

NOTICE OF INTENT

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

**Crisis Receiving Centers
Licensing Standards
(LAC 48:I.Chapter 53 and 5415)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapter 53 and adopt §5415 as authorized by R.S. 36:254 and R.S. 40:2180.11 et seq. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49.950 et seq.

The Department of Health and the U.S. Department of Justice signed an agreement on June 6, 2018, which required the department to develop and implement a crisis service system. In compliance with this agreement, the Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing crisis receiving centers (CRCs) to require CRCs to have separate wings and areas for voluntary and involuntary individuals and to create a licensure option for a voluntary-only CRC to only admit or receive individuals who are present on a voluntary basis.

Title 48

**PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing**

Chapter 53. Level III Crisis Receiving Centers

Subchapter A. General Provisions

§5303. Definitions

Community Mental Health Center—a Medicare certified program as defined in 42 CFR §410.2. An entity that:

1. provides outpatient services, including specialized outpatient services for children, the elderly, individuals who are chronically mentally ill, and clients of its mental health service area who have been discharged from inpatient treatment at a mental health facility;

2. provides 24-hour-a-day emergency care services;

3. provides day treatment or other partial hospitalization services, or psychosocial rehabilitation services;

4. provides screening for patients being considered for admission to state mental health facilities to determine the appropriateness of this admission;

5. meets applicable licensing or certification requirements for CMHCs in the state in which it is located; and

6. provides at least 40 percent of its services to individuals who are not eligible for benefits under title XVIII of the Social Security Act.

~~Department~~—the Louisiana Department of Health (LDH).

Level III Crisis Receiving Center (or Center or CRC)—an agency, business, institution, society, corporation, person or persons, or any other group, licensed by the ~~Department of Health~~LDH to provide crisis identification, intervention and stabilization services for people in behavioral crisis. CRCs receive, examine, triage, refer, or treat people in behavioral health crisis. A CRC shall have no more than:

1. 36 chairs for crisis stabilization/observation;
and

2. 24 beds for short term stay (three to seven days).

~~a. 36 chairs for crisis stabilization/observation; and~~

~~b. 24 beds for short term stay (three to seven days).~~
a. - b. Repealed.

NOTE: Refer to physical environment Section of this Chapter for physical space requirements.

Mental Health Emergency Room Extension (MHERE)—a mental health emergency room extension operating as a unit of a currently - licensed hospital.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:102 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:472 (April 2021), LR 48:

Subchapter B. Licensing

§5309. General Licensing Provisions

A. All entities providing crisis receiving services shall be licensed by ~~the Department of Health and Hospitals (DHH)~~LDH. It shall be unlawful to operate as a CRC without a license issued by the department. ~~DHH~~LDH is the only licensing authority for CRCs in Louisiana.

B. ...

C. The following entities are exempt from CRC licensure under this Chapter, so long as they are providing CRC services to existing clients:

1. community mental health centers (CMHCs);
2. - 3. ...
4. psychiatric ~~rehabilitative~~residential treatment facilities;
5. - 6. ...

7. home and community based services (HCBS) waiver agencies limited to center-based respite;
8. substance ~~abuse~~use/addictive disorder facilities;
9. mental health clinics as defined in §5603;
10. ...
11. MHEREs; and
12. ~~individuals certified by OBH to provide crisis intervention services; and~~federally qualified health care centers (FQHCs).
13. ~~federally owned facilities.~~Repealed.

D. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:103 (January 2015), amended LR 48:

Subchapter I. Physical Environment

§5397. Interior Space

A. The CRC shall:

1. - 5. ...

6. maintain heating, ventilation and cooling systems in good order and safe condition to ensure a comfortable environment; ~~and~~

7. ensure that electric receptacles in client care areas are tamper-resistant or equipped with ground fault circuit interrupters-; and

8. maintain separate wings or units for voluntary and involuntary individuals to include areas for admissions, sleeping, shower and toilet areas, and sally ports or other entry areas. Further, the CRC shall provide separate areas (which may be accomplished by providing areas to voluntary individuals at different times than to involuntary individuals) for dining, recreational, educational, vocational, health care, and passageways, for voluntary and involuntary individuals.

B. - P.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:121 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:475 (April 2021), LR 48:

Chapter 54. Crisis Receiving Centers

Subchapter B. Voluntary-Only Crisis Receiving Center

§5415 Voluntary-Only Crisis Receiving Center

A. Any entity, organization, or person applying to be licensed as a CRC has the option to be licensed as a voluntary-

only crisis receiving center (VO-CRC), wherein the licensed entity shall only admit or receive individuals who present voluntarily to the facility.

B. Individuals presenting to a VO-CRC shall have the ability to come and go to the facility for services as the individual deems appropriate; individuals shall not be required to sign a formal voluntary admission form under R.S. 28:52 or successor statute.

C. A VO-CRC shall adhere to all the licensing requirements for CRCs, including Chapter 53 and Chapter 54 of this licensing Rule, with the following substitutions:

1. for §5367.C, a VO-CRC shall only receive individuals who present voluntarily to the unit/facility;

2. for §5367.F.1.b, a VO-CRC does not need to establish legal authority for the individual;

3. for §5397.A.8, the VO-CRC does not need to maintain separate spaces for involuntary and voluntary admissions or individuals, since the VO-CRC will only serve voluntary admissions or individuals; and

4. for §5397.G, a VO-CRC shall not have a seclusion room.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:978.1 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of

the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on December 30, 2021.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on December 10, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, the department will conduct a public hearing at 8:00 a.m. on December 29, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. All interested persons

are invited to attend and present data, views, comments, or arguments, orally or in writing. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after December 10, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, Parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips

Secretary