

Table of Contents

State/Territory Name: Louisiana

State Plan Amendment (SPA) #: 23-0038

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

October 23, 2023

Ms. Kimberly Sullivan
Interim Medicaid Executive Director
State of Louisiana
Department of Health
628 N 4th Street
P.O. Box 91030
Baton Rouge, LA 70821-9030

Re: Louisiana State Plan Amendment (SPA) 23-0038

Dear Ms. Sullivan:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 23-0038. This amendment proposes to amend the provisions governing Targeted Case Management under the New Opportunities Waiver (NOW) and Early and Periodic Screening, Diagnostic and Treatment (EPSDT) programs, in order to allow two quarterly virtual visits that are not the initial visit or the annual plan of care visit.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act and Section 1915(g) of the Social Security Act. This letter is to inform you that Louisiana Medicaid SPA 23-0038 was approved on October 23, 2023, with an effective date of November 12, 2023.

If you have any questions, please contact Tobias Griffin at 214-767-4425 or via email at Tobias.Griffin@cms.hhs.gov.

Sincerely,

A black rectangular box redacts the signature of James G. Scott. A blue horizontal line is drawn across the bottom of the box.

Digitally signed by James G.
Scott -S
Date: 2023.10.23 16:39:27
-05'00'

James G. Scott, Director
Division of Program Operations

cc: Ford Blunt, III, Acting Branch Manager
Karen Barnes, LA Department of Health

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL**

FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES

1. TRANSMITTAL NUMBER 23-0038	2. STATE LA
3. PROGRAM IDENTIFICATION: TITLE <u>XIX</u> OF THE SOCIAL SECURITY ACT	

TO: CENTER DIRECTOR CENTERS FOR MEDICAID & CHIP SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES	4. PROPOSED EFFECTIVE DATE November 12, 2023
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5. FEDERAL STATUTE/REGULATION CITATION Section 1915(g) of the Social Security Act	6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars) a. FFY <u>2024</u> \$0 b. FFY <u>2025</u> \$0
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7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT Supplement 1 to Attachment 3.1-A, Pages 1A-1A(1) Supplement 1 to Attachment 3.1-A, Pages 1A(2)-1A(4) Supplement 1 to Attachment 3.1-A, Pages 1A(5) New Page Supplement 1 to Attachment 3.1-A, Pages 1E-1E(1) Supplement 1 to Attachment 3.1-A, Page 1E(2) Supplement 1 to Attachment 3.1-A, Page 1E(3)-1E(4) Supplement 1 to Attachment 3.1-A, Page 1E(5) New Page	8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable) Same (TN 21-0021) Same (TN 23-0017) Same (TN 21-0021) Same (TN 23-0017) Same (TN 21-0021)
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9. SUBJECT OF AMENDMENT
The purpose of this SPA is to amend the provisions governing Targeted Case Management under the New Opportunities Waiver (NOW) and Early and Periodic Screening, Diagnostic and Treatment (EPSDT) programs, in order to allow two quarterly virtual visits that are not the initial visit or the annual plan of care visit.

10. GOVERNOR'S REVIEW (Check One)

GOVERNOR'S OFFICE REPORTED NO COMMENT

COMMENTS OF GOVERNOR'S OFFICE ENCLOSED

NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED:
The Governor does not review State Plan material.

11. SIGNATURE OF STATE AGENCY OFFICIAL 	15. RETURN TO Kimberly Sullivan Interim Medicaid Executive Director Louisiana Department of Health 628 North 4th Street P.O. Box 91030 Baton Rouge, LA 70821-9030
12. TYPED NAME Pam Diez, designee for Stephen R. Russo, JD	
13. TITLE Secretary	
14. DATE SUBMITTED September 15, 2023	

FOR CMS USE ONLY

16. DATE RECEIVED September 15, 2023	17. DATE APPROVED October 23, 2023
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PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL November 12, 2023	19. SIGNATURE OF APPROVING OFFICIAL Digitally signed by James G. Scott -S Date: 2023.10.23 16:40:48 -05'00'
20. TYPED NAME OF APPROVING OFFICIAL James G. Scott	21. TITLE OF APPROVING OFFICIAL Director, Division of Program Operations

22. REMARKS

State Plan under Title XIX of the Social Security Act
State/Territory: Louisiana

TARGETED CASE MANAGEMENT SERVICES

NOW Waiver Beneficiaries

Target Group (42 Code of Federal Regulations 441.18(8)(i) and 441.18(9)):
[Describe target group and any subgroups. If any of the following differs among the subgroups, submit a separate State plan amendment describing case management services furnished; qualifications of case management providers; or methodology under which case management providers will be paid.]

