



**Managed Health
Network, LLC
Provider Manual
2022**

Practitioner Manual

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SECTION 1 OVERVIEW OF SERVICES

The following sections introduce the products and services offered by Managed Health Network, LLC (MHN). Benefits vary by state and plan design. To determine a member's eligibility for services, please call the phone number on the member's ID card to consult with an MHN Customer Service Representative. Our Customer Service Representatives and clinicians are available to providers and members 24/7.

MHN can communicate with members in 170 languages through its own staff and language line. MHN offers language services at no additional cost. (*See Section 11.9*)

1.1 Employee Assistance Programs (EAP)

Areas Served: All States

Product Description

MHN offers Employee Assistance Programs (EAP) throughout the country to more than 700 employer groups and a current enrollment of 3.4 million members through commercial and affiliate accounts. The primary focus of EAP is to provide assessment and referral to appropriate treatment resources covered by the employee's health insurance or to community resources. Many members accessing EAP services are not looking for and/or are not in need of psychotherapy. Members can access services for a range of reasons. The most common presenting problem is marital and/or family concerns. However, people also use EAP for problems in the workplace, stress, anxiety and sadness, alcohol and drug dependency, grief and loss, and other emotional health concerns.

In addition, our EAP offers eligible employees and anyone living in their household an array of nonclinical services. Our experts provide telephonic guidance and referrals to help with financial and legal matters, identity theft recovery, childcare, eldercare and pre-retirement planning. Our daily living experts can even help members find a caterer, pet-sitter or mechanic.

Our member website offers a full library of educational articles, along with searchable directories for childcare and eldercare, legal tools and forms, financial calculators and interactive e-learning programs. The website includes health and wellness tools and self-help programs for stress, smoking cessation, weight management, nutrition and fitness.

Our EAP also provides services to employers. Employers can formally refer employees whose personal or behavioral problems are affecting their performance at work through a Job Performance Referral. This service is designed to help valuable employees face and deal with personal problems that are jeopardizing their jobs. Other management services available through our EAP are critical incident response services, training and development, Department of Transportation compliance programs, and management consultation for a variety of workplace issues.

1.2 MHN Behavioral Health Plans – Commercial Business

Areas Served: CA and CT Product Description

MHN’s behavioral health plans, including mental health and substance use disorder services, can be stand-alone managed care plans or integrated with an EAP. Behavioral health plans always include crisis intervention available 24/7.

Services and benefits can be tailored to meet the specific requirements of our customers. Our behavioral health care plans generally cover:

- Outpatient sessions with a counselor, therapist, psychologist or psychiatrist
- Treatment in a hospital or residential facility, including partial hospitalization and residential treatment programs
- Treatment follow-up and aftercare

1.3 Centene Health Plans

Health Net of California, Inc., Health Net Community Solutions, California Health & Wellness, Health Net Health Plan of Oregon, and Health Net Life Insurance Company

Areas Served: CA, and OR (including parts of Southern WA)

Product Description

MHN Services administers mental health and substance use disorder benefits for several Centene health plan members in California and Oregon (including parts of Southern WA), through fully insured or self-funded Centene health plans. Plan benefits always include crisis intervention available 24 hours a day. Services and benefits vary by state and plan type but our behavioral health care programs generally include:

- Outpatient sessions with a counselor, therapist, psychologist or psychiatrist
- Treatment in a hospital or residential facility, including partial hospitalization and residential treatment programs
- Treatment follow-up and aftercare

1.4 Centene Medicare Advantage Plans

Areas Served: AZ, CA, OR (including parts of Southern WA)

Product Description

MHN Services administers mental health and substance use disorder benefits for several Centene Medicare Advantage plans. Centene Medicare Advantage members have the freedom to choose one of MHN contracted Medicare providers for mental health and substance abuse services. Plan benefits always include crisis intervention available 24 hours a day. Services and benefits may vary by plan type, but typically include:

- Outpatient office-based care, with referrals to practitioners specializing in the needs of Medicare

Advantage members

- Inpatient and alternate levels of care (partial hospitalization, intensive outpatient)

SECTION 2 IMPORTANT CONTACTS

2.1 MHN TELEPHONE DIRECTORY AND CONTACTS **Authorizations-Benefits-Eligibility-Interpreter Services**

(844) 966-0298 (Option 4)
8:00AM-5:00PM PST

Admissions

(844) 966-0298 (option 2)
MHN is available 24/7 for Hospital or Facility Admissions MHN is available
24/7 for crisis support

Contracting-Credentialing-Demographic Updates

(844) 966-0298 (option 3) Fax:
(844) 974-0492

Claims Status

(844) 966-0298 (option 1)
Electronic Payer ID: 22771

Appeals

Urgent Appeals (Representing Member) – Call (888) 426-0028, option 1
Post-Service Provider Appeals – Written process, submit to address shown below and see Section 12.5 of
this Manual

Provider Relations and Practitioner Complaints

(844) 966-0298 (option 3 for a Representative)
8:00AM-5:00PM PST
Email: mhn.providerservices@healthnet.com

2.2 IMPORTANT MAILING ADDRESSES

Send All Claims Forms to:

MHN
P.O. Box 14621
Lexington, KY 40512-4621

Send All Credentialing Documentation to:

MHN Credentialing

P.O. Box 10086
San Rafael, CA 94912

Provider Dispute Resolutions

MHN Provider Dispute Department
PO Box 989882
West Sacramento, CA 95798-9882

MHN Corporate Office:

MHN
P.O. Box 10697
San Rafael, CA 94912

SECTION 3 PRACTITIONER RESPONSIBILITIES

3.1 Non-Discrimination

In Accordance with Section 1557 of the Affordable Care Act (ACA),

MHN Participating Providers must provide or arrange for the provision of covered services to MHN members in the same manner as services are provided to or arranged for all other patients of provider. The quality of covered services must be no less than the quality of services provided to other patients. Provider must not discriminate against MHN members on the grounds that the member files a complaint against either provider or MHN, or because of the member's race, color, national origin, ancestry, religion, sex, marital status, sexual orientation, age, income level, physical handicap, medical or mental health condition or on the basis of health maintenance organization membership.

Participating providers must notify MHN immediately of a discrimination grievance submitted by an MHN member and continue to follow MHN's existing issue write-up procedures for detection and remediation of non-compliance.

Participating providers must comply with MHN, regulatory or private litigation research, investigation and remediation requirements.

Participating providers must implement, enhance and reinforce prohibitions on discrimination on the basis of race, color, national origin, sex, age, or disability. At a minimum, they must implement health program or activity changes to avoid discrimination where necessary.

Participating providers can consider implementing:

- An ability to capture gender identity;
- Mandatory provider and staff civil rights; or
- Cultural sensitivity training.

Accessibility for Persons with Disabilities

If necessary, participating providers must assess and enhance existing policy and procedures to ensure effective communication with MHN members, including those with disabilities. Participating providers must ensure their programs or activities provided through electronic or information technology such as Websites or on-line versions of materials are accessible to individuals with disabilities. If necessary, participating providers must assess and enhance Website compliance with Title II of ADA.

3.2 Compliance with Requests for Provider Demographic Updates

MHN Participating Providers (including individual practitioners, groups and facilities) must cooperate with MHN's efforts to keep current and up-to-date provider directories. Providers must supply information within the timelines requested by MHN, and as specified by Senate Bill SB 137 (California providers only).

Lexis Nexis actively outreaches to individual network providers, individual practitioners, practice groups and facilities quarterly. This outreach includes verification of the following:

- Provider name
- Provider address (mailing, billing and practice)
- Confirmation of contracted networks (ie: products/lines of businesses)
- Group affiliations (if applicable)
- Admitting privileges (MD's only)
- Specialties
- NPI Number
- CA license number
- Board Certification (MDs only)
- Languages spoken by the provider
- Phone number(s)
- Fax number
- Email address
- Whether they are accepting new patients
- Office hours
- Handicap accessibility (handicap accessibility includes parking, exterior building, interior building and restroom)

3.3 Notification of Practice and Demographic Information Changes:

All providers must provide MHN with their credentialing information, as well as their specialty, gender, work address, work fax number, work telephone number and work email address for each of their health care delivery sites. Providers must also indicate whether or not they are accepting new patients at each practice site. Providers must notify MHN via phone, in writing, or online through the Provider Portal at www.mhn.com, at least 30 calendar days prior to any change in their address, business telephone number, office hours, tax identification number, bilingual language abilities, professional license number and, if

applicable, DEA or CDS registration number. Providers must also update MHN whether or not they are accepting new patients at each of their practice sites.

Providers must update MHN within five (5) business days when either of the following occurs: 1) The provider is not accepting new patients; 2) If the provider had previously not accepted new patients, they are now accepting new patients.

Providers can update their demographics and/or profile using the Provider Portal on MHN's website or calling the provider line at 844-966-0298, and/or sending an email to: mhn.providerservices@healthnet.com

3.4 Referral to MHN (California Providers Only).

If a provider who is not accepting new patients is contacted by a MHN member or potential member seeking to become a new patient, the practitioner must direct the member or potential member to both MHN for additional assistance in finding a provider and, if applicable, to the Department of Managed Health Care (DMHC) and/or California Department of Insurance (CDI), to report any inaccuracies with MHN's directory.

3.5 Compliance with MHN Credentialing Policies:

MHN's Participating Provider Agreement requires that practitioners comply with MHN's credentialing policies. Under this agreement, practitioners must maintain a clear, unrestricted license to practice and notify MHN within 5 days of any of the following:

- Licensing actions
- Malpractice claims or arbitration
- Felony indictments
- Disciplinary actions before a state agency
- Cancellation or material modification of professional liability insurance
- Actions taken to modify participation in Medicare or Medicaid
- Enrollee complaints against practitioner
- Any situation that would impact the practitioner's ability to carry out the provisions of the contract

3.6 Credentialing: Administrative Guidelines

A. Credentialing & Re-credentialing

Practitioners in the MHN network are selected and credentialed based on established criteria reflecting professional standards for education, training and licensure. Eligible practitioners include psychiatrists, psychologists, clinical social workers, clinical nurse specialists and other Masters-level and independently licensed counselors. Credentials are verified upon initial application to the network and through the recredentialing process thereafter, as required by regulatory and accrediting agencies. Information supplied to comply with credentialing requirements cannot be more than 180 days old at the time of Credentialing Committee review.

Initial Credentialing

Physician-Level practitioners must meet the following selection criteria:

1. Graduation from an accredited medical school
2. Current, unrestricted* medical license in the state in which practice is to occur.
3. Professional liability insurance coverage in the amount of \$1 million per occurrence/\$3 million aggregate or community standard as approved by MHN
4. Psychiatrists must have Board certification in psychiatry or completion of an ACGME-accredited residency in psychiatry
5. Current controlled substances registration (DEA certificate)
6. Addictionologists must have current certification from the American Society of Addiction Medicine
7. Current resume or curriculum vitae that details five years of relevant work history and clinical training (work absences must be explained by the applicant)
8. Foreign medical school graduates must submit ECFMG certification to demonstrate proficiency in the English language

Psychologist and Masters level practitioners must meet the following selection criteria:

1. Must hold a degree from a professional school. Graduation from an accredited graduate degree program with a clinically related curriculum
2. Independently licensed in the state where practice is to occur, at the highest level in the state where practice is to occur
3. Current, unrestricted* license in the state where practice is to occur
4. Professional liability insurance in the amount of \$1 million per occurrence/\$1 million aggregate or community standard as approved by MHN
5. Current resume or curriculum vitae that details five years of relevant work history and clinical training (work absences must be explained by the applicant)
6. Registered nurses, nurse practitioners and clinical nurse specialists must have a state license that has language or a designation related to a behavioral health specialty. If the state license does not have such language, or such language is not available, then a current ANCC Certification in any of the following certification areas will meet these criteria:
 - a. Clinical Specialist in Adult Psychiatric and Mental Health Nursing
 - b. Clinical Specialist in Child and Adolescent Psychiatric and Mental Health Nursing
 - c. Adult Psychiatric and Mental Health Nurse Practitioner
 - d. Family Psychiatric and Mental Health Nurse Practitioner

“Unrestricted” is defined as having no current disciplinary investigations, conditions, or restrictions of any kind, including probation for any reason, imposed by the state licensing or certifying agency. Practitioners cannot be practicing under supervision.

Registered Nurses, Nurse Practitioners and Clinical Nurse Specialists: Must be able to provide psychotherapy and attest to having a minimum of:

1. Master's degree in nursing or behavioral health-related area.
2. 36 semester hours of graduate level coursework in behavioral health counseling related subjects.
3. 1500 hours of supervised behavioral health experience in an outpatient psychotherapy setting.

Additional Practitioners Eligible for Admission into the Network

Applied Behavioral Analysts (ABA)

ABA providers must meet the following selection criteria:

1. Must hold a Bachelor's Degree (BCaBAs) or a Master's or higher (BCBA/BCBA-D) from an accredited school per requirements of the Behavioral Analyst Certification Board,
2. Must hold a clear, unrestricted Board Certification as either a BCaBA, a BCBA, or a BCBA-D through the Behavioral Analyst Certification Board. In states where an ABA license exists, MHN requires an ABA license. All BCaBA's must deliver services under a group practice.
3. Must hold professional liability insurance in the amount of \$1 million per occurrence/\$1 million aggregate. A practitioner may have limits below these standards if the limits are consistent with the practitioner's community standard.
4. Must provide current resume or curriculum vitae detailing five years of relevant work history and clinical training (Work absences of six months or more must be explained by the applicant). All practitioners must have documented relevant work history since initial licensure, or for five years, whichever is less.

