DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing
and
Office for Citizens with Developmental Disabilities

Early and Periodic Screening, Diagnosis and Treatment Health Services
EarlySteps Reimbursement Rate Increase

(LAC 50:XV.7107)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XV.7101 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.1, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 199 of the 2022 Regular Session of the Louisiana Legislature appropriated funds to the Department of Health to increase reimbursement rates paid for certain services rendered to infants and toddlers in the EarlySteps Program within the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program. In compliance with Act 199, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing EPSDT EarlySteps services in order to increase reimbursement for certain services.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program. It is anticipated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately $6,325,652 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing the Office for Citizens with Developmental Disabilities amend the provisions governing EPSDT EarlySteps services in order to increase reimbursement for certain services.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program. It is anticipated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately $6,325,652 for state fiscal year 2022-2023.

A. Effective for dates of service on or after January 1, 2011, the reimbursement for certain Medicaid-covered health services rendered in the EarlySteps Program shall be reduced by 2 percent of the rate in effect on December 31, 2010.

1. The following services rendered in the natural environment shall be reimbursed at the reduced rate:
   a. audiology services;
   b. speech pathology services;
   c. occupational therapy;
   d. physical therapy; and
   e. psychological services.

2. Services rendered in special purpose facilities/inclusive child care and center-based special purpose facilities shall be excluded from this rate reduction.

B. Effective for dates of service on or after July 1, 2022, the reimbursement for Medicaid covered health services rendered in the EarlySteps Program (Part C of IDEA) shall be increased by 30 percent of the rate in effect on January 1, 2011.

1. The increased rate shall be applied to services provided in the following settings:
   a. natural environment that includes a child’s home and settings in the community where children of the same age with no disabilities or special needs participate;
   b. special purpose facility/inclusive child care that includes settings such as a child care center, nursery schools, or preschools where at least 50 percent of the children have no disabilities or developmental delays, and
   c. center-based special purpose facility that is a facility where only children with disabilities or developmental delays are served.

2. The following services shall be reimbursed at the increased rate:
   a. audiology services;
   b. speech language pathology services;
   c. occupational therapy;
   d. physical therapy; and
   e. psychological services.


AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.


Implementation of the provisions of this Rule 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.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

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