

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing
Office of Behavioral Health**

**Therapeutic Group Homes
(LAC 50:XXXIII.12101 and 12501)**

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XXXIII.12101 and §12501 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 implement a coordinated behavioral health services system under the Medicaid Program to provide behavioral health services to children with emotional/behavioral disorders in therapeutic group homes (TGHs) (*Louisiana Register*, Volume 38, Number 2).

The department has now determined that it is necessary to amend the provisions governing TGHs to increase the number of beds allowed and revise the provider responsibilities. This action is being taken to promote the health and welfare of TGH residents by ensuring sufficient provider participation and continued access to

TGH services. It is estimated that the implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$775,269 for state fiscal year 2014-2015.

Effective September 20, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health amend the provisions governing therapeutic group homes.

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE Part XXXIII. Behavioral Health Services Subpart 13. Therapeutic Group Homes

Chapter 121. General Provisions

§12101. Introduction

A. - B. ...

C. A therapeutic group home provides a community-based residential service in a home-like setting of no greater than ~~eight~~10 beds under the supervision and program oversight of a psychiatrist or psychologist.

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 38:427 (February 2012), amended by the Department of Health and

Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 40:

Chapter 125. Provider Participation

§12501. Provider Responsibilities

A. - F. ...

G. ~~Annually, TGH facilities shall submit documentation demonstrating compliance with fidelity monitoring for at least two evidence-based practices (EBP) and/or one level of American Society of Addiction Medicine (ASAM) criteria. The Office of Behavioral Health (OBH) shall approve the auditing body providing the EBP/ASAM fidelity monitoring.~~ A TGH must ensure that youth are receiving appropriate therapeutic care to address assessed needs on the child's treatment plan.

1. Therapeutic care may include treatment by TGH staff, as well as community providers.

2. Treatment provided in the TGH or in the community should incorporate research-based approaches appropriate to the child's needs, whenever possible.

H. ...

I. A TGH must incorporate at least ~~two~~ one research-based approaches pertinent to the sub-populations of TGH clients to be served by the specific program. The specific research-based models

to be used should be incorporated into the program description.
The research-based models must be approved by OBH.

J. ...

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 38:428
(February 2012), amended by the Department of Health and
Hospitals, Bureau of Health Services Financing and the Office of
Behavioral Health, LR 40:

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 J. Ruth
Kennedy, Bureau of Health Services Financing, P.O. Box 91030,
Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov.
Ms. Kennedy 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.

Kathy H. Kliebert

Secretary