In addition to the above, **all applicants** must report whether any of the following has occurred:

1. Felony conviction or misdemeanor conviction
2. Pending felony allegation or misdemeanor allegation
3. Sanctions by a federal or state payment program (e.g., Medicare, Medicaid)
4. Adverse professional review actions reported by any professional review board
5. Denial, loss, suspension or limitation of medical license or narcotics license
6. Malpractice claim, investigation or lawsuit filed
7. Cancellation or material modifications of professional liability insurance
8. Physical or mental condition or substance abuse problem which would impair ability to practice

The following credentials are verified through primary sources:

1. Graduation from medical or other professional school appropriate to the State licensing requirement
2. Current, valid license to practice independently
3. Valid, unrestricted DEA or CDS certification, as applicable
4. Board certification, as applicable
5. Malpractice claims payment history from the National Practitioner Data Bank
6. DHHS Medicare/Medicaid Sanctions

Re-credentialing

MHN re-credentials practitioners in its network every 36 months. MHN conducts primary or secondary source verification on all credentials in the re-credentialing process. Documents must not be more than 180 days old at the time of review.

All applicants for re-credentialing must report whether any of the following has occurred:

1. A felony conviction or misdemeanor conviction
2. A pending felony allegation or misdemeanor allegation
3. Sanctions by a federal or state payment program (e.g., Medicare, Medicaid, CMS)
4. Adverse professional review actions reported by any professional review board
5. Denial, loss, suspension or limitation of professional license or narcotics license
6. Malpractice claim, investigation or lawsuit filed
7. Cancellation or material modifications of professional liability insurance
8. Physical or mental condition or substance abuse problem which would impair ability to practice

Re-credentialing also includes a review of any prior quality issues and member complaint history.

Ongoing Monitoring of Sanctions

MHN performs ongoing monitoring of Medicare/Medicaid sanctions and exclusions, board sanctions or licensure actions, and member complaint history. When MHN participating practitioners are identified as being subject to these actions, they are presented to MHN's Credentialing Committee for review and appropriate action.

B. Practitioner Rights Related to Credentialing & Re-credentialing

Practitioners have a right to review information submitted in support of their Credentialing and Recredentialing applications (not including confidential evaluations or other confidential peer review documentation). In addition, if information obtained by MHN during the Credentialing or Recredentialing process varies substantially from information provided by the practitioner, MHN will notify the practitioner in writing of any discrepancy. Practitioners have a right to correct erroneous information.

All information gathered by MHN in the credentialing and re-credentialing process is treated confidentially, except as otherwise provided by law. Credentialing and re-credentialing information is available to MHN Credentialing staff, Peer and Quality Reviewers and Credentialing Committee members only on a need-to-know basis.

Practitioners are sent a written notification within 10 business days of the initial credentialing decision. Thereafter, practitioners are considered Re-credentialed, unless otherwise notified by MHN.

C. Delegated Credentialing

MHN will delegate credentialing to practitioner organizations that can demonstrate their credentialing program meets all the requirements of MHN, NCQA and URAC.

Provider groups requesting delegation must send MHN the following:

- Practitioner application
- Credentialing policies and procedures
- Practitioner rosters and data on each individual clinician either electronically or paper based

MHN will review the application and policies and procedures for compliance with MHN, NCQA and URAC standards. If there are any identified areas of program non-compliance, the group will be informed and given an opportunity to submit a corrective action plan for approval.

The following requirements must be met:

1. The group must have an established credentials committee that reviews the credentials of potential clinicians in conjunction with quality management and utilization review committees. The meeting minutes of all committees involved in practitioner credentialing must be available for review during a site audit.
2. MHN's Quality Management and Provider Relations staff must be permitted reasonable access to the credentials files, for the purpose of auditing credentialing activities, which must occur at least annually.
3. The group must have the administrative, technical expertise and financial capacity to carry out the delegated credentialing review functions.
4. The group is required to take appropriate action, outlined in its policies and procedures, any time a problem with an applicant's or a network clinician's credentials is identified. The practitioner must notify MHN of any concerns regarding the clinician's credentials. In addition, the practitioner must forward to MHN a narrative regarding the conclusions, recommendations, actions and follow-up of all credentialing cases in which disciplinary action, including denial, suspension, restriction, or termination of network participation has been taken.

If there is an accusation, suspension, restriction, sanction or termination of any license or privilege against a clinician who has been credentialed by a delegated group, MHN will notify the group requesting complete credentialing information on the clinician.

The group will respond to all requests for credentialing information within the specified time in the written inquiry. If the practitioner fails to respond within the specified time frame, MHN retains the right to suspend or terminate the clinician in question at its sole discretion.

MHN shall retain the ultimate responsibility for the approval, termination and/or suspension of clinicians to ensure all clinicians contracting with the plan meets the credentialing requirements specified in MHN's Credentialing Policies and Procedures.

Delegated groups may perform obligations related to primary source verification and other credentialing documentation through an agent, Credentialing Verification Organization (CVO), or subcontractor.

If there is substantial non-compliance with MHN standards, MHN will conduct an audit of the delegated group's credentialing files to ensure adherence to the practitioner's process using MHN's Credentialing Delegation Individual File audit tool; NCQA's file selection rule of 8/30, at a minimum; and URAC's applicable percentage of practitioner credentialing files randomly selected. MHN will review no fewer than 20 files— 10 initial files and 10 re-credentialing files. Delegated groups must pass the audit with a 90% or greater score.

If the files meet MHN standards, the group will enter into a Credentialing Delegation Agreement with MHN.

A group can be offered a provisional delegation agreement with an approved corrective action plan, if the group agrees that the corrective action can be completed within six months. All corrective action plans and delegation agreements must be approved by the MHN Credentialing Committee along with the practitioner's roster identifying those individual clinicians who have successfully completed the practitioner's credentialing program.

Provisionally delegated provider organizations are re-audited within six months by MHN to review the status of the corrective action plan and assure compliance.

The group's clinicians become active in the MHN network **only** after receiving approval from the MHN Credentialing Committee. MHN retains the right to accept, reduce participation, suspend and/or terminate any clinicians who are members of delegated groups.

D. Practitioner Office Standards

1. General practitioner office standards
 - Office must be professional and secular
 - Signs identifying office must be visible
 - Office must be clean
 - Office must be free of pets
 - Office must have a separate waiting area with adequate seating
 - Practitioners must see patients within 15 minutes of the scheduled appointment time
 - Clean restrooms must be available
 - Office environment must be physically safe
 - Practitioner must have a professional and fully confidential telephone line and answering machine or voicemail greeting. Practitioners must ensure their voicemail boxes are routinely cleared and able to accept incoming messages.
2. Additional standards for practitioner home office:
 - Office must have a separate entrance for clients/patients
 - Office must be used only for business and may not be used as part of living area
 - There must be a waiting area separate from living area

- There must be a restroom separate from living area
- Practitioner must have a separate telephone line that is not accessible to other household residents or household staff

E. Clinical Specialty Information

Clinical specialty information is collected and used in MHN's referral process. Practitioners may update their clinical specialties online through their Provider Portal profile at www.mhn.com.

F. Resignations and Network Terminations

Resignations

If a practitioner wishes to resign from MHN's practitioner network, he or she must submit a written notice.

Please note that if you must resign from the MHN network, you must notify MHN within (90) days. It is your responsibility to work with MHN to provide continuity of care for any member you are seeing; and you must be available to work with the member during that transition period. Facilitating an appropriate transition to another practitioner or service is good professional practice. We appreciate your cooperation.

Termination of Network Participation

MHN can terminate a practitioner's network participation for a variety of reasons, including those specified in the practitioner contract. Network participation will *not* be terminated on the grounds that the practitioner:

- Advocated on behalf of a member
- Filed a complaint against MHN
- Appealed a decision of MHN
- Requested a review or challenged a termination decision

Please refer to the Termination provisions contained in your Participating Provider Agreement for specific details.

Types of Terminations

Termination with Clinical Cause

If MHN considers terminating a practitioner from the network for Clinical Cause, MHN will offer that practitioner the opportunity for a reconsideration or a hearing, as required by state regulation. MHN will notify the practitioner of the issues concerned and, where applicable, the reconsideration or hearing process. Practitioner termination will apply to all lines of business.

Confidentiality of Medical Records

Termination without Clinical Cause

MHN may terminate practitioners without clinical cause in accordance with the practitioner contract, based on the recommendation of the Credentialing Committee. Practitioners terminated from the network without clinical cause are offered appeal rights per MHN's Credentialing Policies and applicable state and federal regulations.

3.7 Confidentiality Standards

MHN expects mental health practitioners to maintain client confidentiality under applicable state and federal laws as applicable to client/therapist privilege, mandated child and elder abuse reporting requirements, and disclosure of records.

MHN Standards for handling of confidential information at practitioner office sites:

- Practitioners should release treatment records only in accordance with a court order, subpoena, or statute.
- Practitioners should assure that any such request for records be legally obtained.
- Practitioner office staff should be trained regarding the necessity for signed authorization for release of information prior to any disclosure of confidential information, aside from exceptions specified in state and federal laws.
- Practitioners should limit access to treatment records.
- Practitioners should have a policy/procedure for:
 - Assuring confidentiality where records are stored electronically
 - Assuring confidentiality where records are transmitted electronically
 - Assuring confidentiality of records transmission of patient information by facsimile
 - Assuring confidentiality of records delivered through mail or delivery services
- Practitioner office staff should sign a confidentiality agreement, which should be kept on file in the practitioner's office.
- Treatment records must be locked when not in use. Treatment record storage locations must be secure and accessed only by approved personnel.
- Purging of treatment records must be done according to state statute, and in a manner, which maintains client confidentiality.

MHN informs members that information shared with MHN staff or network clinicians is confidential. MHN will not disclose member records or information concerning services and will not disclose the fact that a member accessed MHN services without written consent or unless otherwise required or permitted by law.

Confidentiality of Medical Records:

Protected Individual

“Protected Individual” means any adult subscriber or enrollee covered under a health plan or health insurance policy or a minor subscriber or enrollee who can consent to a health care service without the consent of a parent or legal guardian, pursuant to state or federal law. “Protected Individual” does not include an individual that lacks the capacity to give informed consent for health care pursuant to Section 813 of the Probate Code.”

Members are entitled to confidential treatment of member communications and records. Case discussion, consultation, examination, and treatment are confidential and must be conducted discreetly. A provider shall permit a Protected Individual to request, and shall accommodate requests for, confidential communication in the form and format requested by the Protected Individual, if it is readily producible in the requested form and format, or at alternative locations or addresses. The confidential communication request shall apply to all communications that disclose medical information or provider name and address related to receipt of medical services by the individual requesting the confidential communication. For Protected Individuals who have not designated an alternative mailing address, the Plan is required to send the communications to the address or telephone number on file in the name of the Protected Individual. Written authorization from the member or authorized legal representative must be obtained before medical records are released to anyone not directly concerned with the member's care, except as permitted or as necessary for administration by the health plan.

MHN requires participating providers to have a written policy in place that provides for the protection of confidential protected health information (PHI) in accordance with the Health Insurance Portability and Accountability Act (HIPAA). The policy must be kept in hard copy or electronic format and must include a functioning mechanism designed to safeguard records and information against loss, destruction, tampering, unauthorized access or use, and verbal discussions about member information to maintain confidentiality.

Provider agrees that all health information, including that related to patient conditions, medical utilization and pharmacy utilization, available through the portal or any other means, will be used exclusively for patient care and other related purposes as permitted by the HIPAA Privacy Rule.

PHI is considered confidential and encompasses any individual health information, including demographic information collected from a member, which is created or received by MHN and relates to the past, present or future physical, mental health or condition of a member; the provision of health care to a member; or the past, present or future payment for the provision of health care to a member; and that identifies the member or there is a reasonable basis to believe the information may be used to identify the member. Particular care must be taken, as confidential PHI may be disclosed intentionally or unintentionally through many means, such as conversation, computer screen data, faxes, or forms. Disclosure of PHI must have prior, written member authorization.

Confidentiality of Medical Information

Sensitive services are defined as all health care services related to mental or behavioral health, sexual and reproductive health, sexually transmitted infections, substance use disorder, gender affirming care, and intimate partner violence, and includes services described in Sections 6924-6930 of the Family Code, and Sections 121020 and 124260 of the California Health and Safety Code, obtained by a patient at or above the minimum age specified for consenting to the services.

Effective July 1, 2022, Assembly Bill 1184, amends the Confidentiality of Medical Information Act to require health care plans to take additional steps to protect the confidentiality of a subscriber's or enrollee's medical information regardless of whether there is a situation involving sensitive services or a situation in which disclosure would endanger the individual.

