



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 includes an important announcement about MA-funded telehealth services. On January 17, 2023, The Office of Mental Health and Substance Abuse Services (OMHSAS) announced additional flexibilities related to obtaining telehealth signatures as a result of bulletin suspensions expiring on December 31, 2022. OMHSAS is also planning to share important resources related to technology around telehealth.

On February 18, 2021, the OMHSAS Memorandum that temporarily suspended portions of bulletins and other guidance documents, stated that "verbal consent must be documented at the time of service, and providers are strongly encouraged to obtain electronic signatures when possible." This language allowed verbal consent without a second witness during the public health emergency. At that time, OMHSAS also stressed the need for providers to acquire platforms capable of securing electronic signatures. Given OMHSAS' previous recommendation, providers have had nearly two years to secure a platform capable of securing electronic signatures for consent and service verification.

It remains imperative for all entities delivering MA funded behavioral health services to have policies in place to capture consent in a way that creates an auditable trail. There are multiple ways that providers of tele-behavioral health can meet this requirement including messages typed into the chat box of an audiovisual platform, email, text messaging, USPS mail and two-person verification of a verbal consent secured over the phone. Given the options available to providers and the fact that since February 2021, OMHSAS has stressed the importance of developing appropriate systems to capture electronic signatures, OMHSAS asks that providers meet federal and state expectations. However, due to significant amount of concern about providers' ability to have telehealth platforms in place by January 1, 2023, **OMHSAS has extended the bulletin suspension specific to consent to treat, service verifications and treatment plans until March 31, 2023.**

Effective on April 1, 2023, providers are expected to capture consent to treat, service verifications and approval of treatment plans in a manner that creates an auditable file and in accordance with the timelines outlined in regulation.

OMHSAS is also planning to announce a funding opportunity for behavioral health providers. The opportunity will allow qualified entities to request funding to invest in technology and training for behavioral health telehealth providers. OMHSAS continues to look for additional ways to support compliance with the expectations of the Pennsylvania Act 69 of 1999 (Electronic Transactions Act).

The funding opportunity will be posted on February 1, 2023, on the following website: <https://www.dhs.pa.gov/Services/Mental-Health-In-PA/Pages/OMHSAS-Information.aspx>. Additional information will be available in the posted funding opportunity, and OMHSAS will not answer questions before the funding opportunity is posted.

Questions and concerns may be emailed to OMHSAS at the following address: RA-PWTBHS@pa.gov.

At Magellan, we will continue to educate our providers with updated MA Bulletins, regulations, and other pertinent information 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, Bureau of Program Integrity (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

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