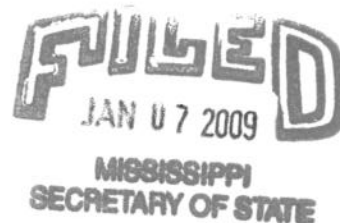


NOTICE OF RULE ADOPTION—FINAL RULE



STATE OF MISSISSIPPI  
OFFICE OF THE GOVERNOR  
DIVISION OF MEDICAID

Miss. Division of Medicaid  
c/o Ginnie McCardle, Staff Officer  
Walter Sillers Building  
550 High Street  
Suite 1000  
Jackson, MS 39201-1399  
(601) 359-6310  
<http://www.dom.state.ms.us>

Specific Legal Authority Authorizing the promulgation of  
Rule: Miss Code Ann. §43-13-121(1972), as amended

Reference to Rules repealed, amended or suspended by the  
Proposed Rule :  
MS State Plan Attachment 3.1-A, Exhibit 16

Date Rule Proposed: November 20, 2008

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:**

SPA2008-063 This State Plan amendment is being filed to revise accreditation standards for the psychiatric residential treatment facilities. This regulation allows accreditation by the Council on Accreditation of Services for Families and Children (COA) in addition to JCAHO. This State Plan amendment also removes the forty-five day time frame for inpatient psychiatric services. Beneficiaries can receive services longer if prior approved as medically necessary, in psychiatric hospitals or in a psychiatric unit of a general hospital. They are also allowed unlimited days of service if medically necessary in a PRTF. Because of the provision for additional days if medically necessary, the 45-day rules is unnecessary and has not been used because of the exception.

**The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.**

An oral proceeding was held on this rule:

Date:  
Time:  
Place:

An oral proceeding was not held on this rule.

**The Agency has considered the written comments and the presentations made in any oral proceedings, and**

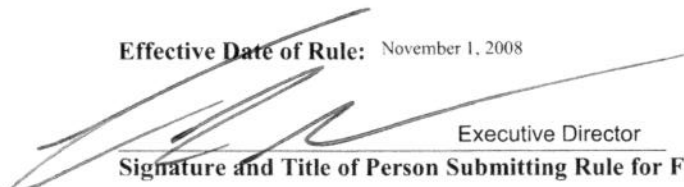
This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: November 1, 2008

  
Executive Director  
Signature and Title of Person Submitting Rule for Filing

DESCRIPTIONS OF LIMITATION AS TO AMOUNT, DURATION AND SCOPE OF  
MEDICAL CARE AND SERVICES PROVIDED

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16. Inpatient Psychiatric Services:

Inpatient psychiatric services for individuals under age 21 provided under the direction of a physician who is at least board eligible in psychiatry and has experience in child/adolescent psychiatry provided in either a licensed psychiatric hospital that meets the requirements of 42 CFR 482.60 and 1861(f) of the Social Security Act or a psychiatric unit of a general hospital that meets the requirements of subparts B and C of 42 CFR 482 and Subpart D of 42 CFR 441 or a licensed psychiatric residential treatment facility (PRTF) that meets the requirements Section 1905(h) of the Act. Licensed psychiatric hospitals must have Joint Commission on Accreditation of Health Care Organization (JCAHO) accreditation. Psychiatric Residential Treatment Facilities must be accredited by the Joint Commission on Accreditation of Health Care Organization (JCAHO) or Council on Accreditation of Services for Families and Children (COA). The psychiatric service must be provided in accordance with an individual comprehensive services plan as required by 42 CFR 441.155(b) before the individual reaches age 21 or, if the individual was receiving the services immediately before obtaining age 21, before the earlier of the date the individual no longer requires the services or the date the individual reaches age 22. The setting in which the psychiatric services are provided shall be certified in writing to be necessary as required by 42 CFR 441.152. The psychiatric services must be prior approved as medically necessary.

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Transmittal No. 2008-63  
Supersedes  
Transmittal No.: 94-18

Date Received: 11/20/08  
Date Approved: 12/23/08  
Date Effective 11-1-08