



State of Louisiana
Department of Health and Hospitals
Office of the Secretary

October 21, 2015

Bill Brooks
Associate Regional Administrator
Division of Medicaid & Children's Health
DHHS/Centers for Medicare and Medicaid Services
1301 Young Street, Room #833
Dallas, Texas 75202

Dear Mr. Brooks:

**RE: Louisiana Title XIX State Plan
Transmittal No. 15-0024**

I have reviewed and approved the enclosed Louisiana Title XIX State Plan material.

I recommend this material for adoption and inclusion in the body of the State Plan.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathy H. Kliebert", with the word "Approved" written in blue ink next to it.

Kathy H. Kliebert
Secretary

Attachments (2)

KHK:WJR:JH

STATE OF LOUISIANA

AMOUNT, DURATION, AND SCOPE OF MEDICAL AND REMEDIAL CARE AND SERVICES PROVIDED
LIMITATIONS ON THE AMOUNT, DURATION, AND SCOPE OF CERTAIN ITEMS OF PROVIDED MEDICAL AND
REMEDIAL CARE AND SERVICES ARE DESCRIBED AS FOLLOWS:

Medical and Remedial Care and Services
Item 4.b, EPSDT services (Cont'd)

Medicaid Behavioral Health Services provided in schools are services that are medically necessary and provided in schools to Medicaid recipients in accordance with an Individualized Education Program (IEP). Covered services include the following:

School based health services include covered behavioral health services, treatment, and other measures to correct or ameliorate an identified mental health or substance abuse diagnosis. Services are provided by or through a local education agency (LEA) to children with or suspected of having disabilities, who attend public school in Louisiana. These services are not covered if they are performed for educational purposes (e.g. academic testing) or as the result of the assessment and evaluation it is determined the service is not reflected in the IEP. Services must be performed by qualified providers as set forth in this State Plan Amendment and who provide these services as part of their respective area of practice (e.g., psychologist providing a behavioral health evaluation). Certified school psychologists must be supervised consistent with RS 17:7.1.

Children who are in need of behavioral health services shall be served within the context of the family and not as an isolated unit.

1. Services shall be:
 - a. delivered in a culturally and linguistically competent manner; and
 - b. respectful of the individual receiving services.
2. Services shall be appropriate for children and youth of diverse racial, ethnic, religious, sexual, and gender identities and other cultural and linguistic groups.
3. Services shall also be appropriate for:
 - a. age;
 - b. development; and
 - c. education.

Evidence-based practices require prior approval and fidelity reviews on an ongoing basis as determined necessary by the department.

Service Limitations: Services provided in a school setting will only be reimbursed for recipients who are at least three years of age and under 21 years of age who have been determined eligible for Title XIX and the Individuals with Disabilities Education Act (IDEA), Part B services with a written service plan (an IEP) which contains medically necessary services recommended by a physician or other licensed practitioner, within the scope of his or her practice under state law. Medicaid covers §1905(a) medical services addressed in the IEP that are medically necessary that correct or ameliorate a child's health condition. Medicaid does not reimburse for social or educational needs or habilitative services.

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REMEDIAL CARE AND SERVICES ARE DESCRIBED AS FOLLOWS:

Medical and Remedial Care and Services
Item 4.b, EPSDT services (Cont'd)

Medicaid covered services shall be provided in accordance with the established service limitations. An LEA may employ these licensed and unlicensed behavioral health practitioners if requirements under the IDEA are met. Individual practitioner requirements for the Medicaid qualifications and Department of Education Bulletin 746, Louisiana Standards for State Certification of School Personnel must be met prior to an LEA billing for any services of a clinician under Medicaid.

Providers of behavioral health services shall ensure that all services are authorized and any services that exceed established limitations beyond the initial authorization are approved for re-authorization prior to service delivery.

Anyone providing behavioral health services must operate within their scope of practice license. The provider shall create and maintain documents to substantiate that all requirements are met.

Licensed Mental Health Practitioner (LMHP) 42 CFR 440.60 - Other Licensed Practitioners:

The following providers may provide behavioral health services in schools under IEPs under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) - Other Licensed Practitioners in Attachment 3.1-A, Item 4.b.