These steps include:

- A Protected Individual is not required to obtain the primary subscriber or other enrollee's authorization to receive sensitive services or to submit a claim for sensitive services if the member has the right to consent to care.
- Not disclose a Protected Individual's medical information related to sensitive health care services to the primary subscriber or other enrollees, unless the member's authorization is present.
- Notify the subscriber and enrollees that they may request confidential communications and how to make the request. This information must be provided to "enrollees" at initial enrollment and annually.
- Respond to confidential communications requests within:
 - 7 calendar days of receipt via electronic or phone request or
 - 14 calendar days of receipt by first-class mail
- Communications (written, verbal or electronic communications) regarding a Protected Individual's receipt of sensitive services should be directed to the member's designated mailing address, email address, or phone number. For Protected Individuals who may not have designated an alternative mailing address, the Plan is required to send the communications to the address or phone number on file in the name of the Protected Individual.
- Confidential communication includes:
 - Bills and attempts to collect payment.
 - A notice of adverse benefits determinations.
 - An explanation of benefits notice.
 - A plan's request for additional information regarding a claim.
 - A notice of a contested claim.
 - The name and address of a provider, description of services provided, and other information related to a visit.
 - Any written, oral, or electronic communication from a plan that contains protected health information.

AGENCIES MUST BE AUTHORIZED TO RECEIVE MEDICAL RECORDS

The relationship and communication between a participating provider and member is privileged and the medical records containing information about the relationship is confidential. The participating provider's code of ethics, as well as California and federal law, protect against the disclosure of the contents of medical records and protected health information (PHI), whether written, oral or electronic, to individuals or agencies that are not properly authorized to receive such information.

BASIC PRINCIPLES

Protected health information (PHI) may be shared with participating providers in the same facility only, on a need-to-know basis, and may be disclosed outside the facility only to the extent necessary such release is authorized.

In accordance with the Health Insurance Portability and Accountability Act (HIPAA), PHI, whether it is written, oral or electronic, is protected at all times and in all settings. Disclosure of PHI must have prior written member authorization. MHN participating providers only release PHI without authorization when:

- Needed for payment
- Necessary for treatment or coordination of care
- Used for health care operations (including, but not limited to, Healthcare Effectiveness Data and Information Set (HEDIS®) reporting, appeals and grievances, utilization management, quality improvement, and disease or care management programs)
- Where permitted or required by law

MHN and participating providers may transmit PHI to individuals or organizations, such as pharmacy or disease management vendors, who contract to provide covered services to members. PHI cannot be intentionally shared, sold or otherwise used by MHN, its subsidiaries, participating providers, or affiliates for any purpose other than for payment, treatment or health care operations or where permitted or required by law without an authorization from the member.

AB 715 (ch. 562, 2003) supports compliance with HIPAA and applicable state laws relating to use of PHI for marketing. Marketing is defined as a communication about a product or service that encourages recipients to purchase or use the product or service. Health plans, providers, pharmaceutical benefit managers, and disease management entities are prohibited from using PHI to market a product or service unless the communication meets one of the exceptions described below:

- Written or oral communication whereby the communicator receives no compensation from a third party
- Communications made to a current member solely for the purpose of describing a provider's participation in an existing health care provider network or health plan network to which the member subscribes
- Communications made to a current member solely for the purpose of describing products, services, payment, or benefits for the health plan to which the member subscribes
- Communication to describe a plan benefit or an enhancement or replacement to a benefit
- Communications describing the availability of more cost-effective pharmaceuticals
- Compensation communications tailored to a specific individual that educate or advise them about disease management or life-threatening, chronic or seriously debilitating conditions if:
 - The member receiving the communication is notified in writing that the provider, contractor or health plan has been compensated, and identifies the source of the compensation
 - The communication must include information on how the member can opt out of receiving further communications by calling a toll-free number and must be written in 14-point font or larger. No communication can be made to a member who has opted out after 30 days from the date of the request

- Special authorization is required for uses and disclosures involving sensitive conditions, such as psychotherapy notes, AIDS or substance abuse. To release PHI regarding sensitive conditions, MHN and participating providers must obtain written authorization from the member (or authorized representative) stating that information specific to the sensitive condition may be disclosed.

In the event the member is unable to give authorization, MHN or the participating provider accepts the authorization of the person holding power of attorney or any other authorized representative in order to release information or have access to information about the member. Refer to the Procedure discussion for more information regarding authorized representatives.

Members may obtain their own medical records upon request. Adult members have the right to provide a written addendum to the medical record if the member believes that the record is incomplete or inaccurate. Members may request that their PHI be limited or restricted from disclosure to outside parties or may request the confidential communication of their PHI to an alternate address. Members may file a grievance with respect to any concerns they have regarding confidentiality of data.

PROCEDURE

Participating providers, policies and procedures governing the confidentiality of medical records and the release of protected health information (PHI) must address levels of security of medical records, including the:

- Assurance that the files are secure and not accessible to unauthorized users
- Indication of who has access to the medical records
- Identification of who may execute different database functions for computerized medical records
- Assurance that staff is trained with respect to the Health Insurance Portability and Accountability Act (HIPAA), privacy requirements and related policies
- Signed confidentiality agreements on file from staff who have access to medical records
- Assurance that photocopies or printouts of the medical records are subject to the same control as the original record
- Designation of a person to destroy the medical record when required

Release of medical information guidelines must address:

- Requests for PHI via the telephone
- Demands made by subpoena duces tecum
- Timely transfer of medical records to ensure continuity of care when a MHN member chooses a new primary care physician (PCP)
- Availability and accessibility of member medical records to MHN and to state and federal authorities or their delegates involved in assessing quality of care or investigating enrollee grievances or other complaints
- Availability and accessibility of member medical records to the member in a timely manner in accordance with industry standards and best practices
- Requirements for medical record information between providers of care:
 - A physician or licensed behavioral health care provider making a member referral must transmit necessary medical record information to the provider receiving the member referral

- A physician or licensed behavioral health care provider furnishing a referral service provides appropriate information back to the referring provider
- A physician or licensed behavioral health care provider requesting information from another treating provider as necessary to provide care. Treating physicians or licensed behavioral health care providers may include those from any organization with which the member may subsequently enroll

An authorization form must be in plain language and contain the following to be HIPAA-compliant:

- A specific and meaningful description of the information to be used or disclosed
- The name of the person or entity authorized to make the requested use or disclosure
- The name of a person or entity to which the use or disclosure may be made
- A description of each purpose or use for the information. If the individual requests the authorization for their own purposes, the description here may read simply "at the request of the individual"
- An expiration date or an expiration event that relates to the individual or the purpose of the use or disclosure
- The signature of the individual and the date
- If the personal representative signs for the individual, a description of such representative's authority to act for the individual must be provided
- A statement about the individual's right to revoke the authorization at any time if the revocation is in writing, the exceptions to the revocation right, and a description of how the individual may revoke the authorization. Alternatively, the revocation statement may state the individual's right to revoke and instruct the individual to refer to the covered entity's Notice of Privacy Practices for instructions and limitations on revocation
- A statement that treatment, payment, enrollment, or eligibility for benefits may not be conditioned on obtaining the authorization, unless a valid exception applies (such as, pre-enrollment underwriting or information needed for payment of a specific claim for benefits), but the authorization cannot require release of psychotherapy notes for either exception
- The consequences to the individual of a refusal to sign when the plan can condition enrollment in the health plan, eligibility for benefits or payment on failure to obtain such authorization
- A statement that the information used or disclosed pursuant to the authorization may be subject to redisclosure by the recipient and no longer protected by the privacy rule

3.8 Untoward Events

Practitioners are obligated to report to MHN of the occurrence of Untoward Events experienced by a MHN member. Untoward events include but not limited to 1) Completed or nearly lethal suicide or homicide; and 2) Fatal or nearly fatal medication or ECT complications.

MHN will conduct a quality review of all Untoward Events brought to its attention. Practitioners should contact the Service Team or Quality Management staff if they become aware of such an event involving an MHN member.

3.9 Treatment Records

A. Treatment Record Audits

In accordance with the MHN practitioner contract, MHN practitioners are expected to provide access to patient records for Quality Improvement or Utilization Management peer review activities that are conducted by authorized personnel. These records are to be provided without charge to MHN or MHN members.

MHN has developed a Clinical Record Form (available at www.mhn.com under “Providers-Working with MHN- Resources- Forms”) that is a template for clinical documentation and to assist practitioners with improving outpatient clinical and documentation quality. The Clinical Record Form is a total of eight pages and includes a space for practitioners to enter clinical information, a page to document session notes, and a copy of the MHN Behavioral Health Coordination Form which prompts providers to coordinate care with medical and other behavioral practitioners.

B. Patient Record Guidelines

MHN believes that the Clinical Record Form will help practitioners meet MHN’s Treatment Record Documentation Standards and possibly improve outpatient documentation and clinical quality. We encourage practitioners to consider using it and other forms available at www.mhn.com under “Working with MHN - Clinical Operations Practices”.

C. Exchange of Information with Medical Delivery Systems

Behavioral health care occurs in the context of a total healthcare delivery system. MHN expects contracted practitioners to communicate with primary care physicians (PCPs) and other medical practitioners involved in treatment of certain shared patients. Practitioners should obtain authorization from their patients to exchange such information using their own release of information forms that meets state and federal requirements. Coordination of care information can be communicated using the one-page MHN Behavioral Healthcare Coordination Form (available online at www.MHN.com under “Providers - Forms”) or via your own form that contains the same information.

MHN and its health plan affiliates monitors coordination of care in two ways. First, our plan affiliates annually survey Primary Care Practitioners asking whether PCPs found behavioral health coordination information to be timely and useful. Second, health plan members are surveyed and asked whether their behavioral health practitioner discussed with them the need to coordinate care with their PCP.

MHN considers it important to have communication among practitioners when a clinical situation merits such coordination. These clinical situations include:

- 1) A behavioral health practitioner begins prescribing psychotropic medications or makes significant changes to the regimen;

- 2) A new patient reports a concurrent medical condition, a substance use disorder, and/or a major mental illness (i.e., a condition other than an adjustment disorder), or when there is a change in one of these in an established patient;
- 3) A PCP or other medical practitioner refers a patient to a behavioral health practitioner;
- 4) A behavioral health practitioner finds out that a PCP is prescribing psychotropic medications;
- 5) A behavioral health practitioner terminates with a patient about whom there has previously been communication with a PCP.

SECTION 4 MHN MEMBER RIGHTS & RESPONSIBILITIES STATEMENT

MHN is committed to providing easily accessible, high-quality services to our members. This objective is best met by establishing a mutually respectful relationship with our members that promotes privacy, effective treatment and member satisfaction. The Member Rights and Responsibilities Statement is designed to clearly outline member rights and responsibilities in this partnership. We have included a copy of MHN's Member Rights and Responsibilities Statement following this section. Please take a moment to review this statement. MHN requests that you also review the statement with MHN members who have questions about their rights and responsibilities. Thank you for your assistance in keeping our members informed!

Member Rights & Responsibilities

As a member of MHN, you have certain rights and responsibilities related to your mental health and substance use disorder benefits. For this reason, we developed several guidelines for you to follow during the access and treatment process.

We recommend that you familiarize yourself with the Rights and Responsibilities below in order to receive optimal care and service.

As a member, you have a right to:

- Receive information regarding MHN services and clinical guidelines.
- Call MHN for assistance 24 hours a day, 365 days a year.
- Call "911" in an emergency.
- Receive prompt, competent and courteous treatment from all MHN staff and practitioners.
- Ask questions about and see documentation of your practitioner's credentials and experience.
- Discuss appropriate or medically necessary treatment options, regardless of cost or benefit coverage, and obtain a clear explanation of MHN's criteria for determining medical necessity.
- Confidentiality of your medical records to the extent protected by state and federal law.
- Obtain an explanation regarding legally required exceptions to confidentiality.
- Receive a clear explanation from your practitioner about the recommended treatment plan and the expected length of treatment.
- Participate in decision-making regarding your treatment.
- Refuse or terminate treatment at any time.

- Be treated with respect and recognition of your dignity and need for privacy.
- Receive an explanation from your practitioner of any consequences that may result from refusing treatment.
- Obtain a clear explanation of MHN's reasons for determining that care is not medically necessary.
- Appeal a denial.
- File complaints with MHN, the State Department of Insurance, the Department of Managed Health Care, the State Department of Health and Human Services or any other applicable regulatory body.
- Suggest ways to improve the MHN Member Rights & Responsibilities Policy and Procedures.
- Receive a complete explanation of your fees and charges.
- Receive a clear explanation of your financial responsibility when you use out-of-network providers.
- Be free from balance billing from your practitioner.

As a member, it is your responsibility to:

- Furnish information needed by MHN and your practitioner which allows us to provide proper treatment.
- Actively participate in developing mutually agreed-upon treatment goals and strategies for achieving those goals.
- Follow the plans you have agreed upon with your practitioner.
- Cancel appointments within the guidelines described by MHN or your practitioner.
- Read your Evidence of Coverage or other material outlining your behavioral health benefits.
- Ask questions to ensure your understanding of covered benefits, limitations and any authorization procedures, and comply with the rules and conditions as stated.
- Pay any co-payments at the time of service
- Demonstrate courtesy and respect to your practitioner, the practitioner's staff and MHN's employees, and expect similar treatment in return.

SECTION 5 NETWORK ADEQUACY & PRACTITIONER AVAILABILITY STANDARDS

5.1 Individual Practitioners

A. Network Adequacy

It is MHN's policy to develop and maintain an adequate network in number and type of individual practitioners to ensure access to all needed specialties. The network is considered adequate if all of the following criteria are met:

- There is either .8 or one physician per 5,000 covered lives, .8 or one psychologist per 2,300 covered lives, and .8 or one master's level clinician per 1,150 covered lives, depending upon line of business. This is measured quarterly. Ninety-five percent of members will have at least one practitioner of each type (Psychiatrist, Psychologist, Master Level clinician) within a 10-mile radius in urban locations, 25 miles in suburban locations and 60 miles in rural locations (for CDI regulated PPO/EPO members, the network is considered adequate if 90% have at least one MH provider in

15 miles or 30 minutes and at least one SUD provider in 15 miles or 30 minutes regardless of location).