The targeted population consists of individuals with intellectual or developmental disabilities who are participants the New Opportunities Waiver (NOW) program. The NOW waiver is a 1915(c) waiver and all participants meet the requirement of the waiver.

___ Target group includes individuals transitioning to a community setting. Case-management services will be made available for up to _____ *[insert a number; not to exceed 180]* consecutive days of a covered stay in a medical institution. The target group does not include individuals between ages 22 and 64 who are served in Institutions for Mental Disease or individuals who are inmates of public institutions). (State Medicaid Directors Letter (SMDL), July 25, 2000)

Areas of State in which services will be provided (§1915(g)(1) of the Act):

XX Entire State

___ Only in the following geographic areas: *[Specify areas]*

Comparability of services (§§1902(a)(10)(B) and 1915(g)(1))

___ Services are provided in accordance with §1902(a)(10)(B) of the Act.

XX Services are not comparable in amount duration and scope (§1915(g)(1)).

Definition of services (42 CFR 440.169): Targeted case management services are defined as services furnished to assist individuals, eligible under the State Plan, in gaining access to needed medical, social, educational and other services. Targeted Case Management includes the following assistance:

- ❖ Comprehensive assessment and periodic reassessment of individual needs, to determine the need for any medical, educational, social or other services. These assessment activities include:
 - taking client history;
 - identifying the individual's needs and completing related documentation; and
 - gathering information from other sources such as family members, medical providers, social workers, and educators (if necessary), to form a complete

State Plan under Title XIX of the Social Security Act

State/Territory: Louisiana

TARGETED CASE MANAGEMENT SERVICES

NOW Waiver Beneficiaries

- assessment of the eligible individual;
[Specify and justify the frequency of assessments.]

After the initial assessment is completed, reassessments are done annually and as needed when significant changes in circumstances occur.

- ❖ Development (and periodic revision) of a specific care plan that is based on the information collected through the assessment that:
 - specifies the goals and actions to address the medical, social, educational, and other services needed by the individual;
 - includes activities such as ensuring the active participation of the eligible individual, and working with the individual (or the individual's authorized health care decision maker) and others to develop those goals; and
 - identifies a course of action to respond to the assessed needs of the eligible individual;
- ❖ Referral and related activities (such as scheduling appointments for the individual) to help the eligible individual obtain needed services including:
 - activities that help link the individual with medical, social, educational providers, or other programs and services that are capable of providing needed services to address identified needs and achieve goals specified in the care plan; and
- ❖ Monitoring and follow-up activities:
 - activities and contacts that are necessary to ensure the care plan is implemented and adequately addresses the eligible individual's needs, and which may be with the individual, family members, service providers, or other entities or individuals and conducted as frequently as necessary, and including at least one annual monitoring, to determine whether the following conditions are met:
 - services are being furnished in accordance with the individual's care plan;
 - services in the care plan are adequate; and
 - changes in the needs or status of the individual are reflected in the care plan. Monitoring and follow-up activities include making necessary adjustments in the care plan and service arrangements with providers.*[Specify the type of monitoring and justify the frequency of monitoring.]*

A minimum of one home visit per quarter to each beneficiary is required. More frequent home visits shall be required to be performed if indicated in the beneficiary's Comprehensive Plan of Care.

State Plan under Title XIX of the Social Security Act

State/Territory: Louisiana

TARGETED CASE MANAGEMENT SERVICES

NOW Waiver Beneficiaries

Allow two quarterly visits that are not the initial or annual plan of care visit, to be conducted virtually when the following conditions are met:

1. The beneficiary/family is in agreement that a virtual visit is in the best interest of the beneficiary;
2. The support coordinator is in agreement that a virtual visit is in the best interest of the beneficiary;
3. The provider agencies are in agreement that a virtual visit is in the best interest of the beneficiary;
4. The legally responsible individual or family members living in the home are not paid caregivers;
5. Technology is available to complete the visit with direct observation of the beneficiary and the home;
6. There is evidence that the requirements for the quarterly visit can be met virtually; and
7. There have been no critical instances in the last two years including:
 - a. Discovery by the support coordinator or reported by a provider of an incident, accident, or injury that meets Critical Incident Review criteria;
 - b. Lack of desired personal outcomes such as education, employment, and community engagement;
 - c. Unsafe living conditions, lack of sanitation, or lack of food supply;
 - d. Change in involvement of natural supports;
 - e. Medication issues; and
 - f. Changes in behavior, medical status, or appearance (such as weight gain or weight loss).

