



# Mercy Care Long Term Care



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CHAPTER 300 – MERCY CARE LONG TERM CARE (MCLTC) –  
PLAN SPECIFIC TERMS

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**Mercy Care Provider Manual**  
**Chapter 300 – Mercy Care Long Term Care (MCLTC) –**  
**Plan Specific Terms**

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### MCLTC Chapter 1 – Mercy Care Long Term Care Overview

#### 1.00 – Mercy Care Long Term Care Overview

Mercy Care Long Term Care (herein MCLTC), as part of MC, is a not-for-profit partnership sponsored by Dignity Health and Ascension Care Management. MCLTC is committed to promoting and facilitating quality health care services with special concern for the values upheld in Catholic social teaching, and preference for the poor and persons with special needs. Aetna Medicaid Administrators, LLC administers MCLTC for Dignity Health and Ascension Care Management.

MCLTC is a managed care organization that provides health care services to people in Arizona's Medicaid program. MCLTC has held a pre-paid capitated contract with the AHCCCS Administration since 1985. MCLTC provides services to the Arizona Medicaid populations including:

- **Arizona Long Term Care System (herein ALTCS):** AHCCCS offers services for individuals who require nursing home or in-home care and integrates both their behavior health and physical health needs. These services are offered through the *Arizona Long Term Care System (ALTCS)*. This program is intended for individuals who are age 65 or older, blind or have a disability (at any age) and need ongoing services at a nursing facility level of care. Those who qualify do not have to reside in a nursing home. Many ALTCS members live in their own homes or an assisted living facility and receive needed in-home services. ALTCS members are in the following counties:
  - Maricopa
  - Gila
  - Pima
  - Pinal
- **Division of Developmental Disabilities Long Term Care program:** Members are enrolled through the Arizona Department of Economic Security/Division of Developmental Disabilities (DDD). DDD is a Medicaid program administered by AHCCCS through the Department of Economic Security (DES). MCCC and Mercy DD are contracted with DDD to provide acute care services. DDD members are in the following counties:
  - Apache
  - Cochise
  - Coconino
  - Gila
  - Graham
  - Greenlee
  - La Paz
  - Maricopa

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- Mojave
- Navajo
- Pima
- Pinal
- Santa Cruz
- Yavapai
- Yuma
- **Children’s Rehabilitative Services (CRS):** Arizona’s Children’s Rehabilitative Services (CRS) program provides medical and behavioral health care, treatment, and related support services to Arizona Health Care Cost Containment System (AHCCCS) members who meet the eligibility criteria and completed the application to be enrolled in the CRS program and have been determined eligible.

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### MCLTC Chapter 2 – Network Provider Service Delivery Requirements

#### 2.00 – MCLTC Overview

The MCLTC program includes additional requirements and benefits compared to the Mercy Care (herein MC) Acute line of business. MCLTC members are eligible for:

- Home and Community Based Services
- Alternative Residential Settings
- Residential Skilled Nursing Facilities (SNF) – For additional information please review our Claims Processing Manual on our [Claims](#) web page under **Chapter 6 - Skilled Nursing Facility Claims**.

Below is a list of services specific to the MCLTC program:

#### MCLTC Services Table

<u>Type of Service</u>	<u>Description</u>
<b>Adult Day Health Care</b>	Health care and personal services as part of an adult day center. This may include meals, health checks and therapies.
<b>Alternative Residential Facilities</b>	Services provided to residents in a facility that provides assistance with activities of daily living.
<b>Attendant Care Services</b>	A trained person from a certified caregiver agency provides services in the member's home such as personal care, housekeeping and meal preparation.
<b>Emergency Alert System</b>	Equipment that provides 24-hour access to emergency help.
<b>Habilitation</b>	This service provides training in independent living skills.
<b>Home Delivered Meals</b>	Healthy meals are prepared and brought to a member's home.
<b>Home Health Service</b>	This service provides nursing, home health aide, and therapy in the member's home.
<b>Homemaker</b>	This service is designed to assist with household jobs like cleaning, shopping or running errands.



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<b>Home Modification</b>	This service makes adaptive changes to the home to increase the member's independence.
<b>Hospice Care</b>	Services that help members who need health care and emotional support during the final stages of life.
<b>Nursing Facility</b>	Nursing facilities provide room, board and nursing services for members who need these services all the time.
<b>Personal Care</b>	This service offers help with eating, bathing and dressing.
<b>Private Duty Nursing</b>	Nursing services for members who need more individual and continuous care.
<b>Respite</b>	This service provides personal care to provide a member's family and caregiver support. This service can be provided in the member's home, assisted living facility or skilled nursing home.
<b>Self-Directed Attendant Care</b>	This program is for members who want to be in charge of their attendant caregiver service. Members using this service will hire/fire, train, and be in charge of their own caregivers. Members have more control in this program. They can hire anyone that has the basic skills needed, give work and make schedules within the weekly service hours chosen by MCLTC care manager.
<b>Spouse Attendant Care</b>	A spouse can become a member's paid attendant caregiver while s/he is living at home. State guidelines must be followed, so please speak to a MCLTC care manager regarding Spouse Attendant Care.

**2.01 – MCLTC Program Contractor Changes**

MCLTC has a transition coordinator to assist with all program contractor changes. All MCLTC members have the option of changing program contractors during their annual enrollment choice month. AHCCCS sends a packet of information to each member prior to their annual enrollment choice about how to change program contractors and the dates by which their choice must be communicated to AHCCCS. Members may also change program contractors at other times if the circumstance meets AHCCCS criteria such as:

- moving to another county
- moving to another program contractor to maintain continuity of medical care, or

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- residing in a facility that no longer contracts with their current program contractor.

In these situations, the member's care manager will put together a packet of information and the transition coordinator will send it to the requested program contractor. If the requested program contractor grants the request, a transition date is determined and AHCCCS is notified and makes the change.

### 2.02 - Home and Community Based Services (HCBS)

All Home and Community Based providers who provide attendant care, housekeeping, personal care, and respite care are required by AHCCCS to complete a monthly MCLTC Provider Non-Provision of Services Log for critical services. Your Network Relations Specialist/Consultant is available for initial and ongoing training.

