

DECLARATION OF EMERGENCY

**Department of Health
Bureau of Health Services Financing**

**Applied Behavior Analysis-Based Therapy Services
Reimbursement Rate Realignment
(LAC 50:XV.703)**

The Department of Health, Bureau of Health Services Financing amends LAC 50:XV.703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions to establish coverage and reimbursement for applied behavior analysis (ABA)-based therapy services under the Medicaid State Plan in order to ensure continued, long-lasting access to ABA-based therapy services for Chisholm class members and other children under the age of 21 (*Louisiana Register*, Volume 41, Number 5).

The department has now determined that it is necessary to amend the reimbursement methodology governing ABA-based therapy services in order to realign the reimbursement rates to be consistent with the commercial rates for these services which

will be in effect statewide in January 2017. This action is being taken to avoid a budget deficit in the Medicaid Program. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$3,609,821 for state fiscal year 2016-2017.

Effective January 1, 2017, the Department of Health, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for applied behavior analysis-based therapy services covered under the Medicaid State Plan.

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 1. Applied Behavior Analysis-Based Therapy Services

Chapter 7. Reimbursements

§703. Reimbursement Methodology

A. Reimbursement for ABA-based therapy services shall be based upon a percentage of the commercial rates for ABA-based therapy services in the state of Louisiana.

B. Effective for dates of service on or after January 1, 2017, ABA rates and codes in effect on December 31, 2016 will be realigned to be consistent with the commercial rates in the state related to these codes which go into effect statewide on January 1, 2017.

1. Prior authorizations already in effect on the promulgation date of these provisions will be honored. Those

services shall be paid at the rate in effect on December 31, 2016.

2. New prior authorizations with a begin date after the promulgation date of these provisions must use the codes in effect prior to January 1, 2017 for those services provided and to be delivered prior to January 1, 2017, and for any services provided after January 1, 2017, the codes in effect on January 1, 2017 must be used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:928 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. A copy of this

Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH

Secretary