- Standards for ABA providers are as follows:
 - 95% of members will have at least one Behavioral Analyst within 30 miles in urban and suburban locations and 60 miles in rural locations;
 - 95% of members will have at least two Behavioral Technicians within 30 miles in urban and suburban locations and 60 miles in rural locations;
 - 90% CDI-regulated PPO/EPO members will have at least one Autism provider within 15 miles or 30 minutes.
- The adequacy of the network is assessed and monitored on a quarterly basis, and summaries are reported to MHN's Quality Improvement/Utilization Management Committee every quarter.

B. Practitioner Availability

Per contract with MHN, practitioners should be available and accessible to members during reasonable hours of operation, with provision for after-hour services, if applicable. Practitioner information regarding hours of operation is collected every three years via MHN's practitioner application for re-credentialing. Practitioners must notify MHN of any changes in their hours of operation or lapses in their availability to see MHN members. MHN expects practitioners to return telephone calls from members referred by MHN (for routine referrals) within 2 business days.

MHN's standards for practitioner appointment accessibility are as follows:

- For *Emergent* appointments* clients should be seen within 6 hours of referral.
- For *Urgent* situations, members should be seen within 48 hours of referral.
- For *Routine* situations, members should be seen within 10 business days of referral to a Non-Physician Mental Health provider or a Substance Use Disorder provider, and within 15 business days of referral to a Physician/Psychiatrist.
- For *Routine follow-up* appointments with a Non-Physician Mental Health provider or a Substance Use Disorder provider, members should be seen within 10 business days of the prior appointment for those undergoing a course of treatment for an ongoing mental health or substance use disorder condition. The waiting time for follow-up appointments may be extended if the practitioner has determined and noted in the medical record that a longer waiting time will not have a detrimental impact on the health of the member.

*In the event of a non- life-threatening emergency, practitioners are also expected to refer members to the Emergency Department or a Crisis Center if the practitioner cannot see the member within six hours.

Members who cannot schedule a routine appointment within 10 business days are given a re-referral to another practitioner. Please see Section 6.2 of this manual for more information on re-referrals.

5.2 No New Referral Periods

Practitioners are required to notify MHN when they are not available for appointments. Practitioners may place themselves in a "no referral" hold status for a set period of time without jeopardizing their overall network status. "No referral" is set up for practitioners for the following reasons:

- **Vacation**
- **Personal Leave**
- **Full Practice**
- **Other Personal Reasons**

Practitioners can contact MHN Provider Relations department via phone or email to set up a "no referral" period. They may also make this change through MHN's Provider Portal. Practitioners must have a start and end date indicating when they will be available again for referrals. A "no referral" period will end automatically on the set end date.

MHN Provider Relations Department mhn.providerservices@healthnet.com
<https://www.mhn.com/provider/start.do>

5.3 Facility Providers

A. Network Adequacy

It is MHN's policy to develop and maintain an adequate network of facility providers to ensure access to all needed levels of care. The network is considered adequate if 95% of members have at least one facility providing inpatient levels of care for all age groups within 30 miles of each member in urban locations, 40 miles in suburban locations and 60 miles in rural locations (for CDI-regulated PPO/EPO members, the network is considered adequate if 90% have at least one MH facility in 30 miles or 60 minutes and at least one SUD facility in 30 miles or 60 minutes regardless of location). The adequacy of the network is assessed on a quarterly or bi-annual basis and reviewed by MHN's Quality Improvement/Utilization Management Committee.

B. Facility Access and Availability

Per contract with MHN, network facilities should be available and accessible to members during reasonable hours of operation. Emergency care, where applicable, should also be available and accessible 24 hours a day. Facility information regarding hours of operation is collected every two years via MHN's facility application for re-credentialing. Facilities must notify MHN of any changes in their hours of operation or lapses in accessibility availability as needed.

SECTION 6 MEMBER ACCESS TO PRACTITIONERS

6.1 Provider Searches

MHN members can access a listing of practitioners in their area by using Practitioner Search on www.mhn.com or calling our 24-hour access line to obtain assistance locating a practitioner. MHN

maintains a practitioner database with complete demographic information, licensure, practitioner self-ratings on clinical specialties, and geographical areas served. Practitioners may contact the MHN Provider Relations department via phone or email to submit changes of information as needed. Providers can also update their demographics and/or profile via MHN's Provider Portal at www.mhn.com.

6.2 Re-referrals

A "re-referral" is an additional referral given at the request of a member who wishes to change practitioners. MHN can issue a re-referral if service from the initial referral or former referral are not yet completed. Requests for re-referral may be administrative or clinical in nature. Re-referrals will be granted regardless of whether or not a patient has contacted or seen the formerly referred practitioner.

6.3 Urgent, Emergent & Routine Referrals

Life-threatening Emergent refers to those referrals for service which require immediate evaluation.

Emergent refers to those referrals for service which require evaluation within six hours.

Urgent refers to those referrals for service which require evaluation by a licensed mental health professional within 48 hours.

Routine refers to those referrals for service requiring evaluation by a licensed mental professional within 10 business (14 calendar) days.

SECTION 7 MEMBER ELIGIBILITY

Routine outpatient therapy and medication management sessions do not require pre-authorization. EAP is the only service that requires an authorization. If the eligibility status cannot be determined during the initial call, MHN personnel will not approve the service. Clinically emergent or urgent care may be arranged and delivered during the validation process; with the understanding that the member is responsible for all claims should eligibility be absent. MHN will pay for one outpatient emergent or urgent session for patients if MHN arranges the session and the service is delivered within 48 hours from the time of the initial call. MHN will inform the member when his or her eligibility status is determined.

Eligibility status is subject to change for a variety of reasons (i.e., termination of employment, elective change of benefit plan). Practitioners should require that their patients advise them of any eligibility changes and monitor their patients' eligibility as a good business practice. Practitioners can call the Member Service team (listed on the back of the patient's ID card) if they have questions about eligibility status. Practitioners are responsible for reimbursing MHN for payments made for services rendered to ineligible members.

SECTION 8 MHN LEVEL OF CARE AND TREATMENT CRITERIA

MHN uses both externally and internally developed criteria for reviewing cases. These criteria sets include Change HealthCare’s InterQual, which helps improve consistency in decision making by evaluating patient-specific behaviors and symptoms to help make clinically appropriate decisions.

In accordance with the provisions of California Senate Bill 855 and effective 1/1/2021 for California Commercial HMO and PPO plans, MHN has implemented the use of the Level of Care Utilization System and Child and Adolescent Level of Care Utilization System (LOCUS/CALOCUS), and Early Childhood Service Intensity Instrument criteria for all mental health medical necessity determinations and level of care placement decisions. For substance use disorder utilization management for CA Commercial HMO and PPO members, MHN uses American Society of Addiction Medicine (ASAM) criteria. When the requested service is not in scope for LOCUS/CALOCUS, or another nonprofit professional association for the relevant clinical specialty, MHN will utilize InterQual criteria or internal criteria that have been developed according to generally accepted standards of mental health and substance use disorder care.

By using nationally recognized and evidence-based criteria, our Care Managers are applying objective, evidence-based standards to support their decisions regarding procedures, levels of care, and continued stay. Supporting appropriate care decisions can lead to better outcomes for our members.

MHN evaluates each member’s plan of treatment for appropriateness and timeliness. Details on elements used in treatment plan reviews and clinical practice are posted on www.mhn.com. It is MHN’s policy to share specific level of care guidelines and utilization management review procedures in writing with providers, members, customers, and members of the general public who request them. Copies of criteria can be obtained by contacting MHN:

For Providers:

MHN.providerservices@healthnet.com

For Members:

Call the specific number listed on the back of your ID card.

SECTION 9

UTILIZATION MANAGEMENT – OUTPATIENT SERVICES

9.1 General Policies for Outpatient Services

Outpatient Treatment as defined by MHN, is limited to office and outpatient clinic visits. Services such as partial programs, day treatment, and intensive outpatient programs are categorized by MHN as Higher Levels of Care (HLOC).

Authorization

MHN does not require authorization for routine outpatient services. Covered routine outpatient services include, but not limited to:

Psychiatric diagnostic interview

Individual Therapy

Family Therapy
 Group Therapy
 Medication Management

Psychological and neuropsychological testing are covered services in some benefit plans. *Prior authorization is required for psychological and neuropsychological testing.* Authorization requests should be made by telephone; requests are handled by MHN Care Managers.

Prior authorization is also required for Applied Behavioral Analyst (ABA) Services.

9.2 Concurrent Review

MHN does concurrent review on less than 1% of outpatient cases. MHN uses analytics to identify providers who may have practice patterns that are at significant variance to MHN expected treatment norms.

“Exception” reports are regularly generated for MHN Supervisor review. If the Supervisor identifies practice patterns that suggest variance from clinically accepted guidelines, these practitioner/member combinations are assigned to a licensed Clinical Care Manager for clinical review. The Care Manager does a full review of case notes and member history in order to better understand the clinical situation and history of treatment. If, based on the clinical aspects of the case, the Care Manager decides that no further intervention is required, they will consider the review complete. If further discussion is indicated, they will contact the practitioner for a discussion of the member’s clinical status, current signs and symptoms, the practitioner’s goals and milestones of treatment, and how the current treatment plan is designed to meet these goals.

MHN has found that in most cases, the practitioners are very open to a collegial, collaborative discussion and often will accept the Care Manager’s offer of assistance; for instance, to arrange for a medication evaluation, or an adjustment in the treatment plan with an agreement to review again at a later, mutually established time. In those infrequent cases, where the Care Manager feels that a denial of care may be warranted or the case is of an unusual nature, the Care Manager will consult with a MHN Medical Director to determine the next steps. MHN has found that due to this collaborative process with practitioners, very few of these result in denials. Overall, this process has been very well received by the provider community.

Minors and/or Adults Unable To Give Consent and Consent for Treatment; Consent For Release Of Information

MHN and its contracted practitioners have a responsibility to recognize and help protect the rights of minors and adults unable to give consent. When consent for “Release of Information” or treatment are necessary for members who are minors or adults unable to give consent, the practitioner should obtain written consent from a parent, legal guardian, or other appropriate individual or agency.

The completed consent for treatment or “Release of Information” form should be in the practitioner’s treatment record. When practitioner treatment records are audited against treatment record standards, consents should be present when records pertain to members who are minors or adults unable to give consent.

SECTION 10

UTILIZATION MANAGEMENT - HIGHER LEVELS OF CARE

10.1 General Policies

This section describes authorization for higher levels of care (inpatient psychiatric, residential treatment, partial hospitalization, structured outpatient, inpatient detoxification, substance abuse rehabilitation) using the MHN Level of Care Criteria and Medical Necessity Guidelines for admissions outlined in this manual.

A. Precertification

MHN has licensed clinical staff available 24 hours a day, seven days a week for precertification of patient care. Patient care is pre-certified when a treating practitioner or facility provides initial clinical information and requests authorization PRIOR to admission. If authorization prior to admission cannot be obtained, MHN requires that facilities submit requests for authorization to MHN within 24 hours of admission to any higher level of care treatment service. These include mental health and substance use disorder inpatient/acute detox, residential treatment, partial hospitalization and intensive outpatient programs. Barring extenuating circumstances, failure to request authorization within 24 hours of admission will result in denial of authorization.

B. Initial Authorization

MHN will authorize admission to higher levels of care based on medical necessity, appropriateness of treatment plan, and whether requested services are a covered benefit.

C. Concurrent Review

Concurrent review of Higher Levels of Care is conducted by a Care Manager to determine if the proposed continued treatment or services are: (1) medically necessary, (2) appropriate to the particular patient, and (3) covered under the health plan.

D. Noncertification

All requests for services that do not meet *MHN Level of Care Criteria and Medical Necessity Guidelines*, as described herein, or where medical necessity is questionable or unclear, must be reviewed by an MHN Medical Director.

10.2 Procedures

A. Precertification

1. Facility provider must call the MHN 24-hour access number and request precertification.
2. MHN Care Managers conduct precertification reviews according to the following guidelines:
 1. The Care Managers assess the patient's clinical presentation according to the medical necessity guidelines for the specific care setting, plan type, and intensity of service that is being proposed. This assessment includes the patient's presenting problem, mental status, current diagnosis, previous psychiatric/substance abuse treatment and relevant psychosocial factors.
 2. If medical necessity criteria for that level of care are met, then the facility provider of care is given the appropriate verbal authorization. If the precertification occurs during non-regular business hours, the authorization is given "pending eligibility verification" and the facility provider is instructed to admit the patient to the proposed care setting, but to then contact MHN during regular business hours for eligibility verification.
 3. If the *MHN Level of Care Criteria and Medical Necessity Guidelines* are not met, then the facility provider is notified verbally and an alternative care plan or setting is discussed. If agreement is reached on an alternative care plan or setting, written confirmation of this agreement is provided. If the plan or setting cannot be agreed upon, the Care Manager explains the denial process to the provider and refers the case to an MHN Medical Director for review.