A gap in critical services is defined as the difference between the number of hours of home care worker critical services scheduled in each member's HCBS care plan and the hours of scheduled type of critical service that are actually delivered to the member.

Critical services received in the member's home are inclusive of tasks such as bathing, toileting, dressing, feeding, transferring to or from bed or wheelchair, and assistance with similar daily activities. Types of critical services include:

- Attendant care, including spouse attendant care
- Personal Care
- Homemaker
- In-home respite

Please refer to [Chapter 1200, Arizona Long Term Care System Services and Settings for Members Who Are Elderly and/or have Physical Disabilities and/or have Developmental Disabilities](#) in the AHCCCS Medical Policy Manual (AMPM) for additional Home and Community Based Services information.

### 2.03 - Agency with Choice Providers

The following provisions apply to all Agency with Choice Providers:

An authorized representative of the Provider must sign a Member's Service Plan if present at the service plan meeting. Regardless of whether Provider signs the Service Plan, by acceptance of this Agreement, Provider agrees to its roles and responsibilities in implementing the Service Plan, which it will perform in accordance with the terms of the Service Plan, this Agreement and applicable law.

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### 2.04 - Attendant Care Services - Interruption in Service

There may be times where an interruption in service may occur due to an unplanned hospital admission for the member. While services may have been authorized for attendant care during this time, attendant care agencies should not be billing for any days that fall between the admission date and the discharge date or any day during which services were not provided.

***Example:***

*Member is authorized to receive 40 hours of attendant care per week over a 5-day period. The member is receiving 8 hours of care a day.*

*The member is admitted into the hospital on January 1, 2010 and is discharged from the hospital on January 3, 2010. There should be no billable hours for January 2, 2010, as no services were provided on that date since the member was hospital confined for a full 24 hours.*

*Caregivers would not be able or allowed to claim time with the member on the example above, since no services could be performed on January 2, 2010 by the attendant care agency. This is also true for Personal Care, Homemaker, and Respite Services as well.*

Each attendant care agency will be responsible for following this process. If any hours are submitted when a member has been hospitalized for the full 24 hours, the attendant care agency will be required to pay back any monies paid by MCLTC. In accordance with AHCCCS requirements, MCLTC will be conducting periodic audits to verify this is not occurring.

### 2.05 - Attendant Care Modifiers

AHCCCS requires the use of specific codes/modifiers for attendant care as follows:

**Attendant Care:**

**Non-Family:** S5125-No modifier  
**Family Non-Resident:** S5125-U4  
**Family Resident:** S5125-U5  
**Spouse:** S5125-U3

**Agency with Choice**

**Non-Family:** S5125-U7  
**Family Non-Resident:** S5125-U4U7  
**Family Resident:** S5125-U5U7  
**Spouse:** S5125-U3U7

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**Self-Directed Attendant Care****Non-Family:** S5125-U2**Family Non-Resident:** S5125-U2U4**Family Resident:** S5125-U2U5**Skilled Self-Directed Attendant Care****Non-Family:** S5125-U6**Family Non-Resident:** S5125-U6U4**Family Resident:** S5125-U6U5***Example:***

*During a six-month time frame the member is receiving 20 hours per week of Family Non-Resident attendant care and 10 hours per week of Non-Family attendant care for a total of 30 hours per week.*

*The attendant care agency needs to pay attention to how many units are allotted for each of these two specific care categories. Billing with incorrect modifiers and units could result in claims being pended and denied for no units available. The attendant care agency must bill in accordance with the authorized services and units.*

If there is a change in care during the authorized time period, i.e., the Non-Family attendant care worker starts to work more than 10 hours per week (on a consistent basis), the attendant care agency must contact the MCLTC care manager to correct the authorization and adjust the units to reflect the change in care. If this happens for only one occurrence, the agency does not need to contact the care manager, but if a major change is needed to the original authorization, the attendant care agency would need to work with the MCLTC care manager to correct the authorization. This will alleviate potential claims from pending or being denied.

**2.06 – Attendant Care Out of Area Care**

For members wishing to take vacations or otherwise leave the area temporarily, MCLTC would like to address the issue of paid Attendant Care Caregivers providing services outside of Maricopa and Pima Counties. MCLTC does not authorize services at a specific location provided the member resides in Maricopa or Pima County. Services are authorized to the requesting attendant care agency based on the member's evaluation by Care Management. It is up to the individual agency to decide their policy regarding out-of-county care with paid caregivers. This includes family attendants. MCLTC does not recognize any difference between family attendants and non-family attendants. Both are paid employees of the agency and all Department of Labor regulations apply to them equally.

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If your agency does decide to allow out-of-county services, please keep a few key points in mind:

- How will your agency ensure the safety of the member?
- How will your agency deal with a gap in coverage and provide a replacement caregiver if needed?
- How will your agency ensure that the authorized care has actually been provided by the paid caregiver?
- This could also affect your workers compensation and raise other legal concerns. If this is in question your organization should seek qualified legal advice.

If an agency decides not to allow out-of-county services, MCLTC will respect that decision and it will not affect your relationship with MCLTC in any way.

If an agency does decide to allow out-of-county services, each occurrence will need to be reviewed by the member's Care Manager to ensure continuity of care and correct services are provided prior to the planned departure.

**2.07 – Direct Care Worker Database**

AHCCCS maintains an online database which tracks the testing records of Direct Care Workers (DCWs) serving Arizona Long Term Care System members living in their own homes. DCW and DCW Trainer testing records are portable or transferrable from one employer to another. The online database serves as an administrative support tool for DCW agencies and Approved Direct Care Worker Training and Testing Programs (Approved Programs). Per AHCCCS:

- DCW agencies will use the online database to manage a list of employees and search for testing records of prospective/new employees.
- Approved Programs will use the online database to manage a list of trainers and to input DCW or DCW Trainer testing records.

