



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 communication is being sent to ensure all providers are aware of the guidelines related to Interpretation and Translation Services for Medicaid eligible members. This communication was previously shared with the Provider Network in 2015 and 2020; however, is being redistributed again due to some recent incidents. Please note that this guidance applies to **all services** provided under the behavioral health continuum.

In 2017, The Department of Human Services (DHS) released Medical Assistance (MA) [Bulletin 99-17-11](#). The bulletin reinforces [MA Policy Clarification #3-96-268 & 11-97-185](#) that was issued in 2001.

The MA program, which receives federal financial participation, pays enrolled providers for Medicaid Services. MA enrolled providers are considered covered entities due to their receipt of federal Medicaid funds. As such, MA providers must comply with the regulations and requirements related to services to individuals with Limited English Proficiency (LEP), vision limitations, and/or auditory limitations, including providing interpretation and translation services free of charge to MA beneficiaries.

Below is summary of the guidelines in accordance with Section 601 of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d, Federal Executive Order 13166, Title III of the Americans with Disabilities Act (ADA) of 1990 and Section 1557 of the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111-148):

- MA providers have a responsibility to provide interpretation and translation services free of charge to all individuals who have LEP, vision limitations, and/or auditory limitations, and the federal guidelines that must be followed to accomplish this.

- MA providers are required to post taglines in the top 15 non-English languages spoken by individuals in the Commonwealth (an attachment is provided within the MA Bulletin). The taglines must be posted in physical and online locations where they can be easily seen by members of the public to alert individuals with LEP to the availability of language assistance services. The taglines must also be included in large-sized significant communications such as outreach publications or written notices. Furthermore, providers must include taglines in at least the top two non-English languages in the Commonwealth, Spanish and Russian, in small sized significant communications such as postcards.
- MA providers must provide appropriate auxiliary aids and services, such as alternative formats and sign language interpreters, free of charge where necessary for effective communication.
- MA providers must provide language assistance services, which may include translation services. Providers are not to use low-quality video remote interpreting services or rely on unqualified staff and/or translators when providing language assistance services.

As a reminder, interpreter services are not classified as behavioral health/mental health services and thus not eligible for direct reimbursement by the Behavioral Health-Managed Care Organizations (BH-MCOs). Policy Clarification #3-96-268 & 11-97-185 further establishes the requirement for providers to accommodate the specialized needs of HealthChoices members, which may include securing interpreter services.

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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