

SENATE BILL NO. 564 (Substitute of Senate Bill No. 519 by Senator Luneau)

BY SENATORS LUNEAU AND JOHNS

1 AN ACT

2 To enact R.S. 40:2162, relative to behavioral health services providers; to provide relative
3 to psychosocial rehabilitation and community psychiatric supportive treatment and
4 reimbursement for certain behavioral health services; to provide conditions that shall
5 be met by provider agencies; to provide for audits and facility need review; to require
6 recoupment of Medicaid funds under certain circumstances; to provide for the
7 promulgation of rules and regulations; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:2162 is hereby enacted to read as follows:

10 **§2162. Specialized behavioral health rehabilitation services in the Louisiana**
11 **medical assistance program**

12 **A. For purposes of this Section, the following definitions shall apply:**

13 **(1) "Behavioral health services provider" means a health care provider**
14 **as defined in R.S. 40:2153(2).**

15 **(2) "CMS" means the Centers for Medicare and Medicaid Services.**

16 **(3) "Community psychiatric support and treatment services",**
17 **hereinafter referred to as "CPST" services, means CMS-approved Medicaid**
18 **mental health rehabilitation services defined as services associated with**
19 **assisting individuals with skill building to restore stability, support functional**
20 **gains, and adapt to community living, designed to focus on reducing the**
21 **disability from mental illness, restoring functional skills of daily living, and**
22 **building natural supports and solution-oriented interventions, or such other**
23 **successor services or requirements subsequently approved by CMS or the**
24 **department for CPST services for the Louisiana medical assistance program.**

1 (4) "Department" means the Louisiana Department of Health.

2 (5) "Louisiana medical assistance program" means the Louisiana
3 Medicaid program.

4 (6) "Preliminary accreditation" means accreditation granted by an
5 accrediting body to an unaccredited program seeking full accreditation status.

6 (7) "Psychosocial rehabilitation services", hereinafter referred to as
7 "PSR" services, means CMS-approved Medicaid mental health rehabilitation
8 services defined as psycho-educational services provided to individuals with
9 mental illness in order to assist with skill building, restoration, and
10 rehabilitation, designed to assist the individual with compensating for or
11 eliminating functional deficits and interpersonal or environmental barriers
12 associated with mental illness, or such other successor services or requirements
13 subsequently approved by CMS or the department for PSR services for the
14 Louisiana medical assistance program.

15 B. Medicaid reimbursement to behavioral health services providers that
16 provide PSR and CPST services in the Medicaid specialized behavioral health
17 rehabilitation services program shall comply with the requirements of this
18 Section, subject to any required CMS approval.

19 C. In order to be eligible to receive Medicaid reimbursement, all
20 behavioral health services providers providing PSR or CPST services to
21 Medicaid recipients shall meet all of the following requirements:

22 (1) Be licensed as a behavioral health services provider agency.

23 (2) Be accredited by a department-approved accrediting organization
24 and meet the following conditions:

25 (a) The behavioral health services provider shall show proof of full
26 accreditation or obtain preliminary accreditation prior to being contracted with
27 a Medicaid managed care organization.

28 (b) The behavioral health services provider shall maintain proof of full
29 accreditation or proof of preliminary accreditation.

30 (c) If not fully accredited on or before July 1, 2018, the behavioral health

1 services provider shall attain full accreditation within eighteen months of its
2 initial accreditation application date and shall provide proof of full
3 accreditation to each managed care organization with which it is contracted.

4 (d) The behavioral health services provider shall maintain continuous
5 full or preliminary accreditation.

6 (e) The cost of attaining and maintaining accreditation is the
7 responsibility of the behavioral health services provider.

8 (f) The behavioral health services provider shall report any loss of
9 accreditation, suspension of accreditation, reduction to a preliminary
10 accreditation status, or any other action that could result in the loss of
11 accreditation, to each managed care organization with which it is contracted,
12 within twenty-four hours of receipt of notification from the accreditation body.

13 (3) Effective January 1, 2019, have a National Provider Identification
14 number, hereinafter referred to as "NPI". The behavioral health services
15 provider agency shall include its NPI number and the NPI number of the
16 individual rendering the PSR or CPST services on its behalf on all claims for
17 Medicaid reimbursement submitted for PSR or CPST services, for dates of
18 service on or after January 1, 2019.

19 (4) Implement a member choice form to be signed by each recipient, or
20 the legal guardian or representative of the recipient, receiving PSR or CPST in
21 order to prevent or reduce duplication of services.

22 (5) Be credentialed and in the provider network of the managed care
23 organization that the provider intends to submit claims for Medicaid services,
24 unless the managed care organization has a single case agreement with a
25 licensed and accredited provider agency not in its network.

