

2018 Regular Session

SENATE BILL NO. 519

BY SENATOR LUNEAU

HEALTH CARE. Provides relative to behavioral health services providers. (gov sig)

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AN ACT

To enact R.S. 40:2153 (15), (16), (17), and (18) and R.S. 40:2155.1, relative to behavioral health services providers; to provide relative to psychosocial rehabilitation and community psychiatric supportive treatment and reimbursement for behavioral health services; to provide conditions that shall be met by provider agencies; to provide for audits and facility need review; to provide for a certification review process; to require recoupment of Medicaid funds under certain circumstances; to provide for the promulgation of rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2153 (15), (16), (17), and (18) and R.S. 40:2155.1 are hereby enacted to read as follows:

§2153. Definitions

For the purposes of this Part, and subject to the provisions of R.S. 40:2154, unless the context otherwise clearly indicates, the following terms shall have the following meanings:

\* \* \*

1           **(15) "Certified mental health professional" means an individual who**  
2 **meets both of the following qualifications:**

3           **(a) Holds a bachelor's degree from an accredited university or college in**  
4 **the field of counseling, social work, or psychology.**

5           **(b) Has obtained any required license or certification to render and**  
6 **provide mental health rehabilitation services in this state.**

7           **(16) "Community psychiatric supportive treatment", hereinafter**  
8 **referred to as "CPST", means goal-directed supports and solution-focused**  
9 **interventions intended to achieve identified goals or objectives as set forth in the**  
10 **individual's individualized treatment plan. CPST is a face-to-face intervention**  
11 **with the individual present. A minimum of fifty-one percent of CPST contacts**  
12 **must occur in community locations where the person lives, works, attends**  
13 **school, or socializes.**

14           **(17) "Mental health rehabilitation" means outpatient behavioral health**  
15 **services which are medically necessary to reduce the disability resulting from**  
16 **mental illness and assist in the recovery and resiliency of the recipient. These**  
17 **services are home- and community-based and are provided on an as-needed**  
18 **basis to assist recipients in coping with the symptoms of their illness.**

19           **(18) "Psychosocial rehabilitation", hereinafter referred to as "PSR",**  
20 **means services designed to assist the individual with compensating for or**  
21 **eliminating functional deficits and interpersonal or environmental barriers**  
22 **associated with mental illness. PSR activities shall be intended to achieve the**  
23 **identified goals or objectives as set forth in the individual's individualized**  
24 **treatment plan. The intent of PSR is to restore the fullest possible integration**  
25 **of the individual as an active and productive member of his family, community,**  
26 **and culture with the least amount of ongoing professional intervention. PSR is**  
27 **a face-to-face intervention with the individual present. Services may be**  
28 **provided individually or in a group setting. A minimum of fifty-one percent of**  
29 **PSR contacts must occur in community locations where the person lives, works,**

1 attends school, or socializes.

2 \* \* \*

3 §2155.1. Psychosocial rehabilitation; community psychiatric supportive  
4 treatment

5 A. Only the following individuals may provide and be reimbursed by the  
6 department for certain behavioral health services:

7 (1) Psychosocial rehabilitation services, hereinafter referred to as  
8 "PSR", shall be provided by one of the following:

9 (a) A certified mental health professional.

10 (b) An individual who does not satisfy the definition of a certified mental  
11 health professional, but who met all of the provider qualifications and has been  
12 providing PSR services on a full time basis for a period of at least one year  
13 before August 1, 2017.

14 (2) Community psychiatric supportive treatment, hereinafter referred  
15 to as "CPST", shall be provided by a certified mental health professional who  
16 has attained a master's or doctorate degree in counseling, social work, or  
17 psychology from an accredited university or college. The reimbursement rate  
18 for any CPST services provided by a certified mental health professional  
19 without a master's or doctorate degree in counseling, social work, or psychology  
20 from an accredited university or college shall be the same as that provided for  
21 similar PSR services.

22 B. The following conditions must be met by all provider agencies,  
23 certified mental health professionals, or individuals referred to in Subsection  
24 (A)(1)(b) of this Section in order to receive Medicaid reimbursement for PSR  
25 or CPST services:

26 (1) Have a National Provider Identification number, hereinafter referred  
27 to as "NPI", by January 1, 2019. The NPI shall be included on all claims for  
28 reimbursement submitted for PSR or CPST services. Any claims for  
29 reimbursement for PSR or CPST services provided after December 31, 2018,

1 which do not include an NPI for both the provider agency and the authorized  
2 individual rendering services shall be denied.

