

LOUISIANA STATE SENATE

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SENATE COMMITTEE ON HEALTH AND WELFARE

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March 22, 2017

The Honorable John Bel Edwards
Governor of Louisiana
900 N. 3rd Street
Baton Rouge, LA 70802

Rebekah Gee, M.D.
Louisiana Department of Health, Secretary
628 N. 4th Street
Baton Rouge, LA 70802

Catherine Brindley
Louisiana Register, Editor
1201 N. Third Street
Baton Rouge, LA 70802

Governor Edwards, Secretary Gee, and Ms. Brindley,

In accordance with the powers conferred in the Administrative Procedure Act at R.S. 49:953(B), the Senate committee on health and welfare met on this day to exercise oversight authority on the attached emergency rule submitted by the Louisiana Department of Health on March 16, 2107. The emergency rule provides for the elimination of the psychosocial rehabilitation services for youth program on April 1, 2017. After a thorough hearing on the matter, including a presentation by the department and public testimony, the committee, by unanimous vote, rejected the emergency rule on the grounds set forth in R.S. 49:953(B)(1) and R.S. 49:968(D)(3).

The committee held that the emergency rule was not in conformity with the intent and scope of the enabling legislation, was not in conformity to all applicable provisions of law and of the constitution, is lacking in merit, and is unacceptable. The committee further held that the emergency rule caused imminent peril to the public health, safety, and welfare of more than 40,000 children with significant behavioral health needs.

By transmittal of this written report of committee action and pursuant to R.S. 49:953(B)(4)(c) the emergency rule eliminating the psychosocial rehabilitation services for youth program on April 1, 2018 shall hereby be null and without effect.

Sincerely,

A handwritten signature in blue ink, appearing to read "F. H. Mills, Jr.", is written over a horizontal line.

Senator Fred H. Mills, Jr, Chairman
Committee on Health and Welfare



State of Louisiana
Louisiana Department of Health
Office of the Secretary

March 16, 2017

MAR 16 2017

MEMORANDUM

TO: The Honorable John Bel Edwards, Governor, State of Louisiana
The Honorable John A. Alario, President, Louisiana Senate
The Honorable Taylor F. Barras, Speaker of the House
The Honorable Jeff Landry, Attorney General, State of Louisiana
The Honorable Fred H. Mills, Jr., Chairman, Senate Committee on Health and Welfare
The Honorable Frank A. Hoffmann, Chairman, House Committee on Health and Welfare
The Honorable Eric LaFleur, Chairman, Senate Finance Committee
The Honorable Cameron Henry, Chairman, House Appropriations Committee

FROM: Rebekah E. Gee MD, MPH
Secretary

RE: Notice of Bureau of Health Services Financing Rulemaking

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) as amended, we are submitting the following rulemaking document for the Bureau of Health Services Financing which will appear in the April 20, 2017 edition of the *Louisiana Register*. The adoption date for this Emergency Rule is March 16, 2017.

EMERGENCY RULE

1. **Children's Behavioral Health Services - Termination of Psychosocial Rehabilitation Services for Youth**: amends the provisions governing children's behavioral health services in order to terminate coverage and reimbursement of psychosocial rehabilitation services to youth.

REG/WJR/CEC

Attachment (1)

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing
and
Office of Behavioral Health

Children's Behavioral Health Services
Termination of Psychosocial Rehabilitation Services for Youth
(LAC 50:XXXIII.2303 and 2703)

The Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health amend LAC 50:XXXIII.2303 and §2703 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 and the Office of Behavioral Health, through collaborative efforts, provide coverage of behavioral health services for children and youth through a comprehensive system of delivery covered under the Medicaid Program.

As the result of a budgetary shortfall in SFY 2017, the Department now proposes to amend the provisions governing children's behavioral health services in order to terminate coverage and reimbursement of psychosocial rehabilitation services to youth. This action is being taken to avoid a budget deficit in the Medical Assistance Program. It is estimated that

implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$5,844,004 for state fiscal year 2016-2017.

Effective April 1, 2017, the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health amend the provisions governing children's behavioral health services to eliminate coverage and reimbursement for psychosocial rehabilitation services to youth.

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE

Part XXXIII. Behavioral Health Services

Subpart 3. Children's Mental Health Services

Chapter 23. Services

§2303. Covered Services

A. The following behavioral health services shall be reimbursed under the Medicaid Program:

1. ...

2. rehabilitation services, including community psychiatric support and treatment (CPST);

A.3. - B.5. ...

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 and Hospitals, Bureau of Health Services Financing, LR

38:364 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2359 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 43:

Chapter 27. Reimbursement

§2703. Reimbursement Methodology

A. - A.3. ...

B. Effective for dates of service on or after April 1, 2017, coverage and reimbursement for psychosocial rehabilitation services for youth shall be terminated.

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 and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2359 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 43:

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 Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge,

LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele 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.

Rebekah E. Gee MD, MPH

Secretary

Date of Adoption
3/16/17
Winnifred