A licensed mental health practitioner (LMHP) is an individual who is licensed in the State of Louisiana to diagnose and treat mental illness or substance abuse acting within the scope of all applicable state laws and their professional license. A LMHP includes individuals licensed to practice independently:

- Medical Psychologists
- Licensed Psychologists
- Licensed Clinical Social Workers
- Licensed Professional Counselors
- Licensed Marriage and Family Therapists
- Licensed Addiction Counselors
- Advanced Practice Registered Nurses (must be a nurse practitioner specialist in Adult Psychiatric & Mental Health, and Family Psychiatric & Mental Health or a Certified Nurse Specialists in Psychosocial, Gerontological Psychiatric Mental Health, Adult Psychiatric and Mental Health, and Child-Adolescent Mental Health and may practice to the extent that services are within the APRN's scope of practice)

Rehabilitation Services 42 CFR 440.130(d):

Louisiana certified school psychologists and counselors in a school setting meeting the provider qualifications and providing services consistent with Community Psychiatric Support and Treatment (CPST) as outlined in rehabilitation services in EPSDT Rehabilitation in Attachment 3.1-A, Item 4.b, and Addiction Services in the rehabilitation section in Attachment 3.1-A, Item 13.d.

STATE OF LOUISIANA

PAYMENTS FOR MEDICAL AND REMEDIAL CARE AND SERVICES PROVIDED

LIMITATIONS ON THE AMOUNT, DURATION, AND SCOPE OF CERTAIN ITEMS OF PROVIDED MEDICAL AND REMEDIAL CARE AND SERVICES ARE DESCRIBED AS FOLLOWS:

Medical and Remedial Care and Services

Item 4.b, EPSDT services (Cont'd)

Behavioral Health Services Provided by Local Education Agencies

Medicaid services provided in schools are services that are medically necessary and provided in schools to Medicaid recipients in accordance with an Individualized Education Program, (IEP). Covered services include the following:

1. Other Licensed Practitioner Behavioral Health Services (described in Attachment 3.1-A, Item 4b)
2. Rehabilitation Behavioral Health Services (includes Addiction Services as described in Attachment 3.1-A, Item 13.d)

The interim payment to the local education agencies (LEAs) for services listed above are based on the behavioral health fee schedule methodology as outlined in the Louisiana Medicaid Fee Schedule.

Summary of Payment Methodology

Final payment to each LEA is the lesser of: 1) number of units billed multiplied by \$100 (to be adjusted by DHH periodically per the Agency's fee schedule rate set as of March 1, 2012 and effective for services provided on or after that date. All rates are published on the Agency's website at www.lamedicaid.com) or 2) the most recent school year's actual cost as determined by desk review and/or audit for each LEA provider.

Each LEA shall determine its own costs and certify to those costs annually by using DHH's Cost Report for Direct Service Cost template (the Direct Service Cost Report) form as approved by the Centers for Medicare and Medicaid Services (CMS) in November, 2005. Direct cost is limited to the amount of total compensation (salaries and fringe benefits) of current direct service providers as allocated to direct services for Medicaid special education recipients. The basis of allocation for direct compensation cost is DHH's Direct Services Time Study Methodology approved by CMS November 2005. This time study incorporates the CMS-approved Medicaid Administrative Claiming (MAC) methodology for direct service personnel and is used to determine the percentage of time direct service personnel spend on direct IDEA/IEP services and General and Administrative (G&A) time. There are no additional direct costs included in the rate. Indirect cost is derived by multiplying the cognizant agency indirect cost unrestricted rate assigned by the Department of Education to each LEA. There are no additional indirect costs included. The Direct Service Cost Report initially provides the total cost of all school-based services provided, regardless of payer. To determine the amount of direct services cost that may be attributed to Medicaid, the ratio of Medicaid covered students with IEPs to all students with IEPs is multiplied by total direct cost. Cost data is subject to certification by each parish. This serves as the basis for obtaining Federal Medicaid funding.

For each of the IDEA-related school based services other than specialized transportation services, the participating LEA's actual cost of providing the services will be claimed for Medicaid reimbursement. The State will gather actual expenditure information for each LEA through its payroll/benefits and accounts payable system. These costs are also reflected in the annual financial report (AFR) that all LEAs are required to certify and submit to the Department of Education. All costs included in the amount of cost to be certified and used subsequently to determine reconciliation and final settlement amounts as well as interim rates are identified on the CMS-approved Direct Services Cost Report and are allowed in the Office of Management and Budget (OMB) Circular A-87. The State also will use other LEA-specific information including the general fund budget and full-time equivalent (FTE) counts.

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STATE OF LOUISIANA

PAYMENTS FOR MEDICAL AND REMEDIAL CARE AND SERVICES PROVIDED

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES – OTHER TYPES OF CARE OR SERVICE LISTED IN SECTION 1902(A) OF THE ACT THAT IS INCLUDED IN THE PROGRAM UNDER THE PLAN ARE DESCRIBED AS FOLLOWS:

Step 1: Develop Direct Cost-The Payroll Cost Base

Total annual salaries and benefits paid as well as contracted (vendor) payments are obtained initially from each LEA's payroll/benefits and accounts payable system. This data will be reported on DHH's Direct Services Cost Report form for all direct service personnel (i.e., all personnel providing LEA direct treatment services covered under the State Plan).

