

2021 Regular Session

HOUSE BILL NO. 598

BY REPRESENTATIVES GREEN, GREGORY MILLER, AND HILFERTY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MENTAL HEALTH: Requires the La. Department of Health to apply for a Medicaid demonstration waiver to support and improve the delivery of inpatient mental health services

1 AN ACT

2 To enact Part XIV of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 46:460.101 through 460.103, relative to the medical assistance
4 program of this state known commonly as Medicaid; to provide for duties and
5 responsibilities of the Louisiana Department of Health; to provide definitions and
6 legislative findings relative to Medicaid; to provide for support of inpatient mental
7 health services; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part XIV of Chapter 3 of Title 46 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 46:460.101 through 460.103, is hereby enacted to read as follows:

11 PART XIV. MEDICAID DEMONSTRATION WAIVER FOR MENTAL HEALTH

12 SERVICES

13 §460.101. Legislative findings; purpose

14 A. The United States Department of Health and Human Services, through
15 the Centers for Medicare and Medicaid Services, has authorized state Medicaid
16 programs to maintain and enhance access to mental health services and continue a
17 delivery system of improvements for Medicaid members with serious mental illness.

1 B. The "institutions for mental disease" (IMD) have been excluded from
2 using federal Medicaid funds for care provided to patients in residential mental
3 health and substance use treatment facilities with more than sixteen beds.

4 C. The purpose of this Part is to secure additional funding for much-needed
5 enhancements to the mental health treatment system and provide effective mental
6 health care to individuals with serious mental illness.

7 §460.102. Definitions

8 For purposes of this Part, the following terms have the meaning ascribed in
9 this Section:

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

11 (2) "Medicaid" means the medical assistance program provided for in Title
12 XIX of the Social Security Act.

13 (3) "Secretary" means the secretary of the Louisiana Department of Health.

14 (4) "Section 1115 demonstration waiver application" means an application
15 to the secretary of the United States Department of Health and Human Services for
16 certain provisions of Title XIX of the Social Security Act to be waived, as authorized
17 in Section 1115 of the act, in order to provide to a state Medicaid program the
18 necessary flexibility to implement a experimental, pilot, or demonstration project
19 that projects the objectives of Medicaid.

20 §460.103. Medicaid waiver; inpatient mental health services

21 A. The secretary shall submit to the Centers for Medicare and Medicaid
22 Services a Section 1115 demonstration waiver application to authorize a program
23 that provides Medicaid reimbursement for inpatient treatment of serious mental
24 illness in hospitals and psychiatric facilities.

25 B. Upon approval by the Centers for Medicare and Medicaid Services, the
26 department shall promulgate rules in accordance with the provisions of this Part.

27 Section 2. The secretary of the Louisiana Department of Health shall take such
28 actions as are necessary to cause the section 1115 demonstration waiver application for
29 inpatient mental health services required by R.S. 46:460.101 et seq., as enacted by Section

1 1 of this Act, to be submitted to the Centers for Medicare and Medicaid Services on or
2 before July 1, 2021.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 598 Original

2021 Regular Session

Green

Abstract: Requires the La. Dept. of Health to request a waiver to offer a program to provide reimbursement for certain inpatient mental health services.

Proposed law declares that its purpose is to secure additional funding for much-needed enhancements to the mental health treatment system and provide effective mental health care to individuals with serious mental illness.

Proposed law defines terms to be used throughout proposed law.

Proposed law requires the secretary of the La. Dept. of Health to submit a Section 1115 demonstration waiver to the Centers for Medicare and Medicaid Services (CMS) to authorize a program to provide Medicaid reimbursement for inpatient treatment of serious mental illness in hospitals and psychiatric facilities.

Proposed law requires the secretary of the La. Dept. of Health to file the requisite application for instituting the program with the federal Medicaid agency on or before July 1, 2021.

(Adds R.S. 46:460.101-460.103)