B. Initial Authorization

1. Facility providers initiate request for authorization for all higher levels of care by telephone.
2. MHN Care Managers review requests for medical necessity and decide upon the most appropriate level of care based on medical necessity criteria.
3. If the case does not appear to meet medical necessity criteria for the level of care requested, the Care Manager will refer the case for MHN Medical Director review.
4. If the MHN Medical Director denies authorization, refer to the non-certification procedure.
5. Once authorization is established, the Care Manager notifies the requesting facility of the decision and sets a date for the concurrent review.
6. The Care Manager generates an authorization verification letter to be mailed to provider and patient.

C. Concurrent Review

1. The attending physician or facility utilization review staff calls the MHN Care Manager on the agreed upon review date and provides and verifies the concurrent review information.
2. The Care Manager obtains all the following information required for concurrent review via telephone with the utilization review staff or attending psychiatrist at the facility:
 - Diagnosis

- Symptom progress/change in severity
 - Risk areas
 - Treatment goals/interventions
 - Medications
 - Indicators for continued treatment
 - Discharge planning (to begin at the time of admission)
 - Target discharge date
3. The Care Manager reviews clinical data and authorizes additional days if medical necessity criteria for continued stay are met.
 - If medical necessity criteria for continuing stay are not met for the level of care requested, the Care Manager will review the request with an MHN Medical Director.
 - If the MHN Medical Director denies authorization, refer to the non-certification procedure.
 - The Care Manager documents clinical appropriateness.
 - The Care Manager reviews with a clinical manager and/or MHN Medical Director when any aspect of the treatment plan is unclear and/or is in question.

D. Noncertification

For most health plans, requesting facilities are notified by telephone immediately of the review decision.

1. The MHN Care Manager receives requests for authorization by telephone from the clinical contact at the facility or program.
2. Administrative denials (based on exhaustion of benefits, lack of pre-authorization, etc.) do not require MHN Medical Director review.
3. When medical necessity criteria do not appear to be met, the Care Manager presents the case to the MHN Medical Director for review. In the case of clinical denials, the facility is notified by the Care Manager that they can request a peer-to-peer discussion with the Peer Reviewer who originally denied the authorization. If the decision then remains unacceptable, the patient or patient's representative (often the facility) can request an expedited telephonic appeal by a different Peer Reviewer if the patient is still in treatment.
4. Notification of denial of authorization is made by telephone immediately. For Urgent Concurrent requests, written confirmation is sent within 24 hours of receipt of request.
5. The original denial letter is sent to the patient and copies are sent to the facility, parent and/or guardian (if applicable) and attending physician. The denial letter will always include the rationale for the denial decision and a full description of the appeals procedure.

In the case of inpatient treatment services where the member is still hospitalized, a practitioner who would like to appeal a denial immediately on behalf of the member is verbally notified of the urgent appeals process in which the facility representative (e.g., attending physician) can speak with another Peer Reviewer to present the case.

10.3 Timeliness Standards for Utilization Management Decision Making

DEFINITIONS:

Non-Urgent, Pre-Service Decision: Any case or service that requires prior authorization by MHN, in whole or in part, in advance of the member obtaining medical care or services that does not meet the criteria for an urgent decision listed below.

Post-Service Decision: Any review for care or services that have already been received and completed, but not previously reviewed and authorized.

Post Stabilized Care Services: Medically necessary services that are related to an emergency medical condition provided after a member is stabilized; and provided to maintain the stabilized condition, or under certain circumstances, to improve or resolve the member's condition.

Psychiatric Emergency Medical Condition: A “psychiatric emergency medical condition is defined as a mental disorder manifested by acute symptoms that render the patient: 1) an immediate danger to himself, herself, or others; or 2) immediately unable to provide for, or utilize, food, shelter, or clothing. (H&S Code 1317.1 [k]) Psychiatric emergencies may present independently or concurrent with a physical emergency medical condition.

Urgent Decision: Any request with respect to which the application of the time periods for making non-urgent care determinations:

1. Could seriously jeopardize the life or health of the enrollee or the enrollee’s ability to regain the maximum function, based on a subjective standard that focuses on the belief of the existence of an Emergency Medical Condition or Psychiatric Emergency Medical Condition that requires immediate medical and/or psychiatric treatment, or
2. In the opinion of a practitioner with knowledge of the enrollee’s medical condition, would subject the enrollee to severe pain that cannot be adequately managed without the care or treatment that is the subject of the request.

Urgent Concurrent Review Decision: Any review for treatment which has already begun*. This determination is always Urgent with the following exception:

1. If the request is to extend a course of treatment beyond the period of time, or the number of treatments previously approved by MHN, and the treatment involved does not meet the definition for Urgent Decision below, default to Non-Urgent Pre-Service category.

** For Medicare, treatment that has begun within 1 business day can be considered Pre-Service Urgent.*

Urgent Pre-Service Decision: Any case or service that requires prior authorization by MHN, in whole or in part, in advance of the member obtaining medical care or services that meets the criteria for an urgent decision listed above.

A. For Cases Where All Required Information Is Received at the Time of the Initial Decision

Type of Request	Decision
Urgent Pre-Service –	Within 24 hours of receipt of the request.
Non-Urgent Pre-Service -	Within 5 business days of receipt of request
Urgent Concurrent –	Within 24 hours of receipt of the request.
Post-Service	Within 30 calendar days of receipt of request.

Note: Requests Received after business hours:

NCQA counts the time from the date when MHN receives the request, whether or not it is during business hours. Non urgent requests may be processed during the next business day.

B. For Cases Where All Required Information Is Not Received at the Time of the Initial Decision

Type of Request	Decision
<p>Urgent Pre-Service – Notify member and practitioner within 24 hours of receipt of request and provide 48 hours for submission of requested information.</p>	<p>If additional information is received, complete or not, decision must be made within 24 hours of receipt of information.</p>
	<p>If no additional information is received within the 48 hours given to the practitioner and member to supply the information, decision must be made with the information that is available.</p>
<p>Non-Urgent Pre-Service -</p>	<p>Determination of the extension must be made within 5 days from the initial request (for HNCA) and 2 days from initial request (for HNOR)</p> <p>If additional information is received, complete or not, decision must be made within 5 business days of receipt of information.</p>
	<p>If information is not received within the 45 calendar days, a decision must be made with the information that is available within an additional 15 calendar days.</p>
<p>Post-Service - Notify member and provider within 30 calendar days of receipt of request & provide at least 45 calendar days for submission of requested information.</p>	<p><i>Additional information received or incomplete</i></p> <p>If additional information is received, complete or not, decision must be made within 15 calendar days of receipt of information</p> <p><i>Additional information not received</i></p> <p>If no additional information is received within the 45 calendar days given to the practitioner</p>

	and member to supply the information, decision must be made with the information that is available within an additional 15 calendar days.
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C. For Cases Where Expert Consultation is Required to Make the Initial Decision

Type of Request	Notification
Non-Urgent Pre-Service –	If a consultation is required by an expert reviewer, upon the expiration of the 5 business days or as soon as MHN becomes aware that the 5 business day time frame will not be met, whichever occurs first, practitioner and member will be notified of the type of expert reviewer and the anticipated date on which a decision will be rendered (no more than 15 calendar days from the date of the delay notice to the practitioner and member).
Post-Service -	If a consultation is required by an expert reviewer, upon the expiration of the 30 calendar days or as soon as MHN becomes aware that we will not meet the 30 calendar day time frame, whichever occurs first, practitioner and member will be notified of the type of expert reviewer and the anticipated date on which a decision will be rendered (no more than 15 calendar days from the date of the delay notice to the practitioner and member).

D. For Medicare Cases

Type of Request	Decision
Medicare Standard (pre-service or concurrent)	Within 14 calendar days of receipt of request
Medicare Expedited (pre-service or concurrent)	Within 72 hours of receipt of request

Medicare Post Service	N/A. Provider must submit a claim with records. Claims Department will handle with PSR
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MHN may extend the time frames for expedited requests up to 72 hours, and standard requests up to 14 calendar days, **only** if member requests or the provider/organization justifies a need for additional information and is able to demonstrate how the delay is in the interest of the member (for example, the receipt of additional medical evidence from non-contracted providers may change a decision to deny). Extensions **must not** be used to pend organization determinations while waiting for medical records from contracted providers.

E. State Specific Information

State of Oregon:

1. Pre-service, urgent precertification must be made within 1 business day.
2. Pre-service, non-urgent precertification must be made within 2 business days.
3. Post-service determinations must be made within 30 calendar days of receipt of all necessary information. Written notification to provider must be made within 2 working days of the determination.
4. When an extension is required for additional information, the member/provider must be notified no later than 2 business days after receipt of the request for authorization. Once additional information is received, a decision must be made within 2 business days of the receipt of the information. The plan has up to 15 calendar days after the date of the extension request to make a determination.

SECTION 11

QUALITY IMPROVEMENT

11.1 Member Surveys

To ensure understanding of members' ability to access services, efficiently navigate MHN processes, and receive effective behavioral health service, MHN administers a member survey instrument. This instrument also assesses members' level of satisfaction with MHN, as well as identifying their perceived value of services and any improvements they identify from services they have obtained. The results from these surveys are used to both inform interventions to improve MHN's processes and systems, as well as assess the MHN network of providers to ensure optimal practitioner performance.

11.2 Provider Surveys

Provider shall participate in and assist MHN with any review conducted by a regulatory agency or any

accreditation survey or study.

11.3 Focused Studies

MHN has comprehensive programs for engaging in quality improvement projects. These projects use baseline performance data to identify opportunities for improvement that in turn undergo interventions to improve the area being studied. Re-measurement of performance data then occurs to ensure improvements have been made. When improvement is not readily detected, additional interventions and investigation into underlying causes of the lack of progress are then undertaken. The projects can target specific conditions (such as ADHD or depression) or service events that a multitude of different members may undergo (such as discharge or transition to/from practitioners). Each year, we include a number of focused studies in our work plan. Practitioners are invited to submit ideas for topics for focused studies; please direct suggestions to MHN's Quality Management Department at our corporate office.

11.4 Member Complaints

A. Member Complaints

A member may file a complaint about MHN either verbally or in writing. Member complaints may be filed with any MHN staff member. Complaints are taken very seriously, and all are investigated by MHN. Investigation includes discussing the complaint with the member and with the practitioner. The outcome of complaint investigation varies, depending on the nature of the complaint. Our standard is that all formal complaints be resolved within 30 days.

B. For Providers working with California Members Only

If members should wish to submit a grievance and prefer to use either Spanish, Korean, Vietnamese, or Chinese, a link to on-line grievance forms, as well as a full description of MHN's grievance process can be found at www.members.mhn.com > For Members > Behavioral Health > Appeals and Grievances. If the member prefers to submit their complaint in writing, the above site also contains links to printable versions of the grievance information and complaint form. In addition, a member may find information and an Independent Medical Review (IMR) form in various languages on the website of the California Department of Managed Health Care (DMHC) at <http://www.hmohelp.ca.gov>.

C. California Department of Managed Health Care

The following is the DMHC notification to members that accompanies any adverse determination or complaint response:

The California Department of Managed Health Care is responsible for regulating health care service plans. If you have a grievance against your health plan, you should first telephone your health plan at **1-(888)426-0028** and use your health plan's grievance process before contacting the department. Utilizing this grievance procedure does not prohibit any potential legal rights or remedies that may be available to you. If you need help with a grievance involving an emergency, a grievance that has not been satisfactorily resolved by your health plan, or a grievance that has remained unresolved for more than 30 days, you may

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call the department for assistance. You may also be eligible for an Independent Medical Review (IMR). If you are eligible for IMR, the IMR process will provide an impartial review of medical decisions made by a health plan related to the medical necessity of a proposed service or treatment, coverage decisions for treatments that are experimental or investigational in nature and payment disputes for emergency or urgent medical services. The department also has a toll-free telephone number **(1-888-466-2219)** and a **TDD line (1-877-688-9891)** for the hearing and speech impaired. The department's internet website **www.dmhc.ca.gov** has complaint forms, IMR application forms and instructions online.

Emergency Grievances: When MHN has notice of a case involving imminent and serious threat to the health of the patient, including, but not limited to, severe pain, potential loss of life, limb or major bodily function, MHN provides the following: (a) immediate notification to the member of their right to notify the Department of the grievance, and (b) no later than three days from receipt of the notice of such grievance request, a written statement to the member and the Department on the disposition or the pending status of the grievance.

Practitioner complaints about MHN that are not related to practitioner quality of care issues may be directed to the Provider Relations Department or MHN Customer Service.

11.5 Potential Quality Issues

Potential quality issues (PQIs) are quality concerns identified by MHN members, staff, or accounts. When any staff member identifies a PQI, a QM clinical staff member conducts a review of the case. This review may include contacting the member or practitioner or reviewing treatment records. Outcomes of PQI reviews are forwarded to the Credentialing Committee and/or Quality Improvement Committee.

11.6 Member Appeals and Provider Disputes

Utilization Management Decisions

MHN's appeals process has been established to offer members the opportunity to appeal decisions to deny coverage or payment. MHN's Provider Dispute Resolution process has been established to also give practitioners and facility providers rights to appeal (aka dispute) utilization management decisions for both medical necessity or benefit coverage reasons. Medical necessity provider disputes are reviewed by a Peer Reviewer other than the MHN reviewer who made the initial determination not to authorize the services. Please refer to the Section on Provider Dispute Resolution, section 12.4, for full details of the provider dispute process.