Please refer to the following to the [Welcome to the AHCCCS DCW and DCW Trainer Testing Records Online Database](#) for further information.

Effective October 1, 2018, PHPs must develop policies and procedures for, and begin conducting background checks of Direct Care Workers (DCWs), that comply with the following standards:

- At the time of hire/initial contract and every three years thereafter, conduct a nationwide criminal background check that accounts for criminal convictions in Arizona.
- At the time of hire/initial contract and every year thereafter, conduct a search of the Arizona Adult Protective Services Registry.
- Prohibit a DCW from providing services to ALTCS members if the background check results contain:
  - Convictions for any of the offenses listed in A.R.S. §41-1758.03(B) or (C), or

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- Any substantiated report of abuse, neglect or exploitation of vulnerable adults listed on the Adult Protective Services Registry pursuant to A.R.S. §46-459.
- Upon hire/initial contract and annually thereafter, obtain a notarized attestation from the DCW that he/she is not:
  - Subject to registration as a sex offender in Arizona or any other jurisdiction,
  - Awaiting trial on or been convicted of committing or attempting, soliciting, facilitating or conspiring to commit any criminal offense listed in A.R.S. §41-1758.03(B) or (C), or any similar offense in another state or jurisdiction.
- Require DCWs to report immediately to the agency if a law enforcement entity has charged the DCW with any crime listed in A.R.S. §41-1758.03(B) or (C).
- Require DCWs to report immediately to the agency if Adult Protective Services has alleged that the DCW abused, neglected or exploited a vulnerable adult.
- Agencies may choose to allow exceptions to the background requirements for DCWs providing services to family members only. If the agency allows a DCW to provide services under this exception, the agency shall:
  - Notify the ALTCS member in writing that the DCW does not meet the background check standards and therefore otherwise would not normally be allowed to provide services, and
  - Obtain consent from the ALTCS member to allow the DCW to provide services despite the findings of the background check.
- Agencies are prohibited from allowing exceptions to the Adult Protective Services Registry screening requirements for DCWs providing services to family members only.

PHPs are required to comply with Fingerprint Clearance Card requirements outlined in A.R.S. Title 41, Chapter 12, Article 3.1. Providers may use a DCW's Fingerprint Clearance Card as evidence of complying with the criminal background check required by this Policy; however, the agency must still comply with the obligation to check the Arizona Adult Protective Services Registry. DCWs are prohibited from providing services to ALTCS members if the DCW is precluded from receiving a Fingerprint Clearance Card or has a substantiated report of abuse, neglect or exploitation of vulnerable adults listed on the Adult Protective Services Registry pursuant to A.R.S. §46-459.

### 2.08 – Non-Provision of Service Log (NPS)

The Non-Provision of Service Log includes information to identify differences between the numbers of hours the home care worker for critical services were scheduled to provide and the actual number of hours delivered to the member. Providers are required to complete the Non-Provision of Service log each month even if there are no non-provisions of service for the month. The NPS log must be completed by the fifth business day of each month. The provider

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must complete the notification via the MCLTC Provider Non-Provision of Service Log (NPS) located on the MCLTC secure website, H Care Secure Web Portal.

Telephone accessibility standards also apply. After-hour phone audits may be conducted by MCLTC to assure providers have 24-hour coverage available for unforeseen gaps in service. Please note that the AHCCCS standard is to allow HBCS providers 15 minutes to return a call addressing a gap in service. To allow an agency more than 15 minutes to return a phone call when a gap in service is being reported would make it exceptionally difficult for the service to be filled within the two (2) hour requirement.

**2.09 - Prior Period Coverage for Home and Community Based Services (HCBS)**

“Prior Period Coverage” for an HCBS member refers to HCBS in place prior to enrollment with MCLTC (during the Prior Period Coverage period). Services were previously provided by another AHCCCS plan.

Prior Period eligibility dates are determined by AHCCCS. The MCLTC care manager will perform a retrospective assessment to determine the medical necessity of services, along with determination that the services previously delivered were provided by a registered AHCCCS provider in the most cost-effective manner.

If the MCLTC care manager determines that the services are covered, reimbursement will be made to the provider.

**2.10 - Care Manager Responsibilities**

Each MCLTC member is assigned to a care manager. The care manager is responsible for working with the member’s PCP to coordinate and authorize the provision of medically necessary services for the member. The care manager is also the member’s advocate and works to facilitate the member’s care.

The MCLTC care manager authorizes medically necessary services, providing information about room and board to providers and members, and assisting members with coordination of appropriate services.

The MCLTC care manager is the primary point of contact for providers when there are issues or questions about a member. Providers must also contact the MCLTC care manager whenever there are changes in a member’s health status.

**2.11 - Service Authorizations**

The following table illustrates Acute and HCBS services provided to MCLTC members that require PCP orders and/or authorization by the program contractor.

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**NOTE:** The MCLTC care manager only authorizes long term care services, not medical services. Medical service authorization procedures are outlined in **MC Chapter 14 – Referrals and Authorizations**.

### MCLTC Service Authorization Table

<u>Service</u>	<u>PCP Orders</u>	<u>Program Contractor Authorization</u>
Acute Hospital Admission (Non-Medicare Admission)	X	X
Adult Day Health Services		X
Assisted Living Facility		X
Attendant Care		X
Behavioral Health Services		X
DME/Medical Supplies	X	X
Emergency Alert	X	X
Habilitation		X
Home Delivered Regular Meals		X
o 1500-1800 Calorie Diabetic	X	X
o Low Sodium 2gm	X	X
o Diabetic/Low Sodium	X	X
Home Health Agency	X	X
Home Modifications	X	X
Homemaker Services		X
Hospice Services (HCBS and Institutional – Non-Medicare)	X	X
ICF/MR	N/A	N/A



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Medical Care Acute Services	X	X
Nursing Facility Services	X	X
Personal Care		X
Respite Care (In-Home)		X
Respite Care (Institutional)	X	X
Therapies	X	X
Transportation		X

### 2.12 – MCLTC Alternative Residential Settings

MCLTC offers different types of medically necessary alternative residential settings for eligible members. These different types of settings provide supervisory services, personal care or direct care, and are delivered by licensed or certified facilities. Members are required to pay room and board fees in these settings. The MCLTC care manager will assess the member's need for the appropriate type of setting.

