DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Rehabilitation Clinics
Physical and Occupational Therapies
Reimbursement Rate Increase
(LAC 50:XI.301 and 303)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XI.301 and §303 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 provides Medicaid reimbursement for physical, occupational and speech therapies provided in rehabilitation clinics to recipients under the age of 21.

Due to a budgetary shortfall in state fiscal year 2013, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing rehabilitation clinics in order to terminate the coverage and Medicaid reimbursement of services rendered to recipients 21 years

of age and older (*Louisiana Register*, Volume 39, Number 1).

In compliance with a court order from the *Melanie Chisholm, et al vs. Kathy Kliebert* class action litigation, the Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend the reimbursement methodology for rehabilitation clinics in order to increase the reimbursement rates for physical and occupational therapy services rendered to recipients under the age of 21. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued access to therapy services provided by rehabilitation clinics. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately $280,056 for state fiscal year 2013-2014.

Effective February 13, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for rehabilitation clinics in order to increase the reimbursement rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XI. Clinic Services
Subpart 1. Rehabilitation Clinics

Chapter 3. Reimbursement

§301. ~~Rehabilitation (Ages 3 and Older)~~Reimbursement Methodology

A. ~~The payment schedule for services rendered to Medicaid-eligible recipients in rehabilitation clinics shall be based on hourly rates as follows.~~The Medicaid Program provides reimbursement for physical therapy, occupational therapy and speech therapy rendered in rehabilitation clinics to recipients under the age of 21.

~~PROCEDURE~~	~~RATE~~
~~Physical therapy~~	~~$40~~
~~Occupational therapy~~	~~$40~~
~~Speech therapy~~	~~$30~~

B. ~~Evaluations. Rehabilitation clinics shall be reimbursed for evaluations at the rate which was in effect for those services as of July 6, 1995~~Effective for dates of service on or after February 1, 2013, reimbursement shall not be made for services rendered to recipients 21 years of age and older.

C. Effective for dates of service on or after February 13, 2014, reimbursement for physical and occupational therapy services shall be 85 percent of the 2013 Medicare published rate. There shall be no automatic

enhanced rate adjustment for physical and occupational therapy services.

D. Speech/language therapy services shall continue to be reimbursed at the flat fee in place as of February 13, 2014 and in accordance with the Medicaid published fee schedule for speech/language therapy services provided to recipients under the age of 21 in rehabilitation clinics.

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, Office of the Secretary, Bureau of Health Services financing, LR 22:109 (February 1996), amended LR 23:731 (June 1997), repromulgated for inclusion in LAC, LR 30:1021 (May 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§303. Reimbursement (Ages 0 up to 3)

~~A. Effective for dates of service on or after November 2 2003, the reimbursement rates for rehabilitation services provided to Medicaid recipients up to the age of 3, regardless of the type of provider performing the services, will be as follows.~~Repealed.

~~Procedure~~	~~Rate~~

~~Group sp/lang/hear therapy 1/2 hour~~	~~$ 26~~
~~Speech group therapy add 15 minutes~~	~~$ 13~~
~~Group sp/lang/hear therapy 1 hour~~	~~$ 51~~
~~Initial sp/lang evaluation~~	~~$ 70~~
~~Initial hearing evaluation~~	~~$ 70~~
~~Sp/lang/hear therapy 30 minutes~~	~~$ 26~~
~~Sp/lang/hear therapy 45 minutes~~	~~$ 39~~
~~Sp/lang/hear therapy 60 minutes~~	~~$ 52~~
~~Visit w/procedure(s) 30 minutes~~	~~$ 34~~
~~Visit w/procedure(s) 45 minutes~~	~~$ 51~~
~~Visit w/procedure(s) 60 minutes~~	~~$ 68~~
~~Visit w/procedure(s) 75 minutes~~	~~$ 85~~
~~Visit w/procedure(s) 90 minutes~~	~~$102~~
~~Ctr visit one/more modal/proc 15 minutes~~	~~$ 17~~
~~Procedures and modalities 60 minutes~~	~~$ 68~~
~~Pt and rehab evaluation~~	~~$ 75~~
~~Initial ot evaluation~~	~~$ 70~~
~~Ot 30 minutes~~	~~$ 26~~
~~Ot 45 minutes~~	~~$ 39~~
~~Ot 60 minutes~~	~~$ 52~~

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, Office of the Secretary, Bureau of Health Services Financing, LR 30:1034 (May 2004), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, 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. She 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