



State of Louisiana
Louisiana Department of Health
Bureau of Legal Services

LDH LEGAL MEMORANDUM

TO: All Louisiana Medicaid Providers
FROM: Kimberly Sullivan, LDH Deputy General Counsel
DATE: December 4, 2017
RE: Provision of Required Documentation for the purposes of PASRR

It has come to the Department’s attention that entities seeking Nursing Facility placement are not providing required documentation in a timely manner. The following information pertains to the disclosure of enrollee information by a provider to the Office of Behavioral Health (OBH) PASRR office or a Medicaid MCO for the PASRR Level II authorizations and to obtain specialized behavioral health Medicaid services for the enrollee.

Federal regulation guides the PASRR process and outlines requirements that states should uphold when making determinations. Specifically, 42 CFR 483.134 outlines the minimum data needs and process requirements for the State mental health authority (OBH) to make a determination if the applicant or resident with mental illness needs specialized behavioral health services. The minimum data collected must include:

1. Comprehensive history and physical examination of the person
 - a. Complete medical history;
 - b. Review of all body systems;
 - c. Specific evaluation of the person's neurological system in the areas of motor functioning, sensory functioning, gait, deep tendon reflexes, cranial nerves, and abnormal reflexes; and
 - d. In case of abnormal findings which are the basis for an NF placement, additional evaluations conducted by appropriate specialists.
 - i. If the applicant has a diagnosis of dementia or Alzheimer’s disease, documentation supporting diagnosis should be included. Examples of supporting documentation include: MRI, CT, Neurological Exam
2. Comprehensive drug history including current or immediate past use of medications that could mask symptoms or mimic mental illness.
3. A psychosocial evaluation of the person, including current living arrangements and medical and support systems.
4. A comprehensive psychiatric evaluation including a complete psychiatric history, evaluation of intellectual functioning, memory functioning, and orientation, description of current attitudes and overt behaviors, affect, suicidal or homicidal ideation, paranoia, and degree of reality testing (presence and content of delusions) and hallucinations.

5. A functional assessment of the individual's ability to engage in activities of daily living and the level of support that would be needed to assist the individual to perform these activities while living in the community. The assessment must determine whether this level of support can be provided to the individual in an alternative community setting or whether the level of support needed is such that NF placement is required.
6. The functional assessment must address the following areas: Self-monitoring of health status, self-administering and scheduling of medical treatment, including medication compliance, or both, self-monitoring of nutritional status, handling money, dressing appropriately, and grooming.

As stated in the LDH Legal Memorandum dated June 12, 2017, the disclosure of Medicaid enrollee information by a Medicaid provider to a Medicaid MCO is permitted without an authorization from the enrollee regardless of whether the provider is part of the Medicaid MCO's provider network for the following reasons: (1) both the provider and the MCO have a relationship with the enrollee; (2) the PHI being disclosed pertains to that relationship; and (3) the PHI is being disclosed for purpose of the MCO's a PASRR Level II evaluation and to obtain specialized behavioral health services.

To ensure the timely review of PASRR Level II authorizations (Medicaid Form 142), it is imperative that Medicaid enrollee's records are accessible to a Medicaid MCO and copies of requested records are provided promptly. Failure to provide this information within two (2) working days will result in a delay or denial of PASRR Level II authorizations (Medicaid Form 142).

We expect the Medicaid providers to work with the MCOs to ensure Medicaid enrollees can access and obtain Medicaid services.

If there are any questions, please contact OBH PASRR at (225) 342-4827 or OBH_PASRR@la.gov.