

DECLARATION OF EMERGENCY

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

**Behavioral Health Services
Statewide Management Organization
LaCHIP Affordable Plan Benefits Administration
(LAC 50:XXXIII.103)**

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health amend LAC 50:XXXIII.103 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 and Hospitals, Bureau of Health Services Financing adopted provisions to implement a coordinated behavioral health services system under the Louisiana Medicaid Program to provide services through the utilization of a Statewide Management Organization that is responsible for the necessary administrative and operational functions to ensure adequate coordination and delivery of behavioral health services (*Louisiana Register*, Volume 38, Number 2).

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health promulgated

an Emergency Rule which amended the February 2012 Rule in order to include the administration of behavioral health services covered under the LaCHIP Affordable Plan (Phase 5) (*Louisiana Register*, Volume 38, Number 12). LaCHIP Affordable Plan benefits, including behavioral health services, were administered by the Office of Group Benefits. The administration of these services was transferred to the Statewide Management Organization under the Louisiana Behavioral Health Partnership. ~~This Emergency Rule is being promulgated to continue the provisions of the January 1, 2013 Emergency Rule.~~ The department now amends the provisions of the January 1, 2013 Emergency Rule in order to revise recipient coverage under the LaCHIP Affordable Plan. This action is being taken to avoid a budget deficit in the medical assistance programs, and to promote the health and welfare of LaCHIP Affordable Plan recipients.

~~Effective April 30, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing behavioral health services coordinated by the Statewide Management Organization to include recipients covered under the LaCHIP Affordable Plan.~~ Effective August 1, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions of the January 1, 2013 Emergency Rule governing behavioral health services coordinated by the Statewide Management Organization.

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE
Part XXXIII. Behavioral Health Services
Subpart 1. Statewide Management Organization

Chapter 1. General Provisions

§103. Recipient Participation

A. The following Medicaid recipients shall be mandatory participants in the coordinated behavioral health system of care:

1. - 6. ...

7. Title XXI SCHIP populations, including:

a. LaCHIP Phases 1 - ~~3~~4; and

b. LaCHIP Affordable Plan (Phase 5) ~~;~~;

8. recipients who receive both Medicare and Medicaid benefits; and

9. recipients enrolled in the LAMOMS program.

B. ...

C. Notwithstanding the provisions of §103.A above, the following Medicaid recipients are excluded from enrollment in the PIHP/SMO:

1. ~~recipients who receive both Medicare and Medicaid benefits;~~recipients enrolled in the Medicare Beneficiary Programs (QMB, SLMB, QDWI and QI-1);

2. ~~recipients enrolled in the Medicare Beneficiary Programs (QMB, SLMB, QDWI and QI-1);~~adults who reside in an

intermediate care facility for persons with developmental disabilities (ICF/DD);

3. ~~adults who reside in an intermediate care facility for persons with developmental disabilities (ICF/DD);~~ recipients of Refugee Cash Assistance;

4. ~~recipients of Refugee Cash Assistance;~~ recipients enrolled in the Regular Medically Needy Program;

5. ~~recipients enrolled in the Regular Medically Needy Program;~~ recipients enrolled in the Tuberculosis Infected Individual Program;

6. ~~recipients enrolled in the Tuberculosis Infected Individual Program;~~ recipients who receive Emergency Services Only coverage;

7. ~~recipients who receive Emergency Services Only coverage;~~ recipients who receive services through the Program of All-Inclusive Care for the Elderly (PACE);

8. ~~recipients who receive services through the Program of All-Inclusive Care for the Elderly (PACE);~~ recipients enrolled in the Low Income Subsidy Program;

9. ~~recipients enrolled in the Low Income Subsidy Program;~~ participants in the TAKE CHARGE Family Planning Waiver;
and

10. ~~participants in the TAKE CHARGE Family Planning Waiver;~~ and recipients enrolled in the LaMOMS Program.

~~11. recipients enrolled in the LaMOMS Program.~~

~~12.~~11. - 12. Repealed.

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 38:361 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 40:

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 J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy 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.

Kathy H. Kliebert

Secretary