State Plan under Title XIX of the Social Security Act
State/Territory: Louisiana

TARGETED CASE MANAGEMENT SERVICES

NOW Waiver Beneficiaries

___ Case management includes contacts with non-eligible individuals that are directly related to identifying the eligible individual's needs and care, for the purposes of helping the eligible individual access services; identifying needs and supports to assist the eligible individual in obtaining services; providing case managers with useful feedback, and alerting case managers to changes in the eligible individual's needs.
(42 CFR 440.169(e))

Qualifications of providers (42 CFR 441.18(a)(8)(v) and 42 CFR 441.18(b)):

[Specify provider qualifications that are reasonably related to the population being served and the case management services furnished.]

Each Medicaid enrolled provider must ensure that all staff providing case management services meets the required qualifications prior to assuming any full caseload responsibilities.

Case Managers must meet one of the following minimum education and experience qualifications:

- 1. Bachelor's degree or master's degree in a human service-related field, which includes psychology education, counseling, social services, sociology, philosophy, family and consumer sciences, criminal justice, rehabilitation services, child development, substance abuse, gerontology, and vocational rehabilitation; or**
- 2. Currently licensed registered nurse; or**
- 3. A bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields listed in No. #1; or**
- 4. Bachelor or master's degree in social work from a program accredited by the Council on Social Work Education.**

Freedom of choice (42 CFR 441.18(a)(1)):

The State assures that the provision of case management services will not restrict an individual's free choice of providers in violation of section 1902(a)(23) of the Act.

1. Eligible individuals will have free choice of any qualified Medicaid provider within the specified geographic area identified in this plan.
2. Eligible individuals will have free choice of any qualified Medicaid providers of other medical care under the plan.

Freedom of Choice Exception (§1915(g)(1) and 42 CFR 441.18(b)):

___ Target group consists of eligible individuals with developmental disabilities or with chronic mental illness. Providers are limited to qualified Medicaid providers of case

State Plan under Title XIX of the Social Security Act

State/Territory: Louisiana

TARGETED CASE MANAGEMENT SERVICES

NOW Waiver Beneficiaries

management services capable of ensuring that individuals with developmental disabilities or with chronic mental illness receive needed services: *[Identify any limitations to be imposed on the providers and specify how these limitations enable providers to ensure that individuals within the target groups receive needed services.]*

Access to Services (42 CFR 441.18(a)(2), 42 CFR 441.18(a)(3), 42 CFR 441.18(a)(6):

The State assures the following:

- Case management (including targeted case management) services will not be used to restrict an individual's access to other services under the plan.
- Individuals will not be compelled to receive case management services, condition receipt of case management (or targeted case management) services on the receipt of other Medicaid services, or condition receipt of other Medicaid services on receipt of case management (or targeted case management) services; and
- Providers of case management services do not exercise the agency's authority to authorize or deny the provision of other services under the plan.

Payment (42 CFR 441.18(a)(4)):

Payment for case management or targeted case management services under the plan does not duplicate payments made to public agencies or private entities under other program authorities for this same purpose.

Case Records (42 CFR 441.18(a)(7)):

Providers maintain case records that document for all individuals receiving case management as follows: (i) The name of the individual; (ii) The dates of the case management services; (iii) The name of the provider agency (if relevant) and the person providing the case management service; (iv) The nature, content, units of the case management services received and whether goals specified in the care plan have been achieved; (v) Whether the individual has declined services in the care plan; (vi) The need for, and occurrences of, coordination with other case managers; (vii) A timeline for obtaining needed services; (viii) A timeline for reevaluation of the plan.

Limitations:

Case management does not include, and Federal Financial Participation (FFP) is not available in expenditures for, services defined in §441.169 when the case management activities are an integral and inseparable component of another covered Medicaid service (State Medicaid Manual (SMM) 4302.F).

