



Magellan Compliance Notebook

Magellan Behavioral Health of Pennsylvania, Inc. (Magellan) strives to be proactive and use education as a preventative tool to help ensure our members receive the highest quality of care through you, the provider. The Compliance Department at Magellan is committed to sending monthly e-mails to targeted providers regarding a Compliance-related subject.

This e-mail communication is specific to your HealthChoices (Pennsylvania Medicaid) Contract with Magellan.

This month we would like to share important reminders with Partial Hospital (PHP) providers specific to some regulatory issues and recent audit findings.

The below *Question & Answer* outlines some of the recent interactions and observations Magellan has had with contracted Partial Hospital Programs. Please also reference the following standards to ensure that your programs are compliant with all state and MCO requirements:

Applicable Standards

- [55 PA Code Chapter 5210 Partial Hospitalization](#)
- PA Magellan Medicaid Addendum 5.1 Regulatory Compliance: Provider shall provide all Covered Services in accordance with the standards, rules and regulations promulgated under the HealthChoices Program. Magellan may audit Provider for compliance with such standards, rules and regulations.
- PA Magellan Medicaid Addendum 5.19 Compliance with Fraud, Waste and Abuse Policies: Provider agrees to comply with Magellan's Policies and Procedures related to Fraud, Waste and Abuse in order to comply with the Deficit Reduction Act of 2005, American Recovery and Reinvestment Act of 2009, applicable "whistleblower" protection laws, the Federal False Claims Act and State False Claims laws, which may include participation in trainings by Magellan. Provider agrees to comply with Magellan in any investigation of suspected fraud and abuse.
- PA Regulatory Amendment 6.1.1 Compliance with Applicable Law: Magellan and Provider shall comply with all applicable State and federal laws and regulations. Magellan and Provider specifically acknowledge that DOH has the authority to monitor and investigate quality of care issues, and to require corrective action or take

other administrative action, as authorized by applicable Pennsylvania law and regulations.

Q&A

- Can Partial Hospital Programs bill through lunch since supervision is continually needed?
No. This is not a compensable service according to the regulations. Medicaid billable services must include therapeutic interventions. Per § 5210.39 Patients in partial hospitalization programs shall receive a minimum of 3 hours of planned treatment programs per hospitalization day. These programs shall emphasize a therapeutic milieu, and include therapeutic, recreational, social and vocational activities, individual, group, or family psychotherapy, psychiatric, psychological and social evaluations, medication evaluations and other activities as determined by the treatment team.
- Can Partial Hospital Programs bill PA HealthChoices Medicaid for the time spent while the child or adolescent is receiving schooling/education/ academics?
No. This is not a compensable service according to the regulations. Per § 5210.37: Linkages with educational programs. Basic education and, in particular, special education are an essential and required part of service for emotionally disturbed children and youth. By law, such education is to be provided by the Department of Education or its agent. The education program may be provided at the same site as the partial hospitalization program, but is considered a separate, though complimentary, program and shall not be included as part of the partial hospitalization program for reimbursement purposes.
- Per the 5210 Regulations, as a minimum of 3 hours of therapy per day of service are required, if a child arrives 15 minutes late or leaves 30 minutes early can we still bill for the complete hour?
No. Providers cannot bill for the full hour if an individual is late or leaves early. Rounding is not permitted. The unit of service is a 60 minutes and the full 60 must be provided in order to bill 1 unit for that individual.
- Does the PHP hourly rate include psychiatric time? Does this include individual therapy, and/or family meetings?
Yes, PHP services are reimbursed at an all-inclusive rate and you cannot bill separately for any services that are provided while the member is in the PHP program.
- If crisis is called, can we bill for time our staff is also involved in the intervention?
Yes, only if they remain in the PHP program. If they are transported outside the Partial to a Crisis Center/ Emergency Room, it is not billable even if PHP staff accompany the member.

- ❖ **One additional finding from recent audits of Partial Hospital providers found that some billing systems are set-up to bill 6 units (6 hours) per day by default regardless of the amount of time each individual was in the program and receiving services. As in any fee-for-service (FFS) billing environment, the documentation must support all billable units and therefore must be individualized based on each participant's actual arrival and departure time; and their participation in therapeutic interventions. If an individual falls asleep or is otherwise not participating in the program, this is not billable time. As indicated above, time spent eating breakfast or lunch is also not billable time.**

At Magellan, we will continue to educate our providers with updated MA Bulletins, Regulations and other pertinent information in order to ensure Compliance.

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

Magellan of Pennsylvania's Compliance Team

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