MHN has not been delegated for any level of member appeals for Health Net or Arizona Complete Health members. These are handled by the Health Plan with MHN Research Support. MHN has been delegated to handle non-contracted provider appeals regarding services with the Health Plan's Medicare Advantage members and handles all types of Provider Disputes.

MHN will respond as soon as possible, but no longer than 72 hours. MHN will deliver our response verbally, and either MHN or the Health Plan will issue it in writing no later than 72 hours after the request. The patient may even have the option to request a review from a certified independent review

organization before MHN's internal review is complete.

Member Appeal Categories

Urgent Member Appeal: The member has a right to an urgent appeal whenever there is an imminent danger of grave injury or death or if the treating psychiatrist/clinician believes that a life-threatening urgency exists. In this case, the treating practitioner or attending physician is presumed to be requesting urgent appeal on behalf of a member. Such urgent appeals are completed as soon as possible but in no event later than 72 hours after the appeal request is received.

Pre-Service Appeal: The member has a right to a pre-service appeal whenever they are awaiting treatment or are in treatment and wish to continue. Practitioners/facility providers can, with the member's permission, appeal on their behalf. Pre-service appeals are resolved as expeditiously as the clinical circumstances warrant, (generally within 1-3 calendar days), but in no event more than 15 calendar days from the date of the appeal request. Members or providers have the right to submit, if they wish, any information or collateral material relevant to the appeal either telephonically, by fax, or in writing. This member appeal is completed by a Peer Reviewer other than the one who made the initial decision not to authorize services.

Post Service Member Appeal: Member appeals that are received, either verbally or in writing, after services have been rendered are acknowledged in writing within 5 calendar days of receipt and are resolved within 30 calendar days. Members or providers have the right to submit, if they wish, any information or collateral material relevant to the appeal either telephonically, by fax, or in writing. This member appeal is completed by a Peer Reviewer other than the one who made the initial decision not to authorize services.

Under the Affordable Care Act, members are also entitled to an external review process. This regulation applies to most MHN plans. Details about the availability of external review as well as submission directions are provided with all applicable resolution letters.

There are certain state or account-specific modifications to the above timelines, but in the event of a conflict between a specific guideline and the MHN policy stated above, the more stringent timeline applies.

You can file an expedited or urgent appeal if your patient:

- Is currently receiving or was prescribed to receive treatment; and
- Has an "urgent" situation. Urgent means a medical provider believes a delay in treatment could seriously jeopardize the patient's life or overall health, affect the patient's ability to regain maximum function, or subject the patient to severe and intolerable pain. -OR-
- Has an issue related to admission, availability of care, continued stay, or a health care service received on an emergency basis and has not been discharged. **You cannot file an expedited or urgent appeal if your patient:**
- Already received the treatment and is disputing the denied claim, or

- The patient’s situation is not urgent. **Who decides if the situation is urgent?**
- A medical provider with knowledge of the patient’s medical condition or MHN’s Medical Director will decide if the situation is urgent or not. **How do you file an expedited or urgent appeal?**
- You or your patient may file an expedited or urgent appeal verbally by calling the MHN Appeals Unit at 1-888-426-0028.

MHN will respond as soon as possible, but no longer than 72 hours. MHN will deliver our response verbally, and either MHN or the Insurer will issue it in writing no later than 72 hours after the request. The patient may even have the option to request a review from a certified independent review organization before MHN’s internal review is complete.

If you need to file an urgent appeal, we suggest the patient, the patient’s authorized representative, or the provider call 1-888-426-0028 immediately.

How do you file a non-expedited or non- urgent appeal?

You may file a non-expedited or non- urgent appeal in writing to:

MHN
 Provider Dispute Resolution
 P.O. Box 989882
 West Sacramento, CA 95798-9882

Peer-to-Peer Consultation: Practitioners and facility providers have the right to a direct conversation with the Peer Reviewer who made a denial determination, whether pre- or post-service, to discuss the reasons for the decision not to authorize services prior to filing a dispute/appeal.

Provider Dispute: Standard written dispute/appeal of a determination that occurs subsequent to treatment services being rendered. These disputes are to be sent in writing, along with all relevant records, for appeal review. Such requests will be acknowledged within fifteen (15) business days and resolved within forty-five (45) business days of receipt of a complete dispute. Clinical Appeals are conducted by an MHN Peer Reviewer other than the one who made the initial determination not to authorize services. Peer Reviewers include MHN Medical Directors, physician advisors or licensed psychologists. Please reference our web site at www.mhn.com for full details of the provider dispute process. There are certain state or account-specific modifications to the above timelines, but in the event of a conflict between a specific guideline and the MHN policy stated above, the more stringent timeline applies.

11.7 Quality Review

MHN conducts peer review of cases where there has been a complaint or potential quality issue. In addition, we review practitioners whose profiles indicate potential problems. MHN’s Clinical Department, MHN’s QI Department and MHN Provider Relations work collaboratively to make decisions on any corrective action to be taken regarding a practitioner.

11.8 Practitioner Satisfaction

MHN seeks out information on practitioner satisfaction with our system. On an annual basis, we send out a Practitioner Satisfaction Survey to a sample of practitioners. The survey asks about satisfaction with specific types of staff and with processes. Survey items that show a year-over-year statistically significant decrease are examined on a case-by-case basis for potential implementation of an improvement plan.

11.9 MHN Level of Care Criteria (Criteria no found in InterQual)

MHN began the process of developing Clinical Practice Guidelines in 1997. Our guideline committee considers a number of resources in this process, including our own research on the effectiveness of elements of the guidelines in our own system, reviewing the literature about treatment of disorders, and reviewing guidelines from professional organizations. Guidelines are drafted, and then reviewed by the MHN Clinical Leadership Committee (CLC). The CLC then submits the guideline to the Health Net Medical Affairs Committee (MAC) with a recommendation that it approve the guideline. The MAC makes the final decision to approve and adopt the guideline.

We currently have the following internally developed medical necessity criteria:

11.6.1 **Psychiatric Care** ○ ABA Services Medical Necessity Criteria

11.6.2 **Substance Use Disorder Criteria** ○ Adult Residential
Subacute Detox Criteria ○ Adult Substance Use Disorder Relapse
Prevention Outpatient Aftercare Group ○ Child and Adolescent Substance
Use Disorder Relapse Prevention Outpatient Aftercare Group ○ Adolescent
Residential Subacute Detox Criteria

We currently have the following Clinical Position Papers:

11.6.3 **Position Statements** ○ Medication Assisted Treatment Guidelines for Substance
Use Disorders ○ Criteria and Guidelines for Authorization of Psychological and
Neuropsychological Testing ○ Criteria and Standards for Utilizing Single Case Agreements
○ Dialectical Behavior Therapy (DBT) ○ Harm Reduction in Substance Use Disorder Treatment
○ Rapid Opioid Detoxification (ROD) ○ Special Considerations for the Child and Adolescent
Population ○ Treatment of Highly Specialized Populations ○ Use of Multiple
Levels of Substance Detoxification ○ Utilization of Intranasal Spray of Spravato
(esketamine) for Treatment of Treatment-Resistant Depression ○ Wilderness Program
Treatment

We currently have the following Treatment Guidelines:

11.6.4 **Care Based Guidelines** ○ Medical

Necessity ○ When a Therapist is Seeing More Than One Family Member at a Time in Outpatient Treatment ○ When a Therapist is Seeing a Member More Than Once Weekly in Outpatient Treatment ○ Dual/Multiple Relationships with Patients ○ Outpatient Care of Children and Adolescents ○ CMS National and Local Coverage Determinations

These documents are available online at www.mhn.com. In addition, a hard copy of these documents may be obtained by calling Provider Relations at 844-966-0298.

However, in response to accrediting guidelines, MHN will be evaluating compliance to our Practice Guidelines in the following ways:

For Major Depression we will monitor:

11.6.5 The HEDIS AMM Acute Phase Measure

11.6.6 The HEDIS AMM Continuation Phase Measure

For Substance Abuse we will monitor:

11.6.7 Whether the patient was referred to a self-help/peer support group

11.6.8 The HEDIS AOD Initiation Measure

11.6.9 The HEDIS AOD Engagement Measure

Information gleaned from the evaluation of compliance with the Clinical Practice Guidelines will be used both to improve practitioner performance and also in MHN's process of updating and improving our Clinical Practice Guidelines.

11.10 Language Assistance Program (LAP)

The Health Care Language Assistance Act, effective since 2009, requires all California managed care health plans to provide language assistance and culturally sensitive services to members who are limited-English proficient (LEP).

To comply with this mandate, MHN created the Language Assistance Program (LAP) to ensure that LEP members are able to obtain language assistance while accessing mental health care services.

MHN maintains ongoing administrative and financial responsibility for implementing and operating the language assistance program for members and does not delegate its obligations under language assistance regulations to its participating providers.

MHN's Language Assistance Program includes the following:

11.6.10 Interpreter services for LEP MHN members are available 24 hours a day, seven days a week at all points of contact, by contacting MHN Language Assistance Services at (888) 426-0023. This assistance includes *face-to-face, telephonic interpretation services and written translation services*.

11.6.11 MHN provides a notice of language assistance services with vital documents to all California members. MHN will provide translated documents in threshold languages (Spanish, Chinese, Korean, and Vietnamese) and provide interpretation and translation services in many more languages, upon

request. This notice is also available to contracted providers for distribution to members upon request.

Provider LAP Compliance Requirements

11.6.12 Interpreter Services- Use qualified interpreters for LEP members. Interpreter services are provided by MHN at no cost to the provider or the member. You may contact the MHN Language Assistance Services Line or MHN Customer Service to arrange interpretation services.

11.6.13 Member Complaint/Grievances Forms- Members wishing to file a grievance or complaint should call the number listed on the back of their identification card, or access <https://www.mhn.com/members/behavioralhealth/appeals-grievances.html> to obtain complaint/grievance forms, also available in Spanish, Chinese, Korean and Vietnamese (links to printable format also provided).

11.6.14 Independent Medical Review Application- Locate the DMHC's Independent Medical Review (IMR) application and provide it to members upon request. This application is available in English, Spanish, Chinese, Korean and Vietnamese on the DMHC Web site at <http://www.dmhc.ca.gov/FileaComplaint.aspx>.

11.6.15 Documentation of Language Preference- Document the member's language preference and the refusal or use of interpreter services in the member's medical record. MHN strongly discourages the use of adult family or friends as interpreters, except in emergency situations. If, after being informed of the availability of interpreter services, the member prefers to use an adult family or friend as an interpreter, the provider must document this in the member's medical record. The use of a minor as an interpreter is only permitted in emergency situations.

11.6.16 Engage Telephonic Referral if face-to face interpreter is late- If a scheduled face-to-face interpreter fails to attend appointment within an acceptable time frame, providers are encouraged to offer the patient the choice of using a telephonic interpreter. Providers can call MHN Customer Service and a customer service agent will conference in the telephone interpreter to expedite services. To access these services for Managed Care members, please call the toll free number located on the back of the member's identification card. For EAP members, please call the MHN Language Assistance Services Line at (888) 426-0023.

11.6.17 Notify MHN of Language Capability Changes- Practitioners are contractually obligated to notify MHN of any change to their practice, including changes in language abilities, 30 days prior to the effective date of such a change, by attesting to these changes via the Provider Portal at www.mhn.com. MHN does not track bilingual changes among office staff, however practitioners must notify us when there has been an addition/departure of a bilingual clinician from a group practice.

Additional Information

If you have additional questions regarding translation or interpretation services available to our members, contact the MHN Service Team indicated on the back of the member identification card. If you have any other questions about your network participation, please submit a Contact Us form through MHN's Provider

Portal or email us at mhn.providerservices@healthnet.com .

SECTION 12 BILLING & REIMBURSEMENT

12.1 General Policies

- As a condition of payment, practitioners must bill for outpatient services within 180 days of the date of service.
- Practitioners must collect any co-payments due from MHN enrollees and must accept payment from MHN as payment-in-full for covered services.
- Practitioners should submit claims with their charges however, in no event shall the rates payable under the Practitioner's Participating Provider Agreement (MHN contract) exceed the amounts billed by the practitioner.
- Practitioners may not balance bill enrollees.
- Practitioners may not bill enrollees for missed or cancelled appointments for EAP services. Practitioners may bill for missed or cancelled managed care appointments **only** if the enrollee has been advised of, and has agreed to in writing, the practitioner's no-show policy.
- Practitioners must advise enrollees in writing prior to providing excluded services that services will not be covered by MHN and enrollee will be responsible for paying the practitioner directly for these services.
- Please note that you may only bill 1 session using CPT code 90791 and/or 90792 (Psychiatric diagnostic interview), per patient. Additional sessions billed with 90791 and/or 90792 for the same treatment episode will be denied.

The following time requirements for payment by MHN are included in the MHN Provider Agreement:

- MHN shall pay practitioners within 30 business days of receipt by MHN of a completed "Clean" Claim for Covered Services (45 business days in the case of HMO claims).
- MHN shall process all "unclean" claims within 30 business days of their being made "clean".
- A "Clean" Claim is one that is accurate, complete (i.e., inclusive of all information necessary to determine payor liability), not a claim on appeal, and not contested (i.e., not reasonably believed to be fraudulent and not subject to a necessary release, consent or assignment).