Case management does not include, and Federal Financial Participation (FFP) is not available in expenditures for, services defined in §441.169 when the case management

State Plan under Title XIX of the Social Security Act
State/Territory: Louisiana

TARGETED CASE MANAGEMENT SERVICES

NOW Waiver Beneficiaries

activities constitute the direct delivery of underlying medical, educational, social, or other services to which an eligible individual has been referred, including for foster care programs, services such as, but not limited to, the following: research gathering and completion of documentation required by the foster care program; assessing adoption placements; recruiting or interviewing potential foster care parents; serving legal papers; home investigations; providing transportation; administering foster care subsidies; making placement arrangements. (42 CFR 441.18(c))

FFP only is available for case management services or targeted case management services if there are no other third parties liable to pay for such services, including as reimbursement under a medical, social, educational, or other program except for case management that is included in an individualized education program or individualized family service plan consistent with §1903(c) of the Act. (§§1902(a)(25) and 1905(c))

[Specify any additional limitations.]

State Plan under Title XIX of the Social Security Act
State/Territory: Louisiana

TARGETED CASE MANAGEMENT SERVICES

EPSDT Beneficiaries on the Request for Services Registry

Target Group (42 Code of Federal Regulations 441.18(8)(i) and 441.18(9)):
[Describe target group and any subgroups. If any of the following differs among the subgroups, submit a separate State plan amendment describing case management services furnished; qualifications of case management providers; or methodology under which case management providers will be paid.]

The targeted population consists of Early and Periodic Screening, Diagnostic and Treatment (EPSDT) beneficiaries between the ages of zero (0) and twenty-one (21) years who meet one of the following criteria:

1. Placement on the Request for Services Registry and determined to be eligible for Office for Citizens with Developmental Disability (OCDD) services through the statement of approval process; or
2. For those who do not meet eligibility, or who are not undergoing eligibility determination, they may still receive case management services if they meet the definition of a person with special needs as a documented, established medical condition, as determined by a licensed physician or other qualified licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications(s), that has a high probability of resulting in a developmental delay or that gives rise to a need for multiple medical, social, educational, and other services. In the case of a hearing impairment, the determination of special needs must be made by a licensed audiologist, physician, or other qualified licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications(s).

___ Target group includes individuals transitioning to a community setting. Case-management services will be made available for up to _____ *[insert a number; not to exceed 180]* consecutive days of a covered stay in a medical institution. The target group does not include individuals between ages 22 and 64 who are served in Institutions for Mental Disease or individuals who are inmates of public institutions). (State Medicaid Directors Letter (SMDL), July 25, 2000)

Areas of State in which services will be provided (§1915(g)(1) of the Act):

XX Entire State

___ Only in the following geographic areas: *[Specify areas]*

State Plan under Title XIX of the Social Security Act

State/Territory: Louisiana

TARGETED CASE MANAGEMENT SERVICES

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- ❖ Comprehensive assessment and periodic reassessment of individual needs, to determine the need for any medical, educational, social or other services. These assessment activities include:
 - taking client history;
 - identifying the individual's needs and completing related documentation; and
 - gathering information from other sources such as family members, medical providers, social workers, and educators (if necessary), to form a complete assessment of the eligible individual;

[Specify and justify the frequency of assessments.]

After the initial assessment is completed, reassessments are done annually and as needed when significant changes in circumstances occur.
- ❖ Development (and periodic revision) of a specific care plan that is based on the information collected through the assessment that:
 - specifies the goals and actions to address the medical, social, educational, and other services needed by the individual;
 - includes activities such as ensuring the active participation of the eligible individual, and working with the individual (or the individual's authorized health care decision maker) and others to develop those goals; and
 - identifies a course of action to respond to the assessed needs of the eligible individual;
- ❖ Referral and related activities (such as scheduling appointments for the individual) to help the eligible individual obtain needed services including:
 - activities that help link the individual with medical, social, educational providers, or other programs and services that are capable of providing needed services to address identified needs and achieve goals specified in the care plan; and

State Plan under Title XIX of the Social Security Act

State/Territory: Louisiana

TARGETED CASE MANAGEMENT SERVICES

EPSDT Beneficiaries on the Request for Services Registry

❖ Monitoring and follow-up activities:

- activities and contacts that are necessary to ensure the care plan is implemented and adequately addresses the eligible individual's needs, and which may be with the individual, family members, service providers, or other entities or individuals and conducted as frequently as necessary, and including at least one annual monitoring, to determine whether the following conditions are met:
 - services are being furnished in accordance with the individual's care plan;
 - services in the care plan are adequate; and
 - changes in the needs or status of the individual are reflected in the care plan. Monitoring and follow-up activities include making necessary adjustments in the care plan and service arrangements with providers. *[Specify the type of monitoring and justify the frequency of monitoring.]*

A minimum of one face-to-face visit per quarter with each beneficiary (and their guardian) is required. More frequent face-to-face visits shall be required to be performed if indicated in the beneficiary's Comprehensive Plan of Care. Additional face-to-face visits may be performed if needed to obtain services.