#### MCLTC Service Types

<u>Setting</u>	<u>Description</u>
<b>Adult Foster Care</b>	This setting includes up to 4 residents. The owner of the home must live in the home and provide the care.
<b>Adult Therapeutic Home Care</b>	Provides behavioral health and ancillary services for a minimum of 1 and a maximum of 3 people.
<b>Child Therapeutic Home Care</b>	Provides services by homes licensed with DES as a professional foster care home.
<b>Assisted Living Home</b>	This setting provides care and supervision for up to 10 people.
<b>Assisted Living Center</b>	This setting provides resident rooms or residential units and services to 11 or more residents. Three meals are provided in the main dining hall. Personal care and medication monitoring is provided as needed.

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### 2.13 - Provider Requirements for Assisted Living Facilities

#### ***Assisted Living Home and Assisted Living Center Requirements***

- The provider of an Assisted Living Facility must collect room and board fees from the member. Room and board is the amount the MCLTC member pays each month for the cost of food and/or shelter.
- MCLTC does not pay the member's room and board cost when the member is in an alternative setting. MCLTC's room and board agreement identifies the level of payment for the setting, placement date, and room and board amount the member must pay and is determined by the MCLTC care manager at the time of placement.
- The room and board agreement is used for all alternative settings. The amount of room and board will periodically change based on a member's income.
- The Room and Board Agreement form is completed at least once a year or more often if there are changes in income.
- Payment issued to the provider is always the contracted amount minus the member's room and board.
- All assisted living placements are required to give notice to a resident to terminate placement per R9-10-207 (G). Residents in assisted living placement are not required to give notice when discharging from the assisted living placement.
- For Adult Foster Care, Foundation for Senior Living is billed for all Adult Foster Care services provided in Maricopa County. For all other alternative living arrangement settings, MCLTC should be billed directly.
- PHP shall notify MCLTC in writing immediately if a change in location of the Assisted Living Home or Assisted Living Center is being considered. MCLTC Care Management will communicate with members and their representatives to determine whether a location change is in their best interest.
- PHP will notify MCLTC in writing immediately if an ownership change is being considered. MCLTC will decide if a contract with the new owner will be offered. To be considered for a contract, a new owner must be licensed by Arizona Department of Health Services (ADHS), have an AHCCCS Provider Identification number and have proof of required liability insurance.
- PHP shall maintain in full force and effect and be covered at all times throughout the term of their MCLTC contract by (a) professional liability (malpractice) insurance which covers all acts of omissions of PHP in providing or arranging for Covered Assisted Living Home Services under their MCLTC contract, and (b) general liability insurance. The terms and limits of such insurance coverage shall be subject to MCLTC approval;

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provided, however PHP shall maintain in full force and effect and be covered at all times throughout the term of this Agreement by (a) professional liability (malpractice) insurance which covers all acts and omissions of PHP in providing or arranging for covered services under their MCLTC contract, and (b) general liability insurance. The general liability policy shall have limits of liability of not less than One Million Dollars (\$1,000,000) per occurrence, and an annual aggregate of Two Million Dollars (\$2,000,000). Failure to secure and maintain such professional liability and general liability insurance coverage shall constitute a material breach of PHP's contract with MCLTC.

- PHP must ensure Mercy Care staff has immediate access to the member and member's records at all times.

### Assisted Living Home Requirements

- PHP must obtain written authorization from the MCLTC care manager who is the sole authorizing agent for placement and level of care prior to admission. Covered Assisted Living Home services not prior authorized will not be reimbursed.
- PHP shall maintain member case records with information that includes, but is not limited to:
  - Member's name and MCLTC identification number;
  - Member's relative name(s) address(es) and phone number(s);
  - Emergency contact name and phone number
  - Member's primary care provider address and phone number;
  - Member's current medications and pharmacy phone number; and
  - Member's guardian, grantee of power of attorney, or healthcare decision maker, as applicable.
- PHP shall maintain policies and procedures specific to the management and organization of PHP, which include but are not limited to an admission agreement; personnel policies and staffing ratios; house standards; medication dispensing and home furnishings and repairs. PHP shall submit copies of policies and procedures to MCLTC (i) annually, (ii) as developed, and (iii) as the policies and procedures are revised.
- All deposits paid prior to MCLTC enrollment date must be refunded to the member or member's power of attorney designee **immediately**.
- If the member is eligible for Prior Period Coverage (PPC), PHP is encouraged to bill MCLTC for this prior period time and refund the member the MCLTC rates for this prior period time.

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- All assisted living placements are required to give notice to a resident to terminate placement per R9-10-207 (G). Residents in assisted living placement are not required to give notice when discharging from the assisted living placement.
- All private agreements with members cease on the effective enrollment date of the member with MCLTC. Following MCLTC enrollment, the MCLTC contract and the MCLTC Room & Board Placement Agreement should control. All private and previous agreements with an MCLTC member are null and void.
- PHP shall not charge members for any item(s) or service(s) which are covered under their MCLTC contract or the AHCCCS Medical Policy Manual.
- PHP shall arrange for or provide recreational and social activities on a regular basis designed to maintain or improve skills to members.
- PHP will report to MCLTC care manager all member emergency room visits, hospitalizations, observation bed admissions and expirations within twenty-four (24) hours of the occurrence.
- PHP must provide shampoo, hand soap, toilet paper, laundry detergent, gloves, wipes, chux, or any other personal care items for each resident.