12.2 Outpatient Billing Procedures

For outpatient treatment you must submit claims electronically or bill MHN using the CMS (HCFA)- 1500. **MHN will only accept paper claims submitted on CMS 1500 forms that are printed in Flint OCR Red, J6983, (or exact match) ink.**

MHN will not accept:

- **Claims that are handwritten (regardless of the color of the form)** • **Claims that have been**

photocopied • Forms other than the CMS 1500

Claims submitted in the formats above will be rejected and returned to the biller.

As a condition of payment, claims must be submitted within 90 calendar days of services rendered. Claims for Medi-Cal and Cal MediConnect business must be submitted within 180 calendar days in order for payment to be made.

Please log into our Provider Portal at www.mhn.com to verify subscriber information and member eligibility before submitting claims. This will enable you to confirm that the correct information is being submitted and will help eliminate delays in processing your claim.

If you have a concern involving a claims payment issue, please call our Customer Service team at (800) 444-4281.

A. Electronic Claims Submission

Ability (formerly MD On-Line)

You can submit electronic claims directly to MHN through **Ability (formerly MD On-Line)** using Payer ID 22771. MHN has partnered with Ability to allow you to submit MHN claims at no cost (some restrictions apply). To set up an account, visit the MHN website and click on the Electronic Claims Submission Free At Last icon. If you require assistance regarding the Ability website, please call 8884995465.

Change Healthcare (formerly Emdeon): If your practice management system uses Emdeon as its clearinghouse, you can submit claims using MHN's payer ID: 22771. For more information about Emdeon services, call 866-817-3813 or visit: www.changehealthcare.com.

B. Paper Claims Submissions

Paper claims must be submitted using a CMS (HCFA)-1500 **that is printed in Flint OCR Red, J6983, (or exact match) ink.** Claims that are not submitted on this form and/or do not include all of the required information will be returned to the biller.

Submit paper claims to:

MHN Claims
P.O. Box 14621
Lexington, KY 40512-4621

C. Completion of CMS 1500 - Instructions

Complete claim must include:

- Correct Subscriber/Insured ID number
- Subscriber/Insured name

- Subscriber/Insured address
- Patient Name
- Patient address
- Patient Date of Birth
- Practitioner Name
- Practitioner Tax Identification Number
- Practitioner's servicing address, zip code and phone number
- Billing Provider address, zip code and phone number
- Date(s) of Service
- Diagnoses Codes
- CPT Procedure Code(s)
- CMS Place of Service Code
- Number of days or units
- Billed Charges

Definitions

- Insured: The primary holder of the insurance (typically the employee).
- Patient: The person accessing the service (may be the subscriber or a dependent of the subscriber).
- Insured ID Number: The number used by the insurance company to identify the insured person. It is printed on their insurance identification card.
- Place/Type of Service: A 2-digit code that designates where services were performed (e.g., home, hospital, office, clinic, etc.). For example, an office visit place of service code "11."
- Diagnosis Code: Represents why service is being sought
- CPT Procedure Code: A code designating the type of service received.

The following are required fields:

- Box 1 – Indicate the type of insurance coverage applicable to this claim by checking the appropriate box. o Box 1a – Insert correct insured/ID number.
- Box 2 – Enter the patient's name as it appears on the insurance card or benefit enrollment forms (i.e., last name, first name).
- Box 3 – Enter the patient's date of birth in MM/DD/YYYY format. Check appropriate gender.
- Box 4 – Enter /insured name in last name, first name format (e.g., Doe, John).
- Box 5 – Enter the patient's mailing address and telephone number.
- Box 6 – Check the appropriate box for the patient's relationship to the insured.
- Box 7 – Enter the insured's mailing address and telephone number.

- Boxes 9 through 9d –These are required if the patient is covered by more than one health plan/insurance policy.
- Box 9 – Enter the full name of the other person under whose insurance the patient is also covered. Box 9a – Enter the insured’s policy or group number.
- Box 9b – Enter the insured’s date of birth and gender.
- Box 9c – Enter the employer or school information for the subscriber. Box 9d – Enter the plan or program name for the insured’s health plan.
- Boxes 10a through 10c – Check “yes” or “no” to indicate whether employment, auto accident or other accident involvement applies to one or more of the services being billed.
- Box 12 – Enter the patient's signature to authorize release of medical information necessary to process the claim. If the patient is a minor child, a parent or legal guardian should sign. Signatures can be “signature on file” and/or computer-generated signature.
- Box 13 – The patient's signature in this box indicates that reimbursement is to be sent to the provider of service at the address indicated in Box 33. This can be” signature on file” and/or computer-generated signature. If the insured is to be reimbursed, this box should be left BLANK. (Note: if Box 13 is left blank reimbursement will be sent to the insured, whether or not the insured is also the patient.) Do not put any text in this box other than the signature or “signature on file”. Any text in this box may be interpreted as authorization of payment of benefits to the provider of service. If Box 29 indicates that the claim has been paid in full, the claim will be assigned to the member regardless if there is a signature in Box 13.
- Box 17 – If Box 17 is completed, the corresponding NPI # must be included in Box 17b.
- Box 21 – Enter the patient’s diagnosis/condition code(s). Use the highest level of specificity of DSM-IV or ICD-9-CM diagnosis codes. Enter up to four codes in priority order (primary, secondary, etc.).
 - Box 24 ○ Column A – Date(s) of service in MM DD YY format. One date of service per line. Maximum of six dates of service per claim form. ○ Column B – Enter the appropriate place of service code for each service performed (e.g., 11 = office visit) ○ Column D – Enter the procedure or services using the current CPT-4 procedure codes. ○ Column E – Enter the diagnosis code reference number (as shown in Box 21) to indicate the date of service and the procedures performed. ○ Column F – Enter the charge for each of the listed services. ○ Column G – Enter the number of units. ○ Column I – The shaded field is used to identify what type of number is placed in 24J. ○ Column J – The rendering provider’s NPI # belongs in the white box of 24J. The shaded box is for other identifying number the provider is allowed to submit.
- Box 25 – Enter the federal tax identification number for the treating practitioner or group. The claim will be returned if the Tax ID Number is not provided.
- Box 27 – Check appropriate box to indicate if the provider of service accepts Medicare assignment.
- Box 31 – Enter the printed/typed name and signature of provider of service, including degree/credentials.

- Box 32 – If Box 32 is completed, the corresponding NPI # must be included in Box 32b.
- Box 33 – Enter the name, group name (if applicable), licensure, address and phone number for the pay-to (billing) information. If Box 33 is completed, the corresponding NPI # must be included in Box 33b.

Claims that do not include the above information will be contested by MHN. A remittance advice will be returned requesting completion and re-submission.

12.3 "No-Show" Policy for Outpatient Sessions

All urgent/emergent cases: MHN will reimburse practitioners for "No Shows" at their contracted rates when we have called the practitioner to request that an urgent/emergent appointment be set up.

Routine EAP cases: MHN will not reimburse for members who miss scheduled EAP appointments. The practitioner must not bill the member for missed EAP sessions. The member will lose one EAP session for each "no-show".

Routine managed care, HMO, Medi-Cal cases: Practitioners are advised to inform members of their cancellation policy at the time of the first session. A practitioner may bill the member for their MHN rates for any "No Shows" beyond the first session, if the member was educated about the practitioner's cancellation policy.

MHN providers are prohibited from charging a MHN Medi-Cal member for a missed appointment. Medi-Cal managed care members are not share-of-cost beneficiaries and are not subject to copayments or deductibles for office visits, so they cannot be held accountable for these charges in the event of a missed appointment.

Balance billing is strictly prohibited by state and federal law and MHN's PPA. Balance billing occurs when a participating provider bills a member for fees and surcharges above and beyond a member's copayment and coinsurance responsibilities for services covered under a member's benefit program, or for claims for such services denied by MHN's. Participating providers are also prohibited from initiating or threatening to initiate a collection action against a member for nonpayment of a claim for covered services. Participating providers agree to accept MHN's fee for these services as payment in full, except for applicable copayments, coinsurance or deductibles.

(Note that some benefit plans limit the amount that can be billed. You may direct questions about these plans to the Member Service team at the toll-free telephone number printed on the patient's ID card.)

12.4 Provider Dispute Resolution

MHN has established a provider dispute resolution process for both individual practitioners and facility providers, to ensure consistent, timely, and effective de novo review of an issue that has not been satisfactorily resolved through our regular provider customer service channels. This process is available to both contracted and non-contracted providers.

The first steps towards resolving a dispute are outlined below.

NOTE: The majority of issues with authorizations, claims can be resolved through Customer Service or the Service Team.

1. If you have a concern involving a claims payment issue, please call our Claims Customer Service Department at (866)-966-0298 (option 1).
2. If you have a concern regarding authorizations and/or wish to access care for a member, please call the MHN Service Team to obtain the member's employer group. This number is referenced in your authorization letter and/or should be listed on the back of the member's medical insurance ID card.
3. If you have a concern that involves a contracting status, please call our Provider Relations Representatives at 844-966-0298 (option 3).
4. For cases where authorization has been denied because the case does not meet medical necessity criteria, please follow the dispute resolution process below.
5. If you suspect fraud or abuse in the provision of services or submission of claims, please contact our Fraud & Abuse Hotline at 1-(866) 685-8664.

Dispute Resolution Process

If the steps outlined above do not fully resolve your concern, please use the Provider Dispute Resolution Request Form. If you need to submit a group of multiple claims that are similar in nature (i.e., "like" claims), please complete the Multiple Claim Submission Form.

A. Dispute Resolution Process for Contracted Providers

Definition of Contracted Provider Dispute

A contracted provider dispute is a provider's written notice to MHN challenging, appealing or requesting reconsideration of a claim (or a bundled group of substantially similar claims that are individually numbered) that has been denied, adjusted or contested or seeking resolution of a billing determination or other contract dispute (or bundled group of substantially similar multiple billing or other contractual disputes that are individually numbered) or disputing a request for reimbursement of an overpayment of a claim.

Each contracted provider dispute must contain, at a minimum, the following information: provider's name, billing provider's tax ID number or MHN's provider ID number, provider's contact information, and: •

If the contracted provider dispute concerns a claim or a request for reimbursement of an overpayment of a claim from MHN to a contracted provider the following must be provided:

- Original claim form number (located on the RA),
- A clear identification of the disputed item,

- The Date of Service and a clear explanation of the basis upon which the provider believes the payment amount, request for additional information, request for reimbursement for the overpayment of a claim, contest, denial, adjustment or other action is incorrect
- If the contracted provider dispute is not about a claim, a clear explanation of the issue and the provider's position on such issue; and
- If the contracted provider dispute involves an enrollee or group of enrollees:
 - The name and identification number(s) of the enrollee or enrollees,
 - A clear explanation of the disputed item, including the Date of Service
 - Provider's position on the dispute, and
 - An enrollee's written authorization for provider to represent said enrollees.

Sending a Contracted Provider Dispute to MHN

Contracted provider disputes submitted to MHN must include the information listed in Section III.A., above, for each contracted provider dispute. To facilitate resolution, providers should use the Provider Dispute Resolution Request form to submit the required information. All contracted provider disputes must be sent to the attention of Provider Disputes at the following:

MHN
 Provider Dispute Resolution
 P.O. Box 989882
 West Sacramento, CA 95798-9882

Time Period for Submission of Provider Disputes

Contracted provider disputes must be received by MHN within 365 calendar days from MHN's action that led to the dispute or the most recent action if there are multiple actions that led to the dispute, or In the case of inaction, contracted provider disputes must be received by MHN within 365 calendar days after MHN's time for contesting or denying a claim (or most recent claim if there are multiple claims) has expired.

Contracted provider disputes that do not include all required information as set forth above may be returned to the submitter for completion. An amended contracted provider dispute, which includes the missing information, may be submitted to MHN within thirty (30) working days of your receipt of a returned contracted provider dispute.

Acknowledgment of Contracted Provider Disputes

MHN will acknowledge receipt of all contracted provider disputes within fifteen (15) working days of the Date of Receipt by MHN.

Contact MHN Regarding Contracted Provider Disputes

All inquiries regarding the status of a contracted provider dispute or about filing a contracted provider dispute or other inquiries must be directed to the Provider Dispute Department at MHN at (844) 966-0298

(option 1).

Instructions for Filing Substantially Similar Contracted Provider Disputes

Substantially similar multiple claims, billing or contractual disputes, should be filed in batches as a single dispute, and should be submitted using the Provider Dispute Resolution Request - Multiple Like Claims form.

Time Period for Resolution and Written Determination of Contracted Provider Dispute

MHN will issue a written determination stating the pertinent facts and explaining the reasons for its determination within forty-five (45) working days after the Date of Receipt of the contracted provider dispute or the amended contracted provider dispute.

Past Due Payments

If the contracted provider dispute or amended contracted provider dispute involves a claim and is determined in whole or in part in favor of the provider, MHN will pay any outstanding monies determined to be due, and all interest and penalties required by law or regulation, within five (5) working days of the issuance of the written determination.

Billing

Do not bill members for days denied by MHN. Your contract does not permit it. Instead, please submit the Provider Dispute Resolution Request form with the required information to the address listed above. Dispute Resolution Process for Non-Contracted Providers.