Allow two quarterly visits that are not the initial or annual plan of care visit, to be conducted virtually when the following conditions are met:

- 1. The beneficiary/family is in agreement that a virtual visit is in the best interest of the beneficiary;**
- 2. The support coordinator is in agreement that a virtual visit is in the best interest of the beneficiary;**
- 3. The provider agencies are in agreement that a virtual visit is in the best interest of the beneficiary;**
- 4. The legally responsible individual or family members living in the home are not paid caregivers;**
- 5. Technology is available to complete the visit with direct observation of the beneficiary and the home;**
- 6. There is evidence that the requirements for the quarterly visit can be met virtually;**

Case management includes contacts with non-eligible individuals that are directly related to identifying the eligible individual's needs and care, for the purposes of helping the eligible individual access services; identifying needs and supports to assist the eligible individual in obtaining services; providing case managers with useful feedback, and alerting case managers to changes in the eligible individual's needs.

(42 CFR 440.169(e))

State Plan under Title XIX of the Social Security Act
State/Territory: Louisiana

TARGETED CASE MANAGEMENT SERVICES

EPSDT Beneficiaries on the Request for Services Registry

Qualifications of providers (42 CFR 441.18(a)(8)(v) and 42 CFR 441.18(b)):

[Specify provider qualifications that are reasonably related to the population being served and the case management services furnished.]

Each Medicaid enrolled provider shall ensure that all staff providing case management services meets the required qualifications prior to assuming any full caseload responsibilities.

Case Managers shall meet one of the following minimum education and experience qualifications:

- 1. Bachelor's degree or master's in a human service-related field, which includes psychology, education, counseling, social services, sociology, philosophy, family and consumer sciences, criminal justice, rehabilitation services, child development, substance abuse, gerontology, and vocational rehabilitation; or**
- 2. Currently licensed registered nurse; or**
- 3. Bachelor's or master's degree in social work from a social work program accredited by the Council on Social Work Education.**

Freedom of choice (42 CFR 441.18(a)(1)):

The State assures that the provision of case management services will not restrict an individual's free choice of providers in violation of section 1902(a)(23) of the Act.

1. Eligible individuals will have free choice of any qualified Medicaid provider within the specified geographic area identified in this plan.
2. Eligible individuals will have free choice of any qualified Medicaid providers of other medical care under the plan.

Freedom of Choice Exception (§1915(g)(1) and 42 CFR 441.18(b)):

____ Target group consists of eligible individuals with developmental disabilities or with chronic mental illness. Providers are limited to qualified Medicaid providers of case management services capable of ensuring that individuals with developmental disabilities or with chronic mental illness receive needed services: *[Identify any limitations to be imposed on the providers and specify how these limitations enable providers to ensure that individuals within the target groups receive needed services.]*

Access to Services (42 CFR 441.18(a)(2), 42 CFR 441.18(a)(3), 42 CFR 441.18(a)(6)):

The State assures the following:

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State Plan under Title XIX of the Social Security Act

State/Territory: Louisiana

TARGETED CASE MANAGEMENT SERVICES

EPSDT Beneficiaries on the Request for Services Registry

- Individuals will not be compelled to receive case management services, condition receipt of case management (or targeted case management) services on the receipt of other Medicaid services, or condition receipt of other Medicaid services on receipt of case management (or targeted case management) services; and
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Limitations:

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Case management does not include, and Federal Financial Participation (FFP) is not available in expenditures for, services defined in §441.169 when the case management activities constitute the direct delivery of underlying medical, educational, social, or other services to which an eligible individual has been referred, including for foster care programs, services such as, but not limited to, the following: research gathering and completion of documentation required by the foster care program; assessing adoption placements; recruiting or interviewing potential foster care parents; serving legal papers; home investigations; providing transportation; administering foster care subsidies; making placement arrangements. (42 CFR 441.18(c))

State Plan under Title XIX of the Social Security Act
State/Territory: Louisiana

TARGETED CASE MANAGEMENT SERVICES

EPSDT Beneficiaries on the Request for Services Registry

FFP only is available for case management services or targeted case management services if there are no other third parties liable to pay for such services, including as reimbursement under a medical, social, educational, or other program except for case management that is included in an individualized education program or individualized family service plan consistent with §1903(c) of the Act. (§§1902(a)(25) and 1905(c))

[Specify any additional limitations.]