

SENATE BILL NO. 222

BY SENATOR PRESSLY

1 AN ACT

2 To enact Chapter 2 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 28:301 through 308, relative to Medicaid behavioral health services; to
4 provide for administrative requirements; to provide for certain behavioral health
5 telehealth services; to provide for an effective date; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 2 of Title 28 of the Louisiana Revised Statutes of 1950, comprised
9 of R.S. 28:301 through 308, is hereby enacted to read as follows:

10 CHAPTER 2. MEDICAID BEHAVIORAL HEALTH ADMINISTRATIVE

11 REQUIREMENTS

12 §301. Legislative findings and purpose

13 A. The Legislature finds that administrative duplication, workforce
14 shortages, and regulatory inconsistencies reduce access to behavioral health
15 services in Louisiana.

16 B. The purpose of this Chapter is to eliminate unnecessary
17 administrative barriers, align behavioral health program requirements with
18 federal standards and licensing board supervision requirements, and expand
19 workforce flexibility while maintaining patient safety and quality of care.

20 §302. Definitions

21 As used in this Chapter, the following terms have the following
22 meanings:

23 (1) "Cardiopulmonary resuscitation" or "CPR" means an emergency
24 procedure combining chest compressions and breaths to maintain blood flow
25 and oxygenation during cardiac arrest.

26 (2) "Community psychiatric support and treatment services" or "CPST"
27 services, means CMS-approved Medicaid mental health rehabilitation services

1 designed to reduce disability from mental illness, restore functional skills of
2 daily living, build natural supports, and achieve identified person-centered
3 goals or objectives through counseling, clinical psycho-education, and ongoing
4 monitoring needs as set forth in an individualized treatment plan.

5 (3) "CMS" means the Centers for Medicare and Medicaid Services.

6 (4) "Department" means the Louisiana Department of Health.

7 (5) "Psychosocial rehabilitation services" or "PSR" services, means
8 CMS-approved Medicaid mental health rehabilitation services designed to assist
9 the individual with compensating for or eliminating functional deficits and
10 interpersonal or environmental barriers associated with mental illness through
11 skill building and supportive interventions to restore and rehabilitate social and
12 interpersonal skills and daily living skills.

13 §303. Pre-employment reference letters; prohibition

14 A. Notwithstanding any provision of law or administrative rule to the
15 contrary, the Louisiana Department of Health and any managed care entity
16 administering Medicaid behavioral health services shall not require
17 pre-employment reference letters as a condition of provider enrollment, staff
18 credentialing, or the delivery of Medicaid behavioral health services.

19 B. Nothing in this Section shall prohibit verification of employment
20 history, licensure status, education, or required work experience through
21 primary source verification.

22 §304. CPR, first aid, and seizure assessment training; approved programs

23 A. The Louisiana Department of Health and any managed care entity
24 administering Medicaid behavioral health services shall not require CPR, first
25 aid certification, or seizure assessment training for behavioral health staff as a
26 condition of provider enrollment, staff credentialing, or reimbursement, except
27 as provided in Subsection B of this Section.

28 B. The department may require CPR, first aid certification, or seizure
29 assessment training only for staff who provide services in settings where such
30 training is required by federal law, state law, or applicable licensing

1 requirements for a residential facility, inpatient facility, or medication
2 administration program.

3 §305. Supervision of licensed staff; alignment

4 A. For purposes of Medicaid behavioral health programs administered
5 by the Louisiana Department of Health, supervision required for staff who are
6 provisionally licensed or otherwise under supervision pursuant to the
7 requirements of a Louisiana licensing board shall be deemed to satisfy clinical
8 supervision requirements when such supervision meets or exceeds applicable
9 program standards.

10 B. The department shall not require duplicative supervision for the same
11 staff member when supervision required by the relevant licensing board
12 overlaps with program requirements.

13 §306. Documentation timeliness; CMS alignment; exceptions

14 A. The Louisiana Department of Health shall revise Medicaid behavioral
15 health provider progress note documentation requirements for CPST and PSR
16 services to align with federal guidance stating that documentation shall be
17 completed during the service or as soon as practicable after the service is
18 provided.

19 B. The department may establish a general progress note documentation
20 timeliness standard. However, reasonable exceptions shall be permitted,
21 including but not limited to a state or federal declared emergency or any other
22 exception as defined by the department.

23 C. When documentation is completed outside the general standard, the
24 provider shall include a late-entry attestation stating the date of entry and the
25 reason for the delay.

26 §307. Nursing requirement; provider equivalency

27 A. When a Medicaid behavioral health provider of CPST or PSR
28 services is required by rule to maintain a nurse on staff or to maintain a written
29 agreement for nursing services solely for the purpose of medication
30 administration, such requirement shall be satisfied by the presence of a licensed

1 physician, psychiatrist, advanced practice registered nurse, or physician
 2 assistant whose duties shall include medication administration.

3 B. Nothing in this Section shall be construed to authorize any individual
 4 to perform acts outside the scope of professional licensure.

5 §308. Medical director; inclusion of physician assistants

6 A. A medical director for a Medical behavioral health provider of CPST
 7 or PSR services may be any of the following:

8 (1) A physician.

9 (2) An advanced practice registered nurse.

10 (3) A medical psychologist.

11 (4) A physician assistant.

12 B. Any healthcare provider serving as medical director pursuant to this
 13 Section shall satisfy all of the following criteria:

14 (1) Have a current, unrestricted license to practice in this state.

15 (2) Have a minimum of two years of qualifying experience in treating
 16 psychiatric disorders.

17 (3) Be practicing pursuant to a collaborative practice agreement or
 18 supervision arrangement as required by state law.

19 C. The Louisiana Department of Health shall revise all applicable rules
 20 and provider manuals to reflect the eligibility provided for in this Section.

21 Section 2. The Louisiana Department of Health shall promulgate rules in accordance
 22 with the Administrative Procedure Act as necessary to implement the provisions of this
 23 Chapter.

24 Section 3.(A) The Louisiana Department of Health shall submit to the Centers for
 25 Medicare and Medicaid Services, no later than October 1, 2026, any necessary state plan
 26 amendment, waiver, or other request to authorize reimbursement for psychosocial
 27 rehabilitation services delivered via telehealth.

28 (B) No later than thirty days after submission to the Centers for Medicare and
 29 Medicaid Services, the department shall provide written notice to the House Committee on
 30 Health and Welfare and the Senate Committee on Health and Welfare.

1 (C) If the Centers for Medicare and Medicaid Services requests additional
2 information or denies the submission, the department shall report such request or denial to
3 the committees within thirty days of the submission.

4 Section 4. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____