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Department of Health and Hospitals
Bureau of Health Services Financing

Substantive Changes and Public Hearing Notification
Behavioral Health Services Providers
Licensing Standards
(LAC 48:I.Chapters 74, LAC 48:I.Chapters 56-57 and
LAC 48:III.Chapter 5)

In accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Bureau of Health Services Financing published a Notice of Intent in the February 20, 2015 edition of the *Louisiana Register* (LR 41:439-481) to repeal LAC 48:I.Chapter 74 and LAC 48:III.Chapter 5, and to adopt LAC 48:I.Chapters 56-57. This Notice of Intent proposed to repeal and adopt the provisions governing the licensing standards for behavioral health service providers in order to comply with the directives of Act 308 of the 2013 Regular Session of the Louisiana Legislature. Therefore, the provisions of LAC 48:I.Chapter 74 and LAC 48:III.Chapter 5 would be repealed in their entirety and all of the provisions governing the licensing standards for behavioral health service providers will be repromulgated under LAC 48:I.Chapters 56-57.

The department conducted a public hearing on this Notice of Intent on March 31, 2015 to solicit comments and testimony on the proposed Rule. As a result of the comments received, the department proposes to revise the Notice of Intent to further clarify these provisions.

Taken together, all of these proposed revisions will closely align the proposed Rule with the Department's original intent and the concerns brought forth during the comment period for the Notice of Intent as originally published. No fiscal or economic impact will result from the amendments proposed in this notice.

Title 48
PUBLIC HEALTH-MEDICAL ASSISTANCE
Part I. Administration
Subpart 3. Licensing

Chapter 56. Behavioral Health Service Providers

Subchapter A. General Provisions

§5603. Definitions

Facility Need Approval (FNA) -the letter of approval from the Office of Behavioral Health which is required for licensure applicants for opioid treatment programs prior to applying for a BHS provider license.

Take-Home Dose(s) -a dose of opioid agonist treatment medication dispensed by a dispensing physician or pharmacist to a client for unsupervised use, including for use on Sundays, state and federal holidays, and emergency closures per DHH directive.

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

HISTORY NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

§5607. Initial Licensure Application Process

A. ...

B. The completed initial licensing application packet shall include:

1. - 11. ...

12. any other documentation or information required by the department for licensure including, but not limited to documentation for opioid treatment programs, such as a copy of the OBH FNA letter.

C. - J.5. ...

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

HISTORY NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

Subchapter O. Additional Requirements for Opioid Treatment Programs

§5725. Treatment

A. - B.2.d. ...

3. Maintenance Treatment. In the maintenance treatment phase that follows the end of early stabilization and lasts for an indefinite period of time, the provider shall provide:

a. random monthly drug screen tests until the client has negative drug screen tests for 90 consecutive days, as well as random testing for alcohol when indicated;

b. thereafter, monthly testing to clients who are

allowed six days of take-home doses, as well as random testing for alcohol when indicated;

3.c. - D.5. ...

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

HISTORY NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding these substantive amendments to the proposed Rule. A public hearing on these substantive changes to the proposed Rule is scheduled for Thursday, July 30, 2015 at 9:30 a.m. in Room 173, 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