

2015 Regular Session

HOUSE BILL NO. 307

BY REPRESENTATIVE JACKSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MENTAL HEALTH: Provides relative to coverage and payment for services rendered to a person admitted under an emergency certificate

1 AN ACT

2 To enact R.S. 28:53(P), relative to admission by emergency certificate; to prohibit denial of  
3 coverage or refusal to pay claims for inpatient behavioral health services rendered  
4 while under an emergency certificate on the basis of medical necessity; to provide  
5 for exclusions; to require the opportunity for voluntary admission; to require  
6 evaluation within twenty-four hours of arrival at an admitting facility; to provide for  
7 definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 28:53(P) is hereby enacted to read as follows:

10 §53. Admission by emergency certificate; extension; payment for services rendered

11 \* \* \*

12 P.(1) Notwithstanding any provision of law to the contrary, no claim for  
13 payment for inpatient behavioral health services provided to a person while admitted  
14 and detained in a facility that provides mental health services under an emergency  
15 certificate, issued in accordance with the provisions of this Section, shall be denied  
16 by Medicaid, an entity contracted with the state for the provision of Medicaid  
17 services, or any hospital, health, or medical expense insurance policy, hospital or  
18 medical service contract, employee welfare benefit plan, contract or other agreement  
19 with a health maintenance organization or a preferred provider organization, health  
20 and accident insurance policy, or any other insurance contract of this type in this

1 state, including a group insurance plan, a self-insurance plan, and the Office of  
2 Group Benefits programs, on the basis of medical necessity if all of the following  
3 conditions are met:

4 (a) Claims for payment of services issued in accordance with this Subsection  
5 shall be limited to behavioral health expenditures and shall exclude payment for  
6 non-behavioral health services or other medical expenses not directly related to the  
7 provision of behavioral health care, treatment, or services with the exception of usual  
8 and customary laboratory services necessary to monitor patient progress.

9 (b) The admitting physician and the evaluating psychiatrist or medical  
10 psychologist shall offer the subject of the emergency certificate the opportunity for  
11 voluntary admission pursuant to R.S. 28:53.

12 (c) Any patient committed under an emergency certificate to inpatient  
13 treatment by a facility that provides mental health services shall be evaluated by a  
14 psychiatrist or medical psychologist in the admitting facility within twenty-four  
15 hours of arrival at the admitting facility. After the psychiatric evaluation, payment  
16 of claims shall be determined by medical necessity. For purposes of this Subsection,  
17 "admitting facility" means a crisis receiving center, acute treatment hospital or  
18 facility, distinct part psychiatric unit, or free-standing psychiatric hospital or facility.

19 (2) Nothing in this Subsection shall be construed or interpreted to require  
20 payment of claims in a manner other than in accordance with the terms and  
21 conditions of the health insurance contract.

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#### 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)]

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HB 307 Engrossed

2015 Regular Session

Jackson

**Abstract:** Prohibits the denial of a claim for payment of services provided to a person admitted under an emergency certificate on the basis of medical necessity.

Present law provides that a person who is mentally ill or a person who is suffering from substance abuse may be admitted and detained at a treatment facility for observation, diagnosis, and treatment for a period not to exceed 15 days under an emergency certificate. Further provides that a person suffering from substance abuse may be detained at a treatment

facility for one additional period, not to exceed 15 days, provided that a second emergency certificate is executed.

Proposed law prohibits an insurer, including an entity contracted with the state for the provision of Medicaid services and the Office of Group Benefits programs, from denying payment for inpatient behavioral health services provided to a person while admitted and detained in a facility that provides mental health services under an emergency certificate on the basis of medical necessity, if all of the following conditions are met:

- (1) Claims for payment of services are limited to behavioral health expenditures and exclude payment for non-behavioral health services or other medical expenses not directly related to the provision of behavioral health care, treatment, or services with the exception of usual and customary laboratory services necessary to monitor patient progress.
- (2) The admitting physician and the evaluating psychiatrist or medical psychologist offer the subject of the emergency certificate the opportunity for voluntary admission.
- (3) Any patient committed under an emergency certificate to inpatient treatment by a facility that provides mental health services is evaluated by a psychiatrist or medical psychologist in the admitting facility within 24 hours of arrival at the admitting facility.

Proposed law provides that after the psychiatric evaluation, payment of claims shall be determined by medical necessity.

Proposed law defines "admitting facility" as a crisis receiving center, acute treatment hospital or facility, distinct part psychiatric unit, or free-standing psychiatric hospital or facility.

Nothing in proposed law shall be construed or interpreted to require payment of claims in a manner other than in accordance with the terms and conditions of the health insurance contract.

(Adds R.S. 28:53(P))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make technical changes.
2. Clarify that the provisions of proposed law apply to inpatient behavioral health services.
3. Require the opportunity for voluntary admission.
4. Require a psychiatric evaluation within 24 hours of arrival at the admitting facility.
5. Provide for payment of claims after the psychiatric evaluation based on medical necessity.
6. Define admitting facility.
7. Provide for the payment of claims in the manner specified in the health insurance contract.

