



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.

Except as otherwise permitted or required by law, Magellan does not use or disclose protected health information (PHI) for purposes other than payment, treatment, or health care operations without valid authorization from the member. This month, we would like to notify all providers that Magellan has updated our Consent to Release Protected Health Information (PHI) Form in accordance with the 42 CFR Part 2 Final Rule.

On February 8, 2024, the U.S. Department of Health & Human Services (HHS) announced a final rule modifying the Confidentiality of Substance Use Disorder (SUD) Patient Records regulations at 42 CFR part 2 ("Part 2").

The new regulations allow a single consent for all future uses and disclosures of substance use disorder (SUD) information for treatment, payment, and health care operations. It also allows Health Insurance Portability and Accountability Act (HIPAA) covered entities and business associates that receive SUD records under this consent to redisclose the records in accordance with the HIPAA regulations.

In response to this Final Rule, Magellan has updated our Consent to Release Protected Health Information (PHI) Form.

The specific changes include:

- Old Section 2 was removed – previously, this section referred to the entity (Magellan) who could share the member's PHI. This language was added to the intro paragraph on the top of the new AUD form.
- New Section 2 (Who Your PHI May Be Given To) – checkbox added for member to OK sharing all future uses and disclosures for treatment, payment and health care operations for SUD information only.

- Section 3 (Reason You Want Us To Share Your PHI) – New instructions were added for sharing all future uses and disclosures for treatment, payment and health care operations for SUD information only.
- Section 4 (Share This PHI About Me) – new checkboxes added for ease of completion by the member.
- Section 7 (Member Signature) – removed witness signature/date
 - NOTE: This change was not related to 42 CFR Part 2.
- Section 9 (Where to Send this Form & Ask Questions) – The Notice to Recipient of Information was updated to include a disclaimer for 42 CFR Part 2.
- Instructions are now embedded at the end of the AUD form
 - NOTE: The instructions DO NOT need to be returned with the AUD in order for the AUD to be valid.

Providers should discard all previous versions of Magellan’s Authorization to Use and Disclose (AUD)/ Release Forms. Over the years, Magellan has updated our *AUD/ Release Form* on multiple occasions, and we have observed that many providers continue to use outdated versions. We may no longer be able to accept these old versions in the near future when compliance with the 42 CFR Part 2 Final Rule becomes a requirement on February 16, 2026. Again, if you have photocopies of old Magellan AUD templates, please replace them with our updated form and begin using it immediately.

Members and providers can visit [Magellan’s website](#) to access the *AUD/ Release Form* under Release Forms & Member Access Portal. Directions on how to complete the *AUD/ Release Form* are available. Magellan recommends that members and legal guardians utilize the [online](#) submission option. Signed and completed *AUD/ Release Forms* may also be faxed to Magellan at 1-866-667-7744; or sent via e-mail to PAHC_AUD@MagellanHealth.com. Providers should not submit multiple AUDs for different members in the same communication.

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

📞 215-504-3967 | 📠 866-667-7744