B. Non-Contracted Provider Dispute

Definition of Non-Contracted Provider Dispute

A non-contracted provider dispute is a non-contracted provider's written notice to MHN challenging, appealing or requesting reconsideration of a claim (or a bundled group of substantially similar claims that are individually numbered) that has been denied, adjusted or contested or disputing a request for reimbursement of an overpayment of a claim. Each non-contracted provider dispute must contain, at a minimum, the following information: provider's name, billing provider's tax ID, contact information, and:

- If the non-contracted provider dispute concerns a claim or a request for reimbursement of an overpayment of a claim from MHN to provider the following must be provided: original claim form number (located on the RA), a clear identification of the disputed item, the Date of Service and a clear explanation of the basis upon which the provider believes the payment amount, request for additional information, contest, denial, request for reimbursement for the overpayment of a claim, or other action is incorrect; and
- If the non-contracted provider dispute involves an enrollee or group of enrollees, the name and identification number(s) of the enrollee or enrollees, a clear explanation of the disputed item, including the Date of Service, provider's position on the dispute, and an enrollee's written authorization for

provider to represent said enrollees.

Dispute Resolution Process for Non-Contracted Providers

The dispute resolution process for non-contracted providers is the same as the process for contracted providers as set forth above, **except if the case involves payment for services provided to a Medicare Advantage member. In those cases, non-contracted providers must submit their dispute within 120 days (as opposed to 365 days) and MHN will issue a determination within 30 days (as opposed to 45 working days).**

C. Claim Overpayments

Notice of Overpayment of a Claim

If MHN determines that it has overpaid a claim, MHN will notify the provider in writing through a separate notice clearly identifying the claim, the name of the patient, the Date of Service(s) and a clear explanation of the basis upon which MHN believes the amount paid on the claim was in excess of the amount due, including interest and penalties on the claim.

Contested Notice

If the provider contests MHN's notice of overpayment of a claim, the provider, within 30 Working Days of the receipt of the notice of overpayment of a claim, must send written notice to MHN stating the basis upon which the provider believes that the claim was not overpaid. MHN will process the contested notice in accordance with MHN's contracted provider dispute resolution process described in Section III above.

No Contest

If the provider does not contest MHN's notice of overpayment of a claim, the provider must reimburse MHN within thirty (30) working days of the provider's receipt of the notice of overpayment of a claim.

D. MD Specific Information

External Review Statistics - MHN will post in this section, for each geographic area or licensed plan, the number of Medical Necessity disputes sent to an External Review Organization for final determination for each preceding calendar year and the percentage of such appeals that are upheld or overturned, beginning with December 1, 2005 and every calendar year thereafter. External Review Statistics (19KB PDF)

E. State-Specific Legal Requirements

New Jersey

The Provider can obtain a signed permission to appeal from the member at the time of admission to treatment. This permission to represent the member for any medical necessity appeals shall remain in force through all levels of appeal unless specifically revoked by member. Per the New Jersey Claims Act

of 2006, the provider shall notify the member each time he initiates an appeal or any additional stage of appeal. The Provider must obtain the member's consent prior to filing an external appeal. Such clinical appeals from the provider will follow the same processes as all New Jersey member appeals (Level 1 being resolved in 5 business days and Level 2 in 20 business days) for accounts that MHN underwrites in New Jersey. All administrative provider disputes will be investigated and resolved within 30 calendar days by staff members not involved in the day-to-day claims payment process. If the Provider has submitted the dispute on the form specifically designated for provider dispute purposes by the New Jersey Department of Banking and Insurance (DOBI) [which can be found on its website or in the Provider Dispute Resolution section of the Practitioner portal at www.mhn.com], then the provider may be eligible to pursue external arbitration through the New Jersey DOBI within 90 calendar days of a decision by MHN upholding its original claim determination. Detailed instructions as well as an arbitration application form are included with every administrative provider dispute upheld by MHN. The information and the form can also be found on the New Jersey DOBI's website at www.state.nj.us/dobi.

New York

New York providers treating MHN members with accounts underwritten in New York have the right to apply for state external review of any medical necessity disputes that MHN upholds. An application form and instructions are included with any MHN determination to uphold its original decision.

SECTION 13 STATE-SPECIFIC INFORMATION & IMPORTANT REGULATIONS

13.1 California

LEGISLATION IMPACTING BEHAVIORAL HEALTH PRACTITIONERS

The following are highlights of California legislation impacting Behavioral Health practitioners. Note that this represents only a summary of significant legislation during 1999/2000. For additional information regarding these bills, as well as full details of all California legislation impacting behavioral health practitioners, please consult the **Official California Legislative Information** Web Site at <http://leginfo.legislature.ca.gov>

A. AB 88: California Mental Health Parity Bill Summary

Effective July 1, 2000, Assembly Bill 88, the California Mental Health Parity Bill, went into effect in California. This bill provides for coverage for *severe mental illnesses* (as defined below) for persons of any age, and for *serious emotional disturbances* of children.

Any health plan contract that is issued, amended, or renewed on or after July 1, 2000, that provides hospital, medical, or surgical coverage must provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses of a person of any age, and for the serious emotional disturbances of a child under the same conditions applied to medical conditions.

In this bill severe mental illnesses are defined as:

1. Schizophrenia
2. Schizoaffective Disorder
3. Bipolar Disorder (Manic Depressive Illness)
4. Major Depressive Disorders
5. Panic Disorder
6. Obsessive-Compulsive Disorder
7. Pervasive Developmental Disorder or Autism
8. Anorexia Nervosa
9. Bulimia Nervosa

A child with serious emotional disturbances is defined as a child who has one or more mental disorders (other than substance abuse or developmental disability) as identified in the most current Diagnostic and Statistical Manual of Mental Disorders, and who meets requirements of the Welfare and Institutions Code Section 5600.3(a)(2)^[1].

[1]

Welfare and Institutions Code Section 5600.3(a)(2) provides: "For the purposes of this part, 'seriously emotionally disturbed children or adolescents' means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child's age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

- A. As a result of the mental disorder the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:
 - I. The child is at risk of removal from home or has already been removed from the home.
 - II. The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.
- B. The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.
- C. The child has been assessed pursuant to Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code and determined to have an emotional disturbance, as defined in paragraph (4) of subdivision (c) of Section 300.8 of Title 34 of the Code of Federal Regulations.

Under AB88, health plans must provide coverage for diagnosis and treatment under the same conditions applied to all other covered medical conditions. Terms and conditions applied to mandated benefits must be applied equally to all benefits under the plan contract-that is, with the same copayments and applicable maximums. The requirements of AB88 would go into effect as the benefit renews.

Chemical dependency benefits are not affected by this legislation.

Compliance

Practitioners treating cases that meet the criteria for parity coverage will be reimbursed **based on the applicable copayments for parity conditions. Providers who would like to access this information prior to receipt of payment** may call the Service Team for the patient's employer group at the member access number for that group (printed on the member's ID card.)

B. SB 189: Health Care Coverage Grievances Independent Medical Review Grievances/Appeals

- Requirement for DMHC-Approved System for Resolution of Grievances
- Time Frame for Grievance Resolution
- Expedited Review for cases involving Imminent and Serious Threat to the Health of the Patient

SB 189 requires California Health Plans to have a system for resolving Grievances that is approved by the California Department of Managed Health Care. Health Plans are required to resolve all grievances within thirty days and to allow for expedited plan review (within 72 hours) for cases involving "...an imminent and serious threat to the health of the patient, including, but not limited to, severe pain, the potential loss of life, limb, or major bodily function..." Health Plans must notify Enrollees in writing of their right to file a grievance with the California Department of Managed Health Care, and must also provide information about how to contact the Department. Enrollees are directed to participate in the Health Plan's Grievance process following the time frames outlined above prior to submitting a grievance to the California Department of Managed Health Care for review.

Enrollee Notification

- Time Frames and Right to contact California Department of Managed Health Care
- Medical Necessity reasons and criteria for denial of authorization
- Specific Information regarding Lack of Coverage for requested authorization

Health plans are required to provide Enrollees and the California Department of Managed Health Care with a written statement on the disposition or pending status of an expedited grievance no later than three days after receipt of the grievance.

Under SB189, health plan members are to receive responses to grievances with clear and concise explanations of reasons for the Health Plan's responses to the grievance. Further, if the Health Plan denies payment for services on the basis that the services are not medically necessary, the Plan must provide the clinical reasons related to medical necessity, and a copy of the level of care criteria used. Similarly, if the Plan denies payment for services on the basis that they are not covered benefits, the Plan is required to specify the contract provisions that exclude coverage.

Denial of Coverage for Experimental or Investigative Therapy

In Appeals/Grievances cases involving the denial of coverage for an experimental or investigational therapy, the Enrollee must be informed of his/her right to an immediate external, independent review with an entity under contract with the California Department of Managed Health Care.

The member must meet the following criteria:

- The member must have a life-threatening or seriously debilitating condition. (*Life-threatening* means either a disease or condition where the likelihood of death is high unless the course of the

disease is interrupted, or diseases or conditions with potentially fatal outcomes, where the end point of clinical intervention is survival. *Seriously Debilitating* refers to diseases or conditions that cause major irreversible morbidity.)

- The member's provider must certify that the member has a condition, as defined in paragraph (1), for which
 - i. standard therapies have not been effective in improving the condition of the member, ii. standard therapies would not be medically appropriate for the member, iii. there is no more beneficial standard therapy covered by the Health Plan than the therapy proposed. Either
 - a. the member's network provider *or*
 - b. the member's provider who is *not* under contract with the Health Plan but is appropriately licensed and qualified to treat the member's condition, *or*
 - c. the member requests a therapy that, based upon two (2) documents from the medical and scientific evidence, is likely to be more beneficial than standard therapies

Specific drug, device, procedure or other therapy recommended would be a covered service except for the Health Plan's determination that the therapy is experimental or investigational.

The Health Plan's external, independent review must meet the following criteria:

- The Health Plan must provide written notification to enrollees of their right to request independent review within 5 business days of the decision to deny coverage for experimental or investigational therapies for conditions that meet the criteria above.
- The Independent Review Organization will be an entity accredited by and under contract with the Department. This entity will arrange for the review of coverage decisions by selecting an independent panel of at least three providers who are experts in the treatment of the enrollee's condition and knowledgeable about the recommended therapy (number of providers on the panel can be less than 3 under certain prescribed circumstances).
- Within five business days of receipt of the enrollee's request for independent review, MHN will provide the Independent Review Organization with the documentation described above. The Independent Review Organization must render a decision within 30 days of receipt of the enrollee's request for review, unless a seven-day expedited review is required.
- If a majority of the experts on the Independent Review panel recommend the proposed therapy, the recommendation shall be binding on the Health Plan. If the panel members are evenly divided on coverage, the panel's decision is deemed to be in favor of coverage; if less than a majority of the experts recommend coverage, then the Health Plan is not required to provide coverage for the requested service.

Costs associated with the reviews described above will be paid by the Health Plan.

Compliance

MHN established procedures to comply with the regulations outlined above and will continue to process Authorization Denials and appeals for those denials within the standards of the California Department of Managed Health Care to ensure that health plan members living in the State of California are notified of

their rights according to state regulations. The MHN appeals system assures that a member entity can submit the grievance to the Department for review when (1) the case involves imminent or serious threat to the health of the patient as defined, or (2) after participating in the plan's process for 30 days. The MHN process also assures independent medical review (IMR) for a member who has a life-threatening or seriously debilitating condition when denial of authorization is made on the basis that the service is experimental or investigational.

MHN will include the IMR Notification and Request Form (see Exhibit B and C) with all letters for denial of authorization for experimental and/or investigational therapy.

Please note that practitioners should carefully document all such cases.

C. SB 349: Emergency Services and Care

This bill amends California Health and Safety Code to expand the definition of Emergency Services and Care to include:

1. Screenings, examinations and evaluations for the purpose of determining whether a psychiatric emergency medical condition exists and
2. Treatment necessary to relieve or eliminate the psychiatric emergency medical condition. The intent of the bill is to assure that enrollees who have non-medical, mental health emergencies receive proper access to and continuity of care.

Emergency Services and Care also means additional screening, examination and evaluation by a physician, or other personnel to the extent permitted by applicable law and within the scope of their licensure and clinical privileges, to determine if a Psychiatric Emergency Medical Condition exists, and the care and treatment necessary to relieve or eliminate the Psychiatric Emergency Medical Condition.

Psychiatric Emergency Medical Condition means a psychiatric medical condition whose onset is sudden and manifests itself by symptoms of sufficient severity (including severe pain) such that a prudent lay-person possessing an average knowledge of medicine and health, could reasonably expect the absence of immediate medical attention to result in any of the following:

1. Placing the health of the afflicted person, or others, in serious jeopardy;
2. Serious impairment to bodily functions; or
3. Serious dysfunction of any bodily organ or part. {In cases of the provision of Emergency Services and Care, provider agrees to notify MHN or Affiliate as soon as possible, but no later than 24 hours after it could be reasonably determined that the patient is an Enrollee.}"

Compliance

MHN has established claims and care management policies and procedures to assure compliance with SB349.

D. SB 1903 Medical Information Request for Disclosure

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Partial Summary

Existing law (Section 123110) provides that an adult patient shall be entitled to inspect his or her patient records upon written request to the health care provider. SB1903 would authorize an adult patient to prepare a specified addendum to his or her patient records and require the health care provider to attach that addendum to the patient's records. The bill would also specify that the health care provider shall not be liable for the receipt and inclusion, in and of itself, of the contents of a patient's addendum in the patient's records, as specified.

Compliance

MHN Network Practitioners should note this addendum and modify procedures for patient inspection of treatment records accordingly.