

2018 Regular Session

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

BY SENATOR LUNEAU

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

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AN ACT

To enact R.S. 40:2162, 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. 40:2162 is hereby enacted to read as follows:

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

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

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

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

**(3) "Community psychiatric support and treatment services",**

1 hereinafter referred to as "CPST" services, means CMS-approved Medicaid  
2 mental or behavioral health rehabilitation services defined as services  
3 associated with assisting individuals with skill building to restore stability,  
4 support functional gains, and adapt to community living, designed to focus on  
5 reducing the disability from mental illness, restoring functional skills of daily  
6 living, and building natural supports and solution-oriented interventions, or  
7 such other successor services or requirements subsequently approved by CMS  
8 or the department for CPST services for the Louisiana medical assistance  
9 program.

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

11 (5) "Louisiana medical assistance program" means the Louisiana  
12 Medicaid program.

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

22 B. Medicaid reimbursement to behavioral health service providers that  
23 provide PSR and CPST services in the Medicaid specialized behavioral health  
24 rehabilitation services program shall comply with the requirements of this  
25 Section.

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

29 (1) Be licensed as a behavioral health service provider agency.

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

3                   **(a) The behavioral health service provider shall show proof of full**  
4                   **accreditation or obtain preliminary accreditation prior to being contracted with**  
5                   **a Medicaid managed care organization.**

6                   **(b) The behavioral health service provider shall maintain proof of full**  
7                   **accreditation or proof of preliminary accreditation.**

8                   **(c) If not fully accredited on or before July 1, 2018, the behavioral health**  
9                   **service provider shall attain full accreditation within twelve months of its initial**  
10                   **accreditation application date and shall provide proof of full accreditation to**  
11                   **each managed care organization with which it is contracted.**

12                   **(d) The behavioral health service provider shall maintain continuous full**  
13                   **or preliminary accreditation.**

14                   **(e) The cost of attaining and maintaining accreditation is the**  
15                   **responsibility of the behavioral health service provider.**

16                   **(f) The behavioral health service provider shall report any loss of**  
17                   **accreditation, suspension of accreditation, reduction to a preliminary**  
18                   **accreditation status, or any other action that could result in the loss of**  
19                   **accreditation, to each managed care organization with which it is contracted,**  
20                   **within twenty-four hours of receipt of notification from the accreditation body.**

21                   **(3) Effective January 1, 2019, have a National Provider Identification**  
22                   **number, hereinafter referred to as "NPI". The behavioral health service**  
23                   **provider agency shall include its NPI number and the NPI number of the**  
24                   **individual rendering the PSR or CPST services on its behalf on all claims for**  
25                   **Medicaid reimbursement submitted for PSR or CPST services, for dates of**  
26                   **service on or after January 1, 2019.**

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

1           (5) Be credentialed and in the provider network of the managed care  
2           organization that the provider intends to submit claims for Medicaid services,  
3           unless the managed care organization has a single case agreement with a  
4           provider agency not in its network.

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

7           D. In order to be eligible to receive Medicaid reimbursement, all  
8           behavioral health service providers shall ensure that any individual rendering  
9           PSR or CPST services for the licensed and accredited provider agency meets all  
10          of the following requirements:

11          (1) Effective for services rendered on or after January 1, 2019, the  
12          individual rendering the PSR or CPST services for the licensed and accredited  
13          provider agency shall have an individual NPI number and that NPI number  
14          shall be included on any claim by that provider agency for reimbursement  
15          related to such services.

16          (2)(a) On and after July 1, 2018, any individual rendering PSR services  
17          for a licensed and accredited provider agency shall hold a minimum of a  
18          bachelor's degree from an accredited university or college in the field of  
19          counseling, social work, psychology, or sociology. Any individual rendering PSR  
20          services who does not possess the minimum bachelor's degree required in this  
21          Paragraph, but who met all provider qualifications in effect prior to July 1,  
22          2018, and was providing PSR services on a full-time basis for that licensed and  
23          accredited provider agency on or before June 30, 2016, may continue to provide  
24          PSR services for the same licensed and accredited provider agency. Prior to the  
25          individual rendering PSR services at a different provider agency, he must  
26          comply with the provisions of this Section.

27          (b) On and after July 1, 2018, any individual rendering any CPST  
28          services for a licensed and accredited provider agency shall hold a minimum of  
29          a master's degree from an accredited university or college in the field of

1 counseling, social work, psychology, or sociology.

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

5 (b) Within thirty days of the effective date of this Section, the  
6 department shall commence any actions that are required to amend any existing  
7 department rule or regulation that is in conflict with the requirements of this  
8 Section.

9 E. The department shall maintain a facility need review program for  
10 behavioral health service providers that provide PSR or CPST services. No  
11 license to provide PSR or CPST services shall be granted to any applicant unless  
12 the department determines that the evidence and data submitted by the  
13 applicant establishes the probability of serious, adverse consequences to  
14 recipients' ability to access services if seeking a license is not permissible.

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

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

27 G. The department shall implement a centralized credentialing  
28 verification organization, hereinafter referred to as "CVO", for the Medicaid  
29 specialized behavioral health rehabilitation services program. The CVO shall

1 be certified as a CVO by the National Committee for Quality Assurance  
2 hereinafter referred to as "NCQA". The CVO shall perform agency provider  
3 credentialing that meets the following criteria:

4 (1) NCQA standards.

5 (2) Verification of agency license.

6 (3) Verification of agency accreditation.

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

10 H.(1) Effective July 1, 2018, the Medicaid managed care organizations  
11 shall take appropriate actions to recoup Medicaid payments or funds from any  
12 behavioral health service provider that renders Medicaid services in violation  
13 of the provision of this Section.

14 (2) The department may refer noncompliant behavioral health service  
15 providers to the Louisiana Medicaid Fraud Control Unit within the Louisiana  
16 attorney general's office for further fraud investigation.

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

20 J. The Louisiana Legislative Auditor may conduct performance audits  
21 of the department to ensure compliance with the provisions of this Section.

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

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo peck.

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DIGEST

SB 564 Engrossed                      2018 Regular Session                      Luneau

Present law provides for licensing of behavioral health services providers by the Louisiana Department of Health in order to receive Medicaid reimbursement. Proposed law provides for specialized behavioral health rehabilitation service providers that provide community psychiatric supportive treatment (CPST) or psychosocial rehabilitation (PSR).

Present law provides licensure requirements for provider agencies. Proposed law provides for additional requirements for provider agencies who provide CPST and PSR services in order to be reimbursed by Medicaid for providing the services.

Proposed law requires licensure, accreditation, holding a National Provider Identification (NPI) number, implementation of a member choice form, and credentialing as prerequisites of a provider agency in order to be reimbursed by Medicaid. Proposed law provides the department with the authority to add further requirements on provider agencies who provide CPST and PSR services through rulemaking.

Proposed law requires individuals rendering CPST and PSR to meet certain minimum qualifications in order to be reimbursed by Medicaid. Proposed law requires individuals to obtain a NPI number and hold a bachelor's degree to provide PSR services or hold a master's degree to provide CPST. Proposed law provides the department with the authority to add further requirements on individuals who provide CPST and PSR services through rulemaking.

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 may be pursued.

Proposed law requires mental health rehabilitation providers to employ a full-time mental health supervisor. 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 of personal supervision and training by the mental health supervisor.

Proposed law requires the department to implement a centralized credentialing verification organization (CVO) certified by the National Committee for Quality Assurance (NCQA).

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 and audits of the department by the Louisiana legislative auditor relative to proposed law requirements.

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

(Adds R.S. 40:2162)