

**NOTICE OF INTENT**

**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 propose to 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 proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

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. The department promulgated an Emergency Rule which amended the provisions of the January 1, 2013 Emergency Rule in order to revise recipient coverage under the LaCHIP Affordable Plan (*Louisiana Register*, Volume 40, Number 7). This proposed Rule is being promulgated in order to continue the provisions of the August 1, 2014 Emergency Rule.

## **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. - 5. ...

6. children who receive foster care or adoption assistance (Title IV-E), or who are in foster care or who are otherwise in an out-of-home placement; ~~and~~

7. Title XXI SCHIP ~~(LaCHIP, LaCHIP Phase 2 and LaCHIP Phase 3)~~ populations, including:

a. LaCHIP Phases 1 - 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 Subsection A of this Section, 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 intellectual disabilities (ICF/ID);

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 eligible through the LaCHIP Affordable Care Plan Program (Phase 5)~~recipients enrolled in the Low Income Subsidy Program;

9. ~~recipients who receive services through the Program of All-Inclusive Care for the Elderly (PACE)~~participants in the TAKE CHARGE Family Planning Waiver; and;

10. ~~recipients enrolled in the Low Income Subsidy Program;~~recipients enrolled in the LaMOMS Program.

11. ~~participants in the TAKE CHARGE Family Planning Waiver; and~~

~~12. recipients enrolled in the LaMOMS Program. - 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 41:

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.

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 or autonomy as described in R.S. 49:972 by ensuring that families have adequate coordination and access to behavioral health services.

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 may have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 by reducing health care costs to families through adequate coordination and access to behavioral health services.

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

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 proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, May 28, 2015 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Kathy H. Kliebert

Secretary