### Assisted Living Center Requirements

- PHP shall ensure that each new PHP staff completes an orientation within ten (10) days from the date of employment which includes, but is not limited to, orientation to the characteristics and needs of Assisted Living Center members; promotion of member dignity, independence, self-determination, privacy, choice and rights; and instruction on the development and implementation of treatment plans.
- PHP shall ensure that each staff member completes a minimum of six (6) hours of ongoing training every twelve (12) months and includes but is not limited to promoting dignity, independence, self-determination, privacy, choice and rights; fire, safety and emergency procedures; and assistance in self-administration of medications.
- PHP must obtain written authorization from the MCLTC. Care Management is the sole authorizing agent for placement and level of care of MCLTC members in an Assisted Living Center, Behavioral Health Assisted Living or in an Assisted Living Alzheimer's Unit.
- Upon admission, there must be documentation/evidence that the member is free from infectious tuberculosis. Annual testing is to be completed and documented in the member's medical record.
- PHP will report to MCLTC care manager all member emergency room visits, hospitalizations, observation bed admissions and expirations within twenty-four (24) hours of the occurrence.

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- There must always be staff member(s) on duty who speak and read English (fluently), twenty-four (24) hours per day, three hundred sixty-five (365) days per year.
- PHP must provide shampoo, hand soap, toilet paper, laundry detergent, gloves, wipes, chux, or any other personal care items for each resident.
- One (1) staff member certified in CPR must be on duty at all times.
- All deposits paid prior to MCLTC enrollment date must be refunded to the member or member's power of attorney designee **immediately**.
- If the member is eligible for Prior Period Coverage (PPC), PHP is encouraged to bill MCLTC for this prior period of time and to refund the member the MCLTC rates for this time frame.
- All private agreements with members cease on the effective enrollment date of the member with MCLTC. Following MCLTC enrollment, the MCLTC contract and the MCLTC Room & Board Placement Agreement should control. All private and previous agreements with an MCLTC member are null and void.
- All assisted living placements are required to give notice to a resident to terminate placement per R9-10-207 (G). Residents in assisted living placement are not required to give notice when discharging from the assisted living placement.
- PHP shall maintain member case records with information that includes, but is not limited to:
  - Member's name and MCLTC identification number;
  - Member's relative name(s) address(es) and phone number(s);
  - Emergency contact name and phone number
  - Member's primary care provider address and phone number;
  - Member's current medications and pharmacy phone number; and
  - Member's guardian, grantee of power of attorney, or healthcare decision maker, as applicable
- PHP shall maintain policies and procedures required by applicable law which are specific to the management and organization of PHP, which include, but are not limited to admission agreements, personnel policies and staffing ratios, house standards, medication dispensing, and home furnishings and repairs. PHP shall submit copies of its policies and procedures to MCLTC:
  - Upon request
  - When new policies and procedures are implemented
  - When existing policies and procedures are revised by PHP.
- PHP shall maintain policies and procedures specific to a member's personal needs allowance according to applicable law; PHP shall submit such policies to MCLTC upon request.

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- PHP shall not charge members for any item(s) or service(s) which are covered under their MCLTC contract or the AHCCCS Medical Policy Manual.
- PHP shall collect the room and board amount determined by the MCLTC care manager from the member.
- PHP shall maintain in full force and effect and be covered at all times throughout the term of their MCLTC contract by (a) professional liability (malpractice) insurance which covers all acts of omissions of PHP in providing or arranging for covered Assisted Living Home Services under their MCLTC contract, and (b) general liability insurance. The terms and limits of such insurance coverage shall be subject to MCLTC approval; provided, however PHP shall maintain in full force and effect and be covered at all times throughout the term of their contract by (a) professional liability (malpractice) insurance which covers all acts and omissions of PHP in providing or arranging for covered services under their MCLTC contract, and (b) general liability insurance. The general liability policy shall have limits of liability of not less than One Million Dollars (\$1,000,000) per occurrence, and an annual aggregate of Two Million Dollars (\$2,000,000). Failure to secure and maintain such professional liability and general liability insurance coverage shall constitute a material breach of PHP's contract with MCLTC.

### ***Additional Requirements for Covered Behavioral Health Assisted Living Center***

- PHP must meet minimum staffing ratios of 3.3 hours per patient day (this staffing does not include maintenance, clerical, or administrative staff).
- PHP must meet minimum training hours for new staff six (6) of didactic in-service training in behavioral health topics and ongoing monthly training for all direct care staff.
- PHP shall provide members with recreational and social activities on a daily basis designed to maintain or improve physical and social interaction.
- PHP shall provide service including, but not limited to psychosocial rehabilitation; skills training and development; and assist member on a daily basis to carry out specified goals and objectives as prescribed in the member's treatment plan.
- PHP shall provide a designated unit secured by locked or electronically controlled doors (a wander guard-type system alone does not meet this requirement) for locked Behavioral Health Assisted Living Unit.
- PHP shall maintain in full force and effect and be covered at all times throughout the term of their MCLTC contract by (a) professional liability (malpractice) insurance which covers all acts of omissions of PHP in providing or arranging for Covered Assisted Living Home Services under their MCLTC contract, and (b) general liability insurance. The terms and limits of such insurance coverage shall be subject to MCLTC approval; provided, however PHP shall maintain in full force and effect and be covered at all times throughout the term of this Agreement by (a) professional liability (malpractice) insurance which covers all acts and omissions of PHP in providing or arranging for covered services under their MCLTC contract, and (b) general liability insurance. The

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general liability policy shall have limits of liability of not less than One Million Dollars (\$1,000,000) per occurrence, and an annual aggregate of Two Million Dollars (\$2,000,000). Failure to secure and maintain such professional liability and general liability insurance coverage shall constitute a material breach of PHP's contract with MCLTC.