Step 2: Adjust the Payroll Cost Base

The payroll cost base is reduced for amounts reimbursed by other funding sources (e.g. Federal grants). The payroll cost base does not include any amounts for staff whose compensation is 100 percent reimbursed by a funding source other than state/local funds. The application of Step 2 results in total adjusted salary cost.

Step 3: Determine the Percentage of Time to Provide All Direct Services

A time study which incorporates the CMS-approved Medicaid Administrative Claiming (MAC) methodology for direct service personnel is used to determine the percentage of time direct service personnel spend on direct IDEA/IEP services and general and administrative (G&A) time. This time study will assure that there is no duplicate claiming. The G&A percentage is reallocated in a manner consistent with the CMS-approved MAC methodology. Total G&A time is allocated to all other activity codes based on the percentage of time spent on each respective activity.

To reallocate G&A time to direct IDEA/IEP services, the percentage of time spent on direct IDEA/IEP services is divided by 100 percent, minus the percentage of time spent on G&A. This will result in a percentage that represents the IDEA/IEP services with appropriate allocation of G&A. This percentage is multiplied by total adjusted salary cost as determined in Step 2 to allocate cost to school-based services. The product represents total direct cost. A sufficient number of direct service personnel will be sampled to ensure results that will have a confidence level of at least 95 percent with a precision of plus or minus five percent overall.

Step 4: Determine Indirect Cost

Indirect cost is determined by multiplying each LEA's indirect unrestricted rate assigned by the cognizant agency (the Department of Education) by total adjusted direct cost as determined under Step 3. No additional indirect cost is recognized outside of the cognizant agency indirect rate. The sum of direct cost and indirect cost is total direct service costs for all students with an IEP.

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Step 5: Allocate Direct Service Cost to Medicaid

To determine the amount of cost that may be attributed to Medicaid, total cost as determined under Step 4 is multiplied by the ratio of Medicaid recipients with an IEP to all students with an IEP. This results in total cost that may be certified as Medicaid's portion of school-based services cost.

Step 6: Compare the amount of behavioral health services authorized and billed through the interim process to the cost of the services

Final payment to each LEA is the lesser of: 1) number of units billed multiplied by \$100 (to be adjusted by DHH periodically per the Agency's fee schedule rate set as of March 1, 2012, and effective for services provided on or after that date. All rates are published on the Agency's website at www.lamedicaid.com) or 2) the most recent school year's actual cost as determined by desk review and/or audit for each LEA provider.

Each LEA will complete the Direct Services and Transportation Cost Reports as applicable and submit the cost report(s) no later than five months after the June 30 fiscal year period ends and reconciliation will be completed within 12 months from the fiscal year end. If a provider's interim payments exceed the actual, certified costs for behavioral health Medicaid services provided in schools to Medicaid clients, the provider will remit the federal share of the overpayment at the time the cost report is submitted.

The Bureau of Health Services Financing (BHSF) will submit the federal share of the overpayment to CMS within 60 days of identification. If the actual, certified costs of a LEA provider exceed the interim payments, BHSF will pay the federal share of the difference of the lesser of 1) number of units billed multiplied by \$100 (to be adjusted by DHH periodically per the Agency's fee schedule rate set as of March 1, 2012, and effective for services provided on or after that date. All rates are published on the Agency's website at www.lamedicaid.com) or 2) the most recent school year's actual cost as determined by desk review and/or audit for each LEA provider, to the provider in accordance with the final actual certification agreement and submit claims to CMS for reimbursement of that payment in the federal fiscal quarter following payment to the provider.

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Step 5: Allocate Direct Service Cost to Medicaid.

To determine the amount of cost that may be attributed to Medicaid, total cost as determined under Step 4 is multiplied by the ratio of Medicaid recipients with an IEP to all students with an IEP. This results in total cost that may be certified as Medicaid's portion of school-based services cost.

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The newspapers of **Louisiana** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

County: Terrebonne
Printed In: The Courier
Printed On: 2015/05/04

LA SPA TN 15-0024

X000393325, Publication 05/04/2015
PUBLIC NOTICE

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

Louisiana Behavioral Health Partnership

The Department of Health and Hospitals provides a comprehensive system for behavioral health services to eligible children and adults through the Louisiana Behavioral Health Partnership under the authority of Sections 1915(b), 1915(c), and 1915(i) of Title XIX of the Social Security Act. Effective December 1, 2015 the implementation of behavioral health services will transition from a single statewide management organization to an integrated behavioral and physical health model which will be administered by the five Bayou Health managed care organizations.

