

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Children and Adult Mental Health Services
(LAC 50:XXXIII.2303 and 6307)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XXXIII. Chapters 23 and 63 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing children and adult mental health services to expand the provider types authorized to render therapeutic services. This proposed Rule would allow Medicaid to pay for therapy services provided by psychology interns in approved American Psychiatric Association internship programs, as well as by provisionally licensed psychologists. The department proposes to promulgate this Rule in accordance with Senate Concurrent Resolution 10 of the 2024 Regular Legislative Session to help improve health outcomes for people who rely on Medicaid. By allowing more types of practitioners to offer services, this proposed Rule will make it easier for the public to access mental health care and may reduce wait times. It would also create more training opportunities for future psychologists in Louisiana.

The proposed Rule text below has been drafted utilizing plain language principles to ensure clarity and accessibility for all users. It has also been reviewed and tested for compliance with web accessibility standards.

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. therapeutic services delivered by one of the following practitioners:
 - a. psychiatrist;
 - b. licensed mental health professional;
 - c. provisionally licensed professional counselor;
 - d. provisionally licensed marriage and family therapist;
 - e. licensed master social worker;
 - f. psychology intern from an American Psychological Association approved internship program; or
 - g. provisionally licensed psychologist.

A.2. - 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 44:1892 (October 2018), LR 50:983 (July 2024), amended by the Department of Health, Bureau of Health Services Financing, LR 52:

Subpart 7. Adult Mental Health Services

Chapter 63. Services

§6307. Covered Services

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

1. therapeutic services delivered by one of the following practitioners:
 - a. psychiatrist;
 - b. licensed mental health professional;
 - c. provisionally licensed professional counselor;
 - d. provisionally licensed marriage and family therapist;
 - e. licensed master social worker;
 - f. psychology intern from an American Psychological Association approved internship program; or
 - g. provisionally licensed psychologist.

A.2. - B.3. ...

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 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 42:61 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1015 (June 2018), LR 46:795 (June 2020), repromulgated LR 46:952 (July 2020), amended LR 46:1680 (December 2020), LR 48:1098 (April 2022), LR 50:984 (July 2024), amended by the Department of Health, Bureau of Health Services Financing, LR 52:

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.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have a positive impact on family functioning, stability and autonomy as described in R.S.

49:972. This proposed Rule may improve access to mental health therapeutic services.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may improve staffing level requirements or qualifications required to provide the same level of service, since it increases the number of available practitioners. This proposed Rule is not expected to have fiscal impact to providers and may improve the provider's level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tangelia Womack, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Womack is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is February 19, 2026.

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 February 9, 2026. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on February 26, 2026, in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after February 9, 2026. 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.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Children and Adult Mental Health Services

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 25-26. It is anticipated that \$639 (\$320 SGF and \$319 FED) will be expended in FY 25-26

for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing children and adult mental health services to expand the provider types authorized to render therapeutic services. This proposed rule would allow Medicaid to pay for therapy services provided by psychology interns in approved American Psychiatric Association internship programs, as well as by provisionally licensed psychologists. The department proposes to promulgate this rule in accordance with Senate Concurrent Resolution 10 of the 2024 Regular Legislative Session to help improve health outcomes for people who rely on Medicaid. By allowing more types of practitioners to offer services, this proposed rule will make it easier for the public to access mental health care and may reduce wait times. It would also create more training opportunities for future psychologists in Louisiana.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 25-26. It is anticipated that \$319 will be collected in FY 25-26 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule amends the provisions governing children and adult mental health services to expand the provider types authorized to render therapeutic services. This proposed rule would allow Medicaid to pay for therapy services provided by psychology interns in approved American Psychiatric Association internship programs, as well as by provisionally licensed psychologists. The department proposes to promulgate this rule in accordance with Senate Concurrent Resolution 10 of the 2024 Regular Legislative Session to help improve health outcomes for people who rely on Medicaid. By allowing more types of practitioners to offer services, this proposed rule will make it easier for the public to access mental health care and may reduce wait times. It would also create more training opportunities for future psychologists in Louisiana. It is anticipated that implementation of this proposed rule will have no fiscal impact on providers or small businesses in FY 25-26, FY 26-27, and FY 27-28.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule is anticipated to have a positive effect on competition and employment by allowing these providers to render services that help retain these professionals in Louisiana and attract new ones, potentially increasing employment opportunities across both the public and private sectors.

Seth Gold
Medicaid Executive Director
2601#051

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office