### ***Additional Requirements for Assisted Living Alzheimer's Units***

- PHP shall provide a designated unit secured by locked or electronically controlled doors (a wander guard-type system alone does not meet this requirement).
- PHP shall be staffed with the following ratios: (these staffing ratios exclude facility directors, administrative, clerical and maintenance staff).
  - One (1) staff to ten (10) members from 6:00 am – 2:00 pm
  - One (1) staff to ten (10) members from 2:00 pm – 10:00 pm
  - One (1) staff to twenty (20) members from 10:00 pm – 6:00 am

**Example:** If PHP has thirty-eight (38) members, PHP is required to have three (3) full time staff and then the fourth (4<sup>th</sup>) staff would be required to work 6 hours and 40 minutes of the 8-hour shift during the hours of 6:00 am to 10:00 pm.
- All staff newly assigned to work on the unit must receive two (2) hours of in-service training prior to actually providing care to members with dementia. Training must include, but is not be limited to:
  - Understanding members with dementia; and
  - How to work with members with dementia.
- All staff on the unit must attend a minimum of one (1) hour every month of in-service education addressing the special needs of members with dementia such as those with Alzheimer's disease and related disorders. Training must take place and be documented within thirty (30) days.
  - Off-site in-service education may be included to meet this requirement.
  - Topics for in-service sessions are to include, but are not limited to:
    - Charting and documentation;
    - Understanding persons with dementia;
    - How to work with persons with dementia;
    - Providing services to members based on individual needs;
    - How to maximize independence for persons with dementia;
    - Member rights;
    - Appropriate verbal and non-verbal interaction with members;
    - Pharmacological and physical restraints and their use;
    - Facility protocol to manage/locate members who wander;
    - Activities of daily living as part of the activity program;
    - Fall prevention;
    - Cultural diversity; and



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- Using hospice for members with advanced dementia.
- PHP must have activity staff programming ten (10) hours a week. PHP must offer activities that are appropriate for persons with dementia seven (7) days a week.
- PHP must have buildings and furnishings that are designed for the member's safety.
- PHP facilities must be designed to maximize comfort for the member's physical environment, personal and shared space, demonstrate a balance of sensory stimuli that are calming and soothing; and other sensory stimuli that are pleasantly stimulating and engaging.
- PHP shall maintain in full force and effect and be covered at all times throughout the term of their MCLTC contract by (a) professional liability (malpractice) insurance which covers all acts of omissions of PHP in providing or arranging for Covered Assisted Living Home Services under their MCLTC contract, and (b) general liability insurance. The terms and limits of such insurance coverage shall be subject to MCLTC approval; provided, however PHP shall maintain in full force and effect and be covered at all times throughout the term of this Agreement by (a) professional liability (malpractice) insurance which covers all acts and omissions of PHP in providing or arranging for covered services under their MCLTC contract, and (b) general liability insurance. The general liability policy shall have limits of liability of not less than One Million Dollars (\$1,000,000) per occurrence, and an annual aggregate of Two Million Dollars (\$2,000,000). Failure to secure and maintain such professional liability and general liability insurance coverage shall constitute a material breach of PHP's contract with MCLTC.

### 2.14 - Provider Requirements for Adult Foster Care Home

- For Adult Foster Care Homes in Maricopa County, Foundation for Senior Living is billed for all Adult Foster Care services.
- PHP must obtain written authorization from the MCLTC care manager who is the sole authorizing agent for placement and level of care prior to admission. Covered Assisted Living Home services not prior authorized will not be reimbursed.
- PHP must provide shampoo, hand soap, toilet paper, laundry detergent, gloves, wipes, chux, or any other personal care items for each resident.
- All deposits paid prior to MCLTC enrollment date must be refunded to the member or member's power of attorney designee **immediately**.
- If the member is eligible for Prior Period Coverage (PPC), PHP is encouraged to bill MCLTC for this prior period time and to refund the member the MCLTC rates for this prior period time.
- All private agreements with members cease on the effective enrollment date of the member with MCLTC. Following MCLTC enrollment, the MCLTC contract and the



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MCLTC Room and Board Placement Agreement should control. All private and previous agreements with an MCLTC member are null and void.

- PHP shall notify MCLTC in writing within five (5) business days of PHP changes that include, but are not limited to a change in location, services, licensing, or ownership.
- Referrals for specific covered Adult Foster Care services must be initiated and obtained by the member's primary care provider and/or the MCLTC care manager. Services not authorized by MCLTC will not be reimbursed.
- PHP shall maintain member case records with information that includes at a minimum the following:
  - Member's name and ALTCS identification number;
  - Member's relative(s) name(s), address(es), and phone number(s);
  - Member's emergency contact(s) name(s), address(es) and phone number(s);
  - Member's primary care provider address and phone number;
  - Member's current medications and pharmacy phone number;
  - Member's guardian, grantee of power of attorney, or healthcare decision maker, as applicable.
- PHP shall maintain policies and procedures specific to advanced directives according to applicable law and MCLTC Policies. PHP must also provide education to PHP staff and subcontractors regarding advance directives.
- PHP shall maintain policies and procedures required by applicable law specific to the management and organization of PHP, which includes, but is not limited to an admission agreement; personnel policies and staffing ratios; house standards; medication dispensing; and home furnishings and repairs. PHP must submit copies of policies and procedures to MCLTC upon request.
- PHP shall not charge Members for any item(s) or service(s) which are covered under this Agreement by AHCCCS or Medicare.
- PHP shall maintain policies and procedures specific to Member's personal needs according to applicable law and submit them to MCLTC upon request.
- Nursing care services may be provided by PHP if such PHP is a nurse licensed by the State of Arizona to provide covered Adult Foster Care Services according to applicable law. PHP shall keep a record of nursing services rendered and obtain prior authorization according to MCLTC Policy and Provider Manual.
- PHP shall arrange for or provide recreational and social activities on a regular basis designed to maintain or improve skills to members.
- PHP will report to MCLTC care manager all member emergency room visits, hospitalizations, observation bed admissions and expirations within twenty-four (24) hours of the occurrence.
- PHP shall maintain in full force and effect and be covered at all times throughout the term of their MCLTC contract by (a) professional liability (malpractice) insurance which covers all acts of omissions of PHP in providing or arranging for Covered Assisted Living Home Services under their MCLTC contract, and (b) general liability insurance. The

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terms and limits of such insurance coverage shall be subject to MCLTC approval; provided, however PHP shall maintain in full force and effect and be covered at all times throughout the term of this Agreement by (a) professional liability (malpractice) insurance which covers all acts and omissions of PHP in providing or arranging for covered services under their MCLTC contract, and (b) general liability insurance. The general liability policy shall have limits of liability of not less than One Million Dollars (\$1,000,000) per occurrence, and an annual aggregate of Two Million Dollars (\$2,000,000). Failure to secure and maintain such professional liability and general liability insurance coverage shall constitute a material breach of PHP's contract with MCLTC.