3 (2)(a) Be fully accredited by a nationally recognized accrediting  
4 organization, as designated by the department.

5 (b) Provisional accreditation shall not prevent reimbursement if it is  
6 issued by the accrediting organization until full accreditation is obtained.

7 (c) Providers shall be re-accredited every three years after being fully  
8 accredited.

9 (d) The cost of accreditation or re-accreditation shall be the  
10 responsibility of the mental health rehabilitation services provider seeking  
11 Medicaid reimbursement.

12 (e) The department shall audit, at least annually, the accreditation status  
13 of mental health rehabilitation services providers seeking Medicaid  
14 reimbursement to ensure that accreditation status is current and in compliance  
15 with the provisions of this Section.

16 (3) Be licensed by the department pursuant to the provisions of this Part  
17 and, in the case of an authorized individual, by any licensing and regulatory  
18 board regulating that individual. After licensing a provider pursuant to the  
19 provisions of this Part, the department shall take appropriate action to ensure  
20 that the licensed provider is in full compliance with any and all applicable laws,  
21 rules, and regulations, including but not limited to the requirement prohibiting  
22 the operation of any offsite facilities that are not located in the same parish or  
23 in an adjacent parish of the provider's primary facility.

24 (4) Be credentialed by and in the network of the Medicaid managed care  
25 organization in which the provider intends to submit claims for service.

26 C. The department shall implement a facility need review, hereinafter  
27 referred to as "FNR", for behavioral health services providers that are licensed  
28 to provide PSR or CPST. Facility need review shall not be granted unless the  
29 department determines there is a need for new PSR or CPST providers in a

1 certain geographical area. The department shall exempt from the FNR  
2 regulations any provider that has received a license from the department to  
3 provide PSR or CPST services on or before April 1, 2018.

4 D.(1) On or before January 1, 2019, each mental health rehabilitation  
5 services provider that provides PSR or CPST services shall employ at least one  
6 full-time mental health supervisor to assist in the design and evaluation of  
7 treatment plans for PSR and CPST services.

8 (2) In order to comply with the provisions of this Subsection, the mental  
9 health supervisor shall be an individual as defined in R.S. 40:2153(7)(b), (c), (d),  
10 or (e) and shall be employed by the behavioral health services provider as a  
11 full-time employee for at least forty hours per week.

12 (3) Each certified mental health professional shall be required to receive  
13 at least one hour per month of personal supervision and training by a mental  
14 health supervisor. If a certified mental health professional has not provided  
15 home- and community-based services for at least three consecutive months, he  
16 shall be required to receive at least one hour of training at least twice per  
17 calendar month until such time as he has provided home- and community-based  
18 services for three consecutive months.

19 E.(1)The department shall develop and implement an internal certified  
20 mental health professional certification review process to review at least  
21 annually the qualifications of individuals providing mental health rehabilitation  
22 services and ensuring that all rules, regulations, and written guidance regarding  
23 mental health rehabilitation services are clear and consistent with this Part.

24 (2) The review process provided for in this Subsection shall include the  
25 process for investigation of complaints, a procedure to conduct disciplinary or  
26 investigative hearings in accordance with the Administrative Procedure Act,  
27 imposition of sanctions, and recoupment of funds.

28 F.(1) The department shall recoup funds from any provider who received  
29 Medicaid funds for the performance of PSR or CPST services in violation of the



allowed by law, shall have a national provider identification number, be fully accredited by a nationally recognized accrediting organization, be licensed by the department, and be credentialed by the Medicaid managed care organization in which the provider intends to submit claims for services.

Proposed law establishes a facility need review process to assess the need in a geographical area for new providers of CPST or PSR before a license is granted.

Proposed law requires mental health rehabilitation providers to employ a full-time mental health supervisor on or before January 1, 2019. Proposed law requires the mental health supervisor to assist in the design and evaluation of CPST and PSR services. Proposed law requires certified mental health professionals to receive at least one hour per month or personal supervision and training by the mental health supervisor.

Proposed law requires the department to develop an annual review of certified mental health professionals, including ensuring certification has been attained and a process for investigations and hearings.

Proposed law provides for recoupment of Medicaid funds paid to a provider who is not in compliance with proposed law. Proposed law provides for referral to the Medicaid Fraud Control Unit of the attorney general's office for further action.

Proposed law provides for rulemaking.

Proposed law provides for an audit of the department by the Louisiana legislative auditor.

Proposed law shall be referred to as the "Behavioral Health Services Provider Licensing Reform Law".

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 40:2153 (15), (16), (17), and (18) and R.S. 40:2155.1)