

Magellan Compliance Notebook

August, 2013

Magellan Behavioral Health of Pennsylvania, Inc. (Magellan) strives on being proactive and using education as a preventative tool to provide our members the highest quality of care through you, the provider.

The Quality Improvement and Compliance Departments at Magellan have committed to sending monthly e-mails to targeted providers on a Compliance related subject. *This month, we are going to focus on the OMHSAS LGBTQI regulations and the state-wide efforts to enhance services provided to this population.*

As you may be aware, Magellan hosted a lesbian, gay, bisexual, transgender, questioning and intersex (LGBTQI) training for providers in the beginning of August titled, "Creating Welcoming and Affirming Services for Persons who are LGBTQ or I" which was very well-attended. If you missed this opportunity, Magellan will be hosting another training this upcoming fall. Please be on the look-out for details regarding this exciting training opportunity!

Attached are two OMHSAS bulletins which went into effect January 7, 2011. The goal of these two publications was to improve both provider work environments as well as the quality of service provided to LGBTQI consumers.

Research has shown significant disparities in behavioral health outcomes between the LGBTQI population and the larger population which, many believe, are the effect of discriminatory policies and practices by providers of behavioral health services, and which may be alleviated by requiring initiatives such as training designed to combat unconscious discrimination.

Unfortunately, Pennsylvania's anti-discrimination laws do not provide protection from harassment and discrimination based on sexual orientation or gender identity.

In 2008, OMHSAS' LGBTQI Workgroup delivered to OMHSAS its recommendations, "Issues of Access to and Inclusion in Behavioral Health Services for Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex Consumers." The highest-priority recommendation called for a non-discrimination policy regarding sexual orientation, gender identity and gender expression, covering the staff of state hospitals, BH-MCOs and network providers as well as all people receiving services through state hospitals, BH-MCOs and network providers.

To support this objective, OMHSAS developed the attached guidelines to ensure that LGBTQI staff, consumers and their family members are protected from discrimination and mistreatment. While the policies were effective immediately, state hospitals, BH-MCOs and network providers were given until January 2012 to complete their implementation in order to be in compliance.

COMPONENTS:

1. *Ensuring Non-Discrimination:* No state hospital, BH-MCO or network provider, nor its employees may discriminate against any employee, or any individual receiving services, on the basis of actual or perceived sexual orientation, actual or perceived gender identity, and/or actual or perceived gender expression.
2. *Publication of Policy:* Each state hospital, BH-MCO, and network provider must include the Non-Discrimination Policy contained in Item 1 in literature, materials, manuals, documents, internet websites or other writings conveying information about the organization or agency to its employees, to people seeking or receiving services, or to the general public. Inclusion of the categories of sexual orientation, gender identity, and gender expression in all places where a state hospital, BH-MCO or network provider maintains other non-discrimination language will be accepted by OMHSAS as compliance with this Policy.
3. *Complaint Procedure:* Each state hospital, BH-MCO and network provider must update their existing complaint procedures and accept complaints from consumers for any alleged violation of this Policy in keeping with current HealthChoices and DPW complaint and grievance processes. In addition, OMHSAS encourages each state hospital, BH-MCO and network provider to have a complaint procedure that affords an employee the opportunity to report any alleged violation of this Policy.
4. *Affirmative Environments:* Provide an environment that is affirmative for consumers, staff, and visitors who identify or are perceived to be lesbian, gay, bisexual, transgender, gender variant, or intersex.
5. *Refraining from "Conversion" Therapies:* Adopt and publish a policy stating that the BH-MCO, provider or state mental hospital will not provide, and will not endorse, authorize nor fund any therapy, or any other treatment, designed to change a client's sexual orientation, or modify a client's gender identity or gender expression from those with which the client identifies or which clients claim as their own. All therapies that are promoted for an LGBTQI consumer must be developed in conjunction with the individual receiving treatment.
6. *Cultural Awareness Training:* Ensure that all staff members under the BH-MCO's and state mental hospitals purview, whether clinical or non-clinical, full- or part-time, whether engaged under contract or as an employee, complete a basic LGBTQI cultural awareness training within one year of joining the staff.
7. *Certified LGBTQI-Affirming Providers:* Each BH-MCO must identify a sufficient number and geographic distribution of qualified provider agencies, certified as

LGBTQI-Affirming Providers, to ensure access for all LGBTQI clients. In addition, each state mental hospital must meet the LGBTQI affirming provider criteria and will be certified by OMHSAS (please see attached bulletin OMHSAS-11-02 for qualifications of an LGBTQI-Affirming Provider)

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The Pennsylvania Mental Health Consumers' Association (PMHCA) is a good resource for additional information and training opportunities. Although Magellan is sponsoring trainings for providers, PMHCA can also arrange trainings (both 1 day and 3 day) for individual providers who are interested and may want to hold a training for their own staff. PMHCA also has a free webinar (2.5 hr) available on their website that is a very good starting point for providers and staff who may not be able to send all staff to a full day or a three day training. The PMCHA website is www.pmhca.org.

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At Magellan, we will continue to educate our providers with updated MA Bulletins, Regulations and other pertinent information in order to ensure Compliance. Our members are our utmost priority and together, we can provide quality services through education, knowledge, and being a proactive advocate for our member population.

Thank you for your ongoing hard work and dedication to our members!