



# 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's communication serves as a training opportunity from Magellan's Compliance/SIU Departments and a reminder to the recent 10/23/2020 UPDATED OMHSAS Memo regarding the "Public Health Emergency Suspended Regulations List".

---

Magellan recently recorded a compliance training for providers via a webinar. We wanted to ensure that our entire provider network had knowledge of and access to the valuable resources that were shared during this training opportunity. We welcome providers using this information to supplement your own internal compliance trainings for staff. Here is a [copy](#) of the presentation and a [recording](#) of the webinar.

***Update on 10/23/20: The PHE Suspended Regulations Memorandum and Chart have been updated effective 10/22/20. The updated memorandum and chart links are available at the links provided below.***

Pennsylvania Department of Human Services (DHS) Office of Mental Health and Substance Abuse Services (OMHSAS) is announcing the temporary suspension of certain regulatory provisions. The temporary suspension of the specified regulatory provisions is intended to support the health and safety efforts of the agencies and facilities by affording them the flexibility needed to focus on patient care in the most effective way possible. The suspension supports the continued and uninterrupted delivery of behavioral health services in the face of the challenges created by the COVID-19 pandemic. The regulatory suspensions announced here will remain in place while the Governor's Disaster Proclamation remains in effect or such other time as DHS/OMHSAS directs.

## **SUMMARY:**

OMHSAS originally issued a memorandum on August 14, 2020, to inform BH-MCOs, County Mental Health/Intellectual Disability Offices and behavioral health providers that specified regulatory provisions in 55 Pa. Code Chapters 1151, 1153, 1155, 1223, 5100, 5200, 5210, 5221,

5230, 5310, 5320 and 5240 have been temporarily suspended during the COVID-19 disaster emergency declaration period.

This memorandum has been re-issued to update signature requirements for treatment and service plans. The original memorandum issued on August 14, 2020, required that signatures of individuals be obtained for treatment and service plans that were created or updated during the disaster emergency declaration period within 60 days after the end of the disaster emergency declaration period. This updated memorandum removes the requirement to obtain signatures within 60 days after the end of the disaster emergency declaration period. Requirements for obtaining verbal consent and documentation of the verbal consent remain and must be included in the medical record for every occurrence of a new and updated treatment plan. Providers are strongly encouraged to obtain signatures electronically when possible.

The following documents contain the key information and updates:

- [A memorandum summarizing the regulatory suspensions](#)
- [A chart with a detailed list of the regulatory provisions suspended](#)

While this update does not reference peer support services in particular, OMHSAS has clarified the following:

- The OMHSAS suspended regulations list should have identified peer support separately by regulation. It was an oversight that was omitted.
- OMHSAS surveyors and Magellan auditors will not cite providers for not obtaining signatures during the pandemic per the guidance outlined in the attached communication. Providers will still be responsible for obtaining signatures as outlined in the telehealth expansion communication within the framework of the new timeframes.
- Specific details about service delivery should be documented in a member's record.

---

At Magellan, we will continue to educate our providers with updated MA Bulletins, regulations and other pertinent information in order to ensure Compliance. Although providers are ultimately responsible for knowing and complying with all applicable regulations, we proactively engage providers on an ongoing basis to make sure they are aware of compliance related requirements and expectations. Medicaid Program Integrity is truly a collaborative effort between our providers, county customers, Magellan, BPI and other oversight agencies. The monthly e-mail blast topics are generated from audit results and trends; however, are also sent in response to recent Magellan policy updates; newly released or relevant MA Bulletins and Policy Clarifications; or Regulation changes. The intention is to afford our providers with as many resources as possible to combat FWA and reduce overpayments.

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

Magellan of Pennsylvania's Compliance Team

📞 215-504-3967 | 📠 866-667-7744