- PHP must ensure Mercy Care staff has immediate access to the member and member's records at all times.

### 2.15 - Provider Requirements for Skilled Nursing Facilities (SNFs)

Skilled Nursing Facilities (SNFs) provide services to members that need consistent care, but do not have the need to be hospitalized or require daily care from a physician. Many SNFs provide additional services or other levels of care to meet the special needs of members. SNFs are responsible for making sure that members residing in their facility are seen by their PCP in accordance with the following intervals:

- For initial admissions to a nursing facility, members must be seen once every 30 days for the first 90 days, and at least once every 60 days thereafter.
- Members that become eligible while residing in a SNF must be seen within the first 30 days of becoming eligible, and at least once every 60 days thereafter.

Additional nursing facility visits are provided as medically necessary and appropriate.

Providers may also refer to MCLTC's **Claims Processing Manual** available on our [Claims](#) web page under **Chapter 6 – Skilled Nursing Facility Claims**. The **Claims Processing Manual** includes helpful information regarding the following:

- Billable Days
- Share of Cost
- Patient Trust Accounts
- Behavioral Health Services
- Therapy Authorizations
- Claims
- Claims Payment and Submission
- Discharge from a SNF
- Information and Services offered by MCLTC for SNF
- Provider Claim Disputes and Member Appeals

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Covered services delivered to eligible members in accordance with a PHP's contract include the following:

- MCLTC is not responsible to pay for any otherwise covered services rendered to MCLTC members prior to the date the MCLTC member becomes enrolled by the State Agency with MCLTC (except with respect to certain newborns pursuant to the State Agency regulations) or after the MCLTC member loses eligibility or otherwise is dis-enrolled from MCLTC.
- The per diem payment for ALTCS members includes over-the-counter medications. The PHP must use MCLTC contracted pharmacies and durable medical equipment companies for non-Medicare and MCA enrollees who are on a custodial stay in the facility.
- MCLTC should be billed for co-payments for MCLTC members who have Fee for Service Medicare and a Prescription Drug Program or who are on a Medicare Advantage Program, which is not MCA.
- Mercy Care shall reimburse PHP for covered therapy services on a fee for service basis. Mercy Care will update internal payment systems in response to additions, deletions and changes of this nature.

### ***Levels of Care***

The appropriate level of care will be determined by the MCLTC care manager, utilizing the AHCCCS/ALTCS Uniform Assessment Guidelines.

In the event PHP disagrees with the level of care authorized, the PHP may request an administrative review by MCLTC. In the event PHP disagrees with the decision following the administrative review, PHP may request a second administrative review. The second review request must be made in writing to the MCLTC care management supervisor within thirty (30) days of the determination of the first administrative review. In the event the original level of care is upheld, the decision is final and not subject to further review by MCLTC. In the event the original level of care is overturned during the administrative review process, CMCLTC will adjust the level of care in accordance with the date of the PHP's initial level of care notification.

Levels of care are listed in the table below:

<b><u>Level of Care</u></b>	<b><u>Revenue Codes</u></b>
Sub-Acute Care Level III	0193
Sub-Acute Care Level IV (Ventilator care)	0194
Custodial Level I	0081
Custodial Level II	0082
Custodial Level III	0083
Hospital Bed Hold	185
Therapeutic Bed Hold	183

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- Level of care changes authorized by MCLTC will be effective on the day of evaluation. Level of care changes may be retroactive to the date of phone or fax notification to the Nursing Facility, but not prior to the date of notification.
- Covered Therapy Services are not included in the MCLTC member per diem rate, except where specified. PHP shall arrange or provide covered therapy services, for MCLTC members residing in its facility. For additional information regarding referrals and authorizations, please refer to **MC Chapter 16 – Referrals and Authorizations** in this provider manual.

### *Requirements for Specialty Rates*

Custodial levels of care are determined according to the AHCCCS Universal Assessment Tool for Acuity Determinations.

These levels are NOT for placements that are Medicare funded by MCA. RUG rates are used for MCA members whose care meets the Medicare criteria for RUG rates.

PHPs providing specialty levels of care must meet the requirements identified below, in accordance with their contract:

#### **Sub-Acute**

**Level III** - Intensive Sub-Acute. This includes any combination of the following:

- complex wound care/decubitus
- total parenteral nutrition or tracheotomy care
- or any therapy up to 3 hours per day (PT/OT/ST)

**An RN charge nurse is required to be on the station where Level III members are located 24 hours a day.** This level of care is authorized by the MCLTC concurrent review nurse.

Daily documentation in the medical chart of continued need for sub-acute level of care is required.

PHP must notify MCLTC staff within 24 hours of when a member no longer requires sub-acute level of care services.

#### **High Respiratory**

- Ensure that all respiratory therapy personnel must be licensed by the State of Arizona.

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- Strive to utilize regularly designated nursing and respiratory staff for the care of members in need of respiratory services. If nursing pool must be used, ensure that these temporary personnel have training in respiratory care and the ability to manage equipment currently in use in the facility.
- Maintain a 1:5 ratio of Therapist/Technician to MCLTC members in need of respiratory services for each eight (8) hour shift.
- Provide oversight by a licensed pulmonologist.
- Designate one (1) Registered Respiratory Therapist (RPT) as the Respiratory Director, who will be in charge of all respiratory duties and who will work no less than (40) hours per week.
- Designate one (1) Registered Nurse for each (8) hour shift who will be in charge of all nursing duties for members requiring respiratory services for that period of time.
- Individuals admitted for respiratory services may be weaning from a ventilator, require multiple respiratory treatments, or have a tracheostomy requiring frequent respiratory therapy monitoring.

