



State of Louisiana
Louisiana Department of Health
Office of the Secretary

March 10, 2025

Via Statutorily Prescribed Email

To: The Honorable Patrick McMath, Chairman, Senate Health & Welfare Committee
The Honorable Dustin Miller, Chairman, House Health & Welfare Committee

From: Michael Harrington, MBA, MA
Secretary

A blue ink signature of Michael Harrington, Secretary of the Louisiana Department of Health.

Re: Second Report to Proposed Amendments to LAC 48:I.5603 and 5617 – Behavioral Health Service Providers – Licensing Standards

Pursuant to the Louisiana Administrative Procedure Act, the Louisiana Department of Health, Bureau of Health Services Financing, submits its second report regarding the Behavioral Health Service Providers – Licensing Standards, LAC 48:I.5603 and 5617.

A Notice of Intent on the proposed amendments was published in the January 20, 2025 issue of the *Louisiana Register* (LR 51:143). No written comments were received and there was no request for a public hearing during the notice period. Because there were no requests for a public hearing, one was not held for these proposed amendments. Additionally, no substantive changes were made to the proposed amendments since the report provide for in R.S. 49:966B-C was submitted.

Unless otherwise directed, the Department anticipates adopting the January 20, 2025 Notice of Intent when it is published as a final rule in the April 20, 2025 issue of the *Louisiana Register*.

Please contact Cynthia York, Cynthia.York@la.gov if you have any questions or require additional information about this matter.

Cc: Tasheka Dukes, HSS Deputy Assistant Secretary, LDH
Karen Stubbs, OBH Assistant Secretary, LDH
Kimberly Humbles, General Counsel, LDH
Missy Graves, OBH Program Manager, LDH
Bethany Blackson, Chief of Staff, LDH
Andrea Trantham, Editor, *Louisiana Administrative Code*, Office of the State Register

NOTICE OF INTENT

Department of Health Health Standards Section

Behavioral Health Service Providers Licensing Standards (LAC 48:I.5603 and 5617)

The Department of Health, Health Standards Section (the department), proposes to amend LAC 48:I.5603 and §5617 as authorized by R.S. 36:254 and R.S. 40:2151-2161. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department proposes to amend the provisions governing the licensing of behavioral health service providers (BHSPs) in order to comply with the requirements of Act 737 of the 2024 Regular Session of the Louisiana Legislature relative to the acceptance, with certain exceptions, of documents, records, photos, testimonials, and other significant health-related collateral information provided by a client's family member, caregiver, friend, or healthcare professional.

In compliance with Act 737, the department hereby proposes to amend the provisions governing the licensing of BHSPs in order to adjust requirements for the minimum contents of client records. The department also proposes to

revise the definition of Clinically Managed Low Intensity Residential Treatment Services, and to update licensing standards related to deemed status.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 56. Behavioral Health Service Providers

Subchapter A. General Provisions

§5603. Definitions

Clinically Managed Low Intensity Residential Treatment Services (ASAM Level 3.1)—a residential program that offers at least five hours a week of a combination of low-intensity clinical and recovery-focused services for substance-related disorders. Services may include individual, group and family therapy, medication management and medication education, and treatment is directed toward applying recovery skills, preventing relapse, improving emotional functioning, promoting personal responsibility and reintegrating the client into the worlds of work, education, and family life.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1682 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017), LR 46:587 (April 2020), LR 48:1277 (May 2022), LR 48:2755 (November 2022), LR 50:394 (March 2024), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter B. Licensing

§5617. Deemed Status

A. - B.3. ...

C. If deemed status is approved, accreditation may be accepted as evidence of satisfactory compliance with this Chapter in lieu of conducting periodic re-licensure surveys.

D. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1692 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1381 (July 2017), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter D. Provider Operations

§5637. Client Records

A. - A.15. ...

B. Contents. The provider shall ensure that a client record, at a minimum, contains the following:

1. - 2. ...

3. all pertinent medical, psychological, social and other therapeutic information, including:

a. - n. ...

o. discharge summary;

p. documents, records, photos, testimonials, and other significant health-related collateral information provided by a client's family member, caregiver, friend, or healthcare professional, except in the event the healthcare professional or healthcare provider believes that acceptance and inclusion of the information in the medical record is not relevant to the client's care or treatment; and

q. other pertinent information related to client as appropriate.

4. - 4.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1697 (September 2015), amended by the Department of Health, Health Standards Section, LR 51:

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 will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

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 the direct or indirect cost to 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 will have no impact on the staffing level requirements or qualifications required to provide the same level of service, the direct or indirect cost to the provider, or to the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, Post Office Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on March 3, 2025.

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, Louisiana 70821-0629; however, such request must be received no later than 4:30 p.m. on February 10, 2025. 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, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, Louisiana. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after February 10, 2025. 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.

Michael Harrington, MBA, MA
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Behavioral Health Service Providers
Licensing Standards**

**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 in FY 24-25. It is anticipated that \$756 will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed Rule and the final rule.

This proposed Rule amends the provisions governing the licensing of behavioral health service providers (BHSPs) in order to adjust the requirements for the minimum contents of client records. Additionally, this proposed Rule revises the definition of Clinically Managed Low Intensity Residential Treatment Services, and updates licensing standards related to deemed status. This proposed Rule may result in additional costs to the state since additional re-licensure surveys may be required.

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

It is anticipated that implementation of this proposed Rule will have no impact on state revenue collections in FY 24-25, FY 25-26, or FY 26-27.

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

It is anticipated that implementation of this proposed Rule will not result in costs to providers in FY 24-25, FY 25-26, or FY 26-27.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

This proposed Rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2501#060

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office