26 (6) Meet any other requirements promulgated through rulemaking by
27 the department to ensure the quality and effectiveness of services.

28 D. In order to be eligible to receive Medicaid reimbursement, all
29 behavioral health services providers shall ensure that any individual rendering
30 PSR or CPST services for the licensed and accredited provider agency meets all

1 of the following requirements:

2 (1) Effective for services rendered on or after January 1, 2019, the
3 individual rendering the PSR or CPST services for the licensed and accredited
4 provider agency shall have an individual NPI number and that NPI number
5 shall be included on any claim by that provider agency for reimbursement
6 related to such services.

7 (2)(a) On and after July 1, 2018, any individual rendering PSR services
8 for a licensed and accredited provider agency shall hold a minimum of a
9 bachelor's degree from an accredited university or college in the field of
10 counseling, social work, psychology, or sociology. Any individual rendering PSR
11 services who does not possess the minimum bachelor's degree required in this
12 Paragraph, but who met all provider qualifications in effect prior to July 1,
13 2018, may continue to provide PSR services for the same provider agency. Prior
14 to the individual rendering PSR services at a different provider agency, he must
15 comply with the provisions of this Section.

16 (b) On and after July 1, 2018, any individual rendering any CPST
17 services for a licensed and accredited provider agency shall hold a minimum of
18 a bachelor's degree from an accredited university or college in the field of
19 counseling, social work, psychology, or sociology.

20 (3)(a) The individual rendering PSR or CPST services for the licensed
21 and accredited provider agency shall meet all other requirements set forth in
22 Medicaid rules, regulations, provider manuals, and policies.

23 (b) Within thirty days of the effective date of this Section, the
24 department shall commence any actions that are required to amend any existing
25 department rule or regulation that is in conflict with the requirements of this
26 Section, including but not limited to any required approval by CMS.

27 E. The department shall maintain a facility need review program for
28 behavioral health services providers that provide PSR or CPST services. No
29 facility need review approval for a license to provide PSR or CPST services

1 shall be granted to any applicant unless the department determines that the
2 evidence and data submitted by the applicant establishes the probability of
3 serious, adverse consequences to recipients' ability to access services if the
4 provider is not allowed to seek licensure.

5 F.(1) In order to be eligible to receive Medicaid reimbursement, each
6 behavioral health services provider that provides PSR or CPST services shall
7 employ at least one full-time physician, or full-time licensed mental health
8 professional as defined in R.S. 40:2153(7)(a), (b), (c), (d), (e), or (g), to serve as
9 a full-time mental health supervisor to assist in the design and evaluation of
10 treatment plans for PSR and CPST services. For the purposes of this Section the
11 term "full-time" shall mean employment by the behavioral health services
12 provider for at least thirty-five hours per week.

13 (2) Each unlicensed individual rendering PSR or CPST services for the
14 licensed and accredited behavioral health services provider agency shall be
15 required to receive at least one hour per calendar month of personal supervision
16 and training by the provider agency's mental health supervisor.

17 G. The department shall implement a centralized credentialing
18 verification organization, hereinafter referred to as "CVO", for the Medicaid
19 specialized behavioral health rehabilitation services program. The CVO shall
20 be certified as a CVO by the National Committee for Quality Assurance,
21 hereinafter referred to as "NCQA". The CVO shall perform agency provider
22 credentialing that meets the following criteria:

23 (1) NCQA standards.

24 (2) Verification of agency license.

25 (3) Verification of agency accreditation.

26 (4) Any additional requirements imposed by the department for
27 becoming a Medicaid provider reimbursed under the Medicaid specialized
28 behavioral health rehabilitation services program.

29 H.(1) Effective July 1, 2018, the Medicaid managed care organizations
30 shall take appropriate actions to recoup Medicaid payments or funds from any

1 behavioral health services provider that renders Medicaid services in violation
2 of the provision of this Section.

3 (2) The department may refer noncompliant behavioral health services
4 providers to the Louisiana Medicaid Fraud Control Unit within the Louisiana
5 attorney general's office for further fraud investigation.

6 I. The department may promulgate any rules pursuant to the
7 Administrative Procedure Act and may publish any Medicaid manuals or
8 Medicaid policy to implement and enforce the provisions of this Section.

9 J. The legislative auditor may conduct performance audits of the
10 department to ensure compliance with the provisions of this Section.

11 K. The department shall not take any final action that will result in the
12 elimination of PSR or CPST services unless such action is affirmatively
13 approved by the House Committee on Health and Welfare and the Senate
14 Committee on Health and Welfare.

15 Section 2. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____