral Health  
Medical Director

\_\_\_\_\_  
Date

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**EXHIBIT(S):** N/A