

DECLARATION OF EMERGENCY

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

**Facility Need Review
Behavioral Health Services Providers
(LAC 48:I Chapter 125)**

The Department of Health, Bureau of Health Services Financing rescinds the October 16, 2017 Emergency Rule governing the Facility Need Review (FNR) Program as authorized by R.S. 36:254 and R.S. 40:2116. 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, Bureau of Health Services Financing amended the provisions governing the FNR Program in order to: 1) adopt provisions for FNR approval for behavioral health services (BHS) providers that apply for licensure to provide psychosocial rehabilitation and/or community psychiatric support and treatment services; and 2) provide grandfather provisions for BHS providers who are licensed as of October 16, 2017, or have submitted an application for licensure prior to October 16, 2017 (*Louisiana Register*, Volume 43, Number 10).

The department has now determined that it is necessary to rescind the provisions of the October 16, 2017 Emergency Rule

which amended the provisions governing facility need review approval for behavioral health services providers. Effective immediately, upon adoption of this Emergency Rule, the department shall return to the provisions in place governing the Facility Need Review Program in LAC 48: Chapter 125. This action is being promulgated in order to promote the health and welfare of Medicaid recipients in Louisiana by ensuring continued access to behavioral health services.

Effective November 2, 2017, the Department of Health, Bureau of Health Services Financing rescinds the October 16, 2017 Emergency Rule governing facility need review approval for behavioral health services providers which was published in the October 20, 2017 edition of the *Louisiana Register*.

Rebekah E. Gee MD, MPH

Secretary