One of our primary goals with Bayou Health is to create better coordination of care and the integration of behavioral health services with other acute care services as the best way for us to meet the health care needs of Louisiana residents. The specialized behavioral health services will be coordinated along with the physical health services managed by Bayou Health plans. The primary purpose of integration is to care for the individual as a whole person rather than compartmentalizing types of services by the provider type. Integrating responsibility for coordinating these services into one entity allows us to better manage an individual's care to promote improvements for both physical and behavioral health care. In addition, certain children with special health care needs that were voluntarily enrolled in managed care will now be mandatory enrollees under the new integrated model.

The department hereby gives public notice of its intent to submit to the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), amendments to the 1915(b) Behavioral Health Services Waiver, 1915(c) Coordinated System of Care Waiver, the 1932(a) State Plan authority (which will replace the single statewide management organization with the Bayou Health MCOs), the 1915(i) Behavioral Health section of the State Plan, the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program section of the State Plan, and the associated reimbursement pages of the Medicaid State Plan to: 1) exclude coverage of the medically needy spend down population; 2) revise the payment methodology for children's services to include a per member per month actuarially sound risk-adjusted rate; 3) add crisis stabilization and therapeutic foster care services to the Medicaid State plan; 4) update the quality improvement strategy performance measures in the 1915(c) Waiver and the 1915(i) State Plan; 5) change language in the outpatient reimbursement pages of the State Plan to allow Medicaid coverage of methadone treatment for persons diagnosed with substance use disorder; and 6) update language in the associated reimbursement pages of the State Plan to clarify when annual cost reports must be submitted to the Department by psychiatric residential treatment facility (PRTF) and therapeutic group home (TGH) providers.

Implementation of these provisions 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 public notice. The draft version of the 1915(c) and corresponding State Plan amendments will be available for online viewing at <http://new.dhh.louisiana.gov/index.cfm/subhome/43>. The deadline for receipt of all written comments is June 6, 2015 by 4:30 p.m.

Kathy H. Kliebert
Secretary

Public Notice ID:



State of Louisiana
Department of Health and Hospitals
Bureau of Health Services Financing

VIA ELECTRONIC MAIL ONLY

July 10, 2015

Karen Matthews, Health Director
Chitimacha Health Clinic
3231 Chitimacha Trail
Jeanerette, LA 70544

Angela Martin
Chitimacha Tribe of Louisiana
P. O. Box 640
Jeanerette, LA 70544

Anita Molo
Chitimacha Tribe of Louisiana
P. O. Box 640
Jeanerette, LA 70544

Marshall Pierite, Chairman
Misty Hutchby, Health Director
Tunica-Biloxi Tribe of Louisiana
P. O. Box 1589
Marksville, LA 71351-1589

Lovelin Poncho, Chairman
Paula Manuel, Health Director
Coushatta Tribe of Louisiana
P. O. Box 818
Elton, LA 70532

Chief Beverly Cheryl Smith
Holly Vanhoozen, Health Director
The Jena Band of Choctaw Indians
P. O. Box 14
Jena, LA 71342

Dear Louisiana Tribal Contact:

RE: Notification of Louisiana Medicaid State Plan Amendment

In compliance with the provisions of the American Recovery and Reinvestment Act (ARRA) of 2009, the Department of Health and Hospitals, Bureau of Health Services Financing is taking the opportunity to notify you of a State Plan amendment (SPA) that may have an impact on your tribe.

Attached for our review and comment is a summary of the proposed SPA. Please provide any comments you may have by August 10, 2015 to Mrs. Darlene Budgewater via email to Darlene.Budgewater@la.gov or by postal mail to:

Department of Health and Hospitals
Bureau of Health Services Financing
Medicaid Policy and Compliance
P.O. Box 91030
Baton Rouge, LA 70821-9030

Louisiana Tribal Notice
July 10, 2015
Page 2

Should you have additional questions about Medicaid policy, Mrs. Budgewater will be glad to assist you. You may reach her by email or by phone at (225) 342-3881. Thanks for your continued support of the tribal consultation process.

Sincerely,

Dee A. Budgewater

for J. Ruth Kennedy
Medicaid Director

RK/DB/LW

c: Ford J. Blunt, III
Stacey Shuman

State Plan Amendment for submittal to CMS

Request for Tribal Comments

July 10, 2015

School-Based Behavioral Health Services (LBHP Integration) – Notice of Intent

The SPA proposes to amend the provisions governing school based health services in order to transition these services out of managed care and into the group of school based Medicaid services provided by Local Education Agencies.