

ACT No. 390

2015 Regular Session

HOUSE BILL NO. 307

BY REPRESENTATIVES JACKSON AND WILLMOTT

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

* * *

P.(1) Notwithstanding any provision of law to the contrary, no claim for 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, issued in accordance with the provisions of this Section, shall be denied by Medicaid, an entity contracted with the state for the provision of Medicaid services, or any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract or other agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this type in this state, including a group insurance plan, a self-insurance plan, and the Office of Group Benefits programs, on the basis of medical necessity if all of the following conditions are met:

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

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

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

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

19 (3) In the event that funding is necessary pursuant to the provisions of this
20 Subsection, the utilization of available Community Development Block Grant
21 (CDBG) funds shall be authorized only upon the approval of the Centers for
22 Medicare and Medicaid Services (CMS).

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____