



## State of Louisiana

Department of Health and Hospitals  
Bureau of Health Services Financing

REC'D JUL 14 2011

July 12, 2011

Louisiana State Board of Social Work Examiners  
18550 Highland Road, Suite B  
Baton Rouge, Louisiana 70809

**RE: Mental Health Provider Employee Concerns**

Dear Board Members:

The Medicaid Behavioral Health Section (MBHS) has received numerous complaints and allegations that agencies providing Mental Health Rehabilitation (MHR) and Multi-Systemic Therapy (MST) services are employing Licensed Clinical Social Workers (LCSW) and Licensed Master Social Workers (LMSW) who may be complicit in questionable practices related to service provision, documentation and billing and may in some instances, be operating outside of the scope of the Louisiana State Board of Social Work Examiner's Practice Act. Such practices endanger the health and safety of our recipients and serve to divert funding which could be used to further expand access to necessary treatment. Medicaid policy is clear that all practitioners must operate within their applicable scope of practice and that policy references to supervision shall not supersede any professional practices act. The frequency of these complaints and the initial results of subsequent investigations by our Quality Management(QM) team have compelled us to seek your assistance in providing information, support and guidance to your members relative to these problems.

The MBHS's QM unit is currently investigating several allegations of aberrant practices that may constitute illegal and/or fraudulent activity. In the event that our investigations result in substantiation of these allegations, punitive action may be taken against the individual practitioner and the provider agency and referrals may be made to the Medicaid Program Integrity Section and the Attorney General's Medicaid Fraud Control Unit, as well as any applicable licensing boards.

Mental health providers employ LCSWs to provide both direct services to Medicaid recipients and clinical supervision of unlicensed staff. Recent allegations include provider administrative staff requests for licensed and unlicensed staff to:

- Alter service logs (notes which document the content, duration and outcome of a treatment session) to facilitate maximum billing,

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- Sign blank service logs which are later completed by other staff and used to support billing,
- Bill for large blocks of time (i.e. three consecutive hours of treatment for children) irrespective of the needs of the patient or the efficacy of the treatment,
- Obtain signatures from parents or other responsible parties on blank forms,
- Round service times documented on service logs up to the nearest whole number in violation of Medicaid policy,
- Submit completed service logs for recipients in cases where no service was provided,
- Submit service logs for billing purposes when the activity was recreational, rather than treatment-oriented,
- Falsify records of training and supervision where none has occurred,
- Neglect, as mandated reporters, their duty to report suspected abuse or neglect to OCS Child Protection or Adult Protective Services and to document the report,
- Provide social work services at a master's level without being registered with the appropriate licensing board.

While, in some cases, unscrupulous employees may have used these practices without the knowledge of the employer to further their own interests, we have reason to believe that in some instances, these requests are made by owners and/or administrative staff coupled with threats that the employee's non-compliance may result in pay reductions, loss of pay for a pay period or possible termination of employment. We are particularly concerned that many of these reports are being made by current and former employees and appear to be credible. Reports indicate licensed personnel have been involved as both perpetrators and victims of coercion, with a seemingly flagrant disregard for the possibility they could be charged with fraud and lose their licenses if the improprieties were discovered.

I strongly urge you to consider alerting your LCSW membership that, despite the instructions that may be given to them by their employer, program manager, supervisor or other administrative staff, state and federal regulations and program policies must be followed. Failure to do so may result in serious consequences, including criminal prosecution for fraud, exclusion from all Medicaid and Medicare programs and services and an official complaint filed by our office with your organization. LCSW staff should familiarize themselves with the requirements of the program they provide. Free training is offered at [www.mbhs-la.org](http://www.mbhs-la.org) and provider manuals may be found at [www.lamedicaid.com](http://www.lamedicaid.com). Employees may contact MBHS Network Services or Quality Management staff at (225) 342-1203 or 1-800-558-4617 for assistance with any questions or concerns.

As the Department of Health and Hospitals moves forward with the Louisiana Behavioral Health Partnership initiative to expand the mental and behavioral health services available to the citizens of our state, we believe that improved quality of services and sound fiscal

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management are imperative. Your cooperation and partnership in this endeavor is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Pamela G. Brown".

Pamela G. Brown, Section Chief

Medicaid Behavioral Health

[Pamela.Brown@la.gov](mailto:Pamela.Brown@la.gov)

(225) 342-6255

cc: Lou Ann Owen, Deputy Medicaid Director  
Darrell Montgomery, Asst. Section Chief  
Keith Durham, QM Program Manager