



State of Louisiana
Louisiana Department of Health
Office of the Secretary

To: The Honorable John Bel Edwards, Governor, State of Louisiana (Via Email)
The Honorable Jeff Landry, Attorney General, Louisiana Department of Justice (Via Email)
The Honorable Patrick Page Cortez, President, Louisiana Senate
(apa.senatepresident@legis.la.gov)
The Honorable Clay Schexnayder, Speaker, Louisiana House of Representatives
(apa.housespeaker@legis.la.gov)
Catherine Brindley, Editor, *Louisiana Register* (reg.submission@la.gov)
Senate Health and Welfare Committee (apa.s-h&w@legis.la.gov)
House Health and Welfare Committee (apa.h-hw@legis.la.gov)

From: Stephen R. Russo, JD, Interim Secretary, Louisiana Department of Health

Date: March 23, 2020

Re: Justification of Promulgation of Emergency Rule
LAC 50:1.2111, Dental Benefits Prepaid Ambulatory Health Plan Network Provider
Reimbursement

Cindy Rives

MEMORANDUM

In accordance with the Administrative Procedure Act (La. R.S. 40: 950 *et seq.*) as amended, the Louisiana Department of Health, Office of Public Health, is submitting the following emergency rule that amends LAC 50:1.2111, Dental Benefits Prepaid Ambulatory Health Plan Network Provider Reimbursement.

This action is being taken as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. The changes amend the provisions governing coverage of Dental Benefit Plan Manager (DBPM) to provide reimbursement to dental providers. It provides for increases in the reimbursement rates for dental exams for children under three (3) years of age and restorative dental services provided to Medicaid recipients. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued access to dental services.

Should you have any questions or require additional information regarding this matter, please do not hesitate to contact Brandon Bueche, at brandon.bueche@la.gov or (225) 384-0460.

Attachments: Emergency Rule – LAC 50:1.2111, Dental Benefits Prepaid Ambulatory Health Plan Network Provider Reimbursement

Cc: Michael Boutte, Medicaid Deputy Director, LDH
Brandon Bueche, Medicaid Program Manager, LDH
Veronica Dent, Medicaid Program Manager, LDH
Anita Dupuy, Legislative Liaison, LDH
Allen Enger, Rulemaking Coordinator, LDH
Catherine Brindley, *Louisiana Register* Editor, Office of the State Register

DECLARATION OF EMERGENCY

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

**Dental Benefits Prepaid Ambulatory Health Plan
Network Provider Reimbursement
(LAC 50:1.2111)**

The Department of Health, Bureau of Health Services Financing amends LAC 50:I.2111 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.

Act 10 of the 2019 Regular Session of the Louisiana Legislature directed the Department of Health, Bureau of Health Services Financing to increase reimbursement rates for dental exams for children under three years of age and restorative dental services provided to Medicaid recipients. In compliance with Act 10, the department amends the provisions governing the dental benefits prepaid ambulatory health plan in order to increase reimbursement for dental exams for children under three years of age and restorative dental services.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued access to

dental services. It is estimated that implementation of this Emergency Rule will increase programmatic costs in the Medicaid Program by \$7,780,273 for state fiscal year 2019-2020.

Effective March 23, 2020 the Department of Health, Bureau of Health Services Financing amends the provisions governing the dental benefits prepaid ambulatory health plan in order to increase reimbursement for dental exams for children under three years of age and restorative dental services.

Title 50

PUBLIC HEALTH - MEDICAL ASSISTANCE

Part 1. Administration

Subpart 3. Managed Care for Physical and Behavioral Health

Chapter 21. Dental Benefits Prepaid Ambulatory Health Plan

§2111. Payment Methodology

A. - G. ...

H. Network Provider Reimbursement

1. The DBPM shall provide reimbursement for defined core dental benefits and services provided by an in-network provider pursuant to the terms of its contract with. ~~The DBPM rate of reimbursement shall be no less than the published Medicaid fee for service rate in effect on July 1, 2013, unless the department has granted an exception for a provider-initiated alternative payment arrangement.~~

H.2. - I. ...

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 40:788 (April 2014), amended LR 46:

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 Erin Campbell, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Campbell is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Stephen R. Russo, JD

Interim Secretary

 3/23/20