DECLARATION OF EMERGENCY

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

<u>**Therapeutic Group Homes**</u>
(LAC 50:XXXIII.12101 and 12501)

The Department of Health and Hospitals, Bureau of Health

Services Financing and the Office of Behavioral Health amend 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 promulgated an Emergency Rule which amended

the provisions governing TGHs to increase the number of beds

allowed and revise the provider responsibilities (*Louisiana

Register*, Volume 40, Number 9). This Emergency Rule is being

promulgated to continue the provisions of the September 20, 2014

Emergency Rule. 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.

Effective May 19, 2015, 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 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 41:

Chapter 125.   Provider Participation

§12501.   Provider Responsibilities

A. – F.   ...

G.   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 one research-based

approach pertinent to the sub-populations of TGH clients to be

served by the specific program. The specific research-based model

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 41:

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