

2020 First Extraordinary Session

HOUSE RESOLUTION NO. 42

BY REPRESENTATIVES GREGORY MILLER AND HILFERTY

MENTAL HEALTH: Requests the La. Department of Health to seek approval of a Medicaid waiver authorizing reimbursement for inpatient treatment of serious mental illness

1 A RESOLUTION

2 To urge and request the Louisiana Department of Health to seek approval of a Medicaid  
3 demonstration waiver which would authorize Medicaid reimbursement for inpatient  
4 treatment of serious mental illness in hospitals and psychiatric facilities.

5 WHEREAS, the decades-long exclusion of Medicaid payments for healthcare  
6 facilities and providers classified as "institutions for mental diseases" (IMDs) is a  
7 contentious feature of our nation's mental health system; and

8 WHEREAS, the IMD exclusion prohibits the use of federal Medicaid funds for care  
9 provided to most patients in residential mental health and substance use treatment facilities  
10 with over sixteen beds; and

11 WHEREAS, this funding prohibition was intended to encourage a transition away  
12 from institutionalization of people with mental illness and toward community-based  
13 treatment models; and

14 WHEREAS, the actual effect of the IMD exclusion has been the creation of a major  
15 barrier in access to care by persons with severe mental illness, as residential and inpatient  
16 treatment are critical components in the continuum of psychiatric care; and

17 WHEREAS, since November of 2017, states have been allowed to apply to the  
18 federal Medicaid agency, the Centers for Medicare and Medicaid Services, for a waiver of  
19 the IMD exclusion for individuals with substance use disorder and, as of November of 2018,  
20 for individuals with serious mental illness; and

1           WHEREAS, this waiver allows Medicaid to reimburse IMDs with more than sixteen  
2 beds for treating patients with mental illnesses; and

3           WHEREAS, Louisiana has obtained an IMD waiver for substance use disorder  
4 treatment, but has not requested an amendment to the waiver to also include treatment for  
5 serious mental illness; and

6           WHEREAS, persons in crisis or in need of stabilization or acute care may require the  
7 type of structured inpatient treatment that IMDs provide, and the Medicaid program is a vital  
8 source of mental health funding; and

9           WHEREAS, lifting the IMD exclusion could help lessen the disparities in access and  
10 funding between outpatient systems and more acute levels of care and thereby reduce this  
11 state's shortage of psychiatric beds; and

12           WHEREAS, the premise that reducing funds for inpatient care will lower  
13 institutionalization rates disregards the fact that our current system often results in  
14 confinement of people with serious mental illness in institutions such as jails and prisons and  
15 also leads to inappropriate utilization of emergency departments and unspecialized hospital  
16 beds; and

17           WHEREAS, many people with mental illness in this state who need treatment are  
18 instead being held in jails because there may be no appropriate treatment options available  
19 to them; and

20           WHEREAS, by seeking an amendment to its existing Medicaid waiver, this state  
21 could secure additional funding for much-needed enhancements to our mental health  
22 treatment system, provide more effective mental health care to individuals with serious  
23 mental illness, and, over time, curtail the number of people with mental illness who are  
24 unnecessarily confined in our jails, prisons, and hospitals.

25           THEREFORE, BE IT RESOLVED that the House of Representatives of the  
26 Legislature of Louisiana does hereby urge and request the Louisiana Department of Health  
27 to seek approval of a Medicaid demonstration waiver which would authorize Medicaid  
28 reimbursement for inpatient treatment of serious mental illness in hospitals and psychiatric  
29 facilities.

1           BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
2 secretary of the Louisiana Department of Health.

---

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HR 42 Original

2020 First Extraordinary Session

Gregory Miller

Urges and requests the La. Department of Health to seek approval of a Medicaid demonstration waiver which would authorize Medicaid reimbursement for inpatient treatment of serious mental illness in hospitals and psychiatric facilities.