

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 249A.4 and 2011 Iowa Acts, Senate File 233, section 1(3), the Department of Human Services amends Chapter 77, “Conditions of Participation for Providers of Medical and Remedial Care,” and Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

These amendments allow licensed mental health counselors and certified alcohol and drug counselors to enroll as Medicaid providers of behavioral health services, as mandated by 2011 Iowa Acts, Senate File 233. Providers’ services must be within the scope of practice granted by their license or certification.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on June 1, 2011, as **ARC 9538B**. The Department received comments from two providers requesting clarification on the scope of the rules.

Response: Providers will still bill Magellan Behavioral Health, the Iowa Plan contractor, for the majority of behavioral health services. These amendments allow a provider that serves a Medicaid member who is not Iowa-Plan-eligible to enroll as a Medicaid provider and to bill the Iowa Medicaid Enterprise for services to that member. These amendments provide for continuity of care across the fee-for-service and managed care platforms when a member moves from one group to another.

The Department also received a comment from UnitedHealthcare requesting changes in the rules to make sanctioning information from the Iowa Board of Substance Abuse Certification more widely available to health care contractors and to the public.

Response: All drug and alcohol abuse counselors will have to provide verification of their certification to the Iowa Medicaid Enterprise on a routine basis. The Iowa Medicaid Enterprise will regularly compare the list of enrolled providers to the list of providers published by the Iowa Board of Substance Abuse Certification to determine if any of the providers have been sanctioned.

The Council on Human Services adopted these amendments on July 13, 2011. These amendments are identical to those published in the Notice of Intended Action.

The Department finds that these amendments confer a benefit on Medicaid members and providers by providing another payment source for behavioral health services. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments do not provide for waivers in specified situations because these provisions are set by statute.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.15A as amended by 2011 Iowa Acts, Senate File 233.

These amendments became effective on August 1, 2011.

The following amendments are adopted.

ITEM 1. Amend rule 441—77.26(249A) as follows:

441—77.26(249A) Behavioral health services. The following persons are eligible to participate in the Medicaid program as providers of behavioral health services.

77.26(1) to 77.26(3) No change.

77.26(4) Licensed mental health counselors (LMC). Any person licensed by the board of behavioral science as a mental health counselor pursuant to Iowa Code chapter 154D and 645—Chapter 31 is eligible to participate. A mental health counselor in another state is eligible to participate when duly licensed to practice in that state.

77.26(5) Certified alcohol and drug counselors. Any person certified by the nongovernmental Iowa board of substance abuse certification as an alcohol and drug counselor is eligible to participate.

This rule is intended to implement Iowa Code chapter 249A as amended by ~~2008~~ 2011 Iowa Acts, Senate File ~~2425, section 123~~ 233.

ITEM 2. Amend rule 441—78.29(249A), introductory paragraph, as follows:

441—78.29(249A) Behavioral health services. Payment shall be made for medically necessary behavioral health services provided by a participating marital and family therapist, independent social worker, ~~or~~ master social worker, mental health counselor, or certified alcohol and drug counselor within the practitioner's scope of practice pursuant to state law and subject to the limitations and exclusions set forth in this rule.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/10/11.