**Ventilator**

- Ensure that all respiratory therapy personnel are licensed by the State of Arizona.
- Strive to utilize regularly designated nursing and respiratory staff for the care of members in need of respiratory services. If nursing pool must be used, ensure that these temporary personnel have training in respiratory care and the ability to manage equipment currently in use in the facility.
- Maintain a 1:5 ratio of Therapist/Technician to MCLTC member in need of respiratory services for each eight (8) hour shift.
- Provide oversight by a licensed pulmonologist.
- Designate one (1) Registered Respiratory Therapist (RPT) as the Respiratory Director who will be in charge of all respiratory duties and who will work no less than (40) hours per week.
- Designate one (1) Registered Nurse for each (8) hour shift who will be in charge of all nursing duties for Members requiring respiratory services for that period of time.
- Provide care for members who are on a ventilator.
- Provide care for members on BiPap with a back-up breath rate.
- Maintain respiratory therapy notes of member's condition, including daily documentation of heart rate, breathe sounds and any medical condition, during and after respiratory procedures, including response to treatment and how many hours of ventilator usage each day.
- Notify the MCLTC care manager or Concurrent Review Nurse within 24 hours of the initiation of ventilator/BiPap treatment and/or ventilator weaning.
- Provide the services of a licensed pulmonologist who will:

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- Conduct a physical examination and complete medical history as it pertains to ventilator services on each newly admitted MCLTC ventilator dependent member within seven (7) days of admittance, when ordered by the MCLTCPCP.
- Perform routine on-site visits which include evaluation for potential weaning and appropriate diagnosis and treatment on each MCLTC ventilator dependent member when ordered by the MCLTCPCP.
- Re-evaluate, at least annually, each MCLTC ventilator dependent member to review continued prospects of weaning the member from dependency on the ventilator.
- Visit and evaluate MCLTC ventilator dependent members at least every thirty (30) days.
- Ensure that appropriate discharge orders accompany member when leaving the ventilator unit including a discharge summary from the ventilator unit which includes input from the nursing facility pulmonologist and a plan for any on-going treatments, including respiratory treatments.
- Provide education and training for ventilator dependent members and their families when appropriate to increase member's functioning and self-sufficiency.
- Evaluate member's ability to provide self-care and/or family's ability to care for the member.
- Provide on-going nursing and therapy consultation and training to promote the development of the member's ability to provide self-care and the family's ability to care for the member.
- Provide training on maintenance of equipment and nursing care to members who are discharging home.
- Maintain adequate documentation that reflects the member's/family's ability to provide care.
- Coordinate with MCLTC care manager or Concurrent Review Nurse regarding DME, supplies, home nursing and other follow-up care that may be needed for members who are discharging to the community.

**Staff Assisted Dialysis**

- To qualify for staff assisted dialysis level of care, members must be unable to attend outpatient dialysis due to their medical condition.
- PHP must provide medical documentation to the MCLTC care manager substantiating need for staff assisted dialysis in lieu of outpatient dialysis prior to admission to the facility at the staff assisted dialysis level of care.
- Perform dialysis treatment as ordered by a nephrologist.
- Evaluate and monitor the member's condition on an on-going basis.

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- Inform the member's PCP and nephrologist of relevant diagnostic study results within 72 hours of receipt of results; and report adverse results within 24 hours of receipt of results.
- Administer medications and perform other treatments/diagnostic studies as ordered by the nephrologist.
- Provide all services, supplies, items and equipment and ESRD related laboratory tests covered under the composite/service rates necessary to perform dialysis treatments.
- Approval of requests to provide staff assisted dialysis services beyond the initially authorized time frame is dependent on PHP's submission of medical documentation supporting member's need for ongoing staff assisted dialysis.

**Wandering Dementia Program**

- Provide a safe and secure nursing home environment for MCLTC members who have been assessed by the MCLTC care manager as needing this environment due to exhibition of problematic wandering to a degree that endangers the member and other nursing home residents and who cannot be safely managed in a traditional nursing home unit.
- Provide secure living area indoors and outdoors by means of locks (a wander guard type system alone will not meet this requirement) and/or electronically controlled access. Secured areas will be large enough to permit members space to walk, while remaining in sight of the nursing station. Mirrors or video monitors may be used to assist visual supervision of members.
- Provide dining area on the secured unit or nearby with staffing to supervise members going to and returning from meals. If possible, the dining area will be separate from that of the other units in the facility. If not possible, meals for the unit will be scheduled at different times than those of the other units.
- Maintain a 3.0 NHPPD (Nursing Hours per Patient Day) minimum staffing level on the unit.
- All staff newly assigned to work on the unit will receive two (2) hours of in-service training prior to working with the dementia members. The subjects will include understanding members with dementia and how to provide care to members with dementia.
- All staff on the unit will attend a minimum of one (1) hour every month of in-service education addressing the special needs of dementia members such as those with Alzheimer's disease and related disorders and how to provide care for them.
- The unit will have an activity program which offers activities that are appropriate for persons with dementia, including at least one planned activity per day in the Wandering Unit.
- Develop a facility protocol to manage wandering members which includes:



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- Identify potential wanderers to all staff to enable recognition of members who may be found off the wandering unit.
- Compile a file of member photographs that can be used to identify members to police in the event a resident elopes from the facility.
- Develop an intercom code or other procedure to alert all staff when a member is temporarily off the wandering unit.
- Assign responsibility to each employee for an area of the facility to search in the event of an alert for a wandering member.
- In the event of complete but unsuccessful search for a wandering member, notify police and MCLTC care manager no later than 30 minutes from the time the Member was identified as missing from the unit.

**Bariatric**

Bariatric services are reserved for individuals that have a very poor prognosis for weight loss. These members will typically exhibit a body mass index (BMI) that is severe enough to make care difficult due to the individual's inability to change position, ambulate, or transfer without hands on assistance from three or more nursing home staff. Additional care requirements specifically related to the member's morbid obesity must be evident in the facility documentation prior to approval of a bariatric level of care.

- The facility will be required to provide medical documentation supporting the need for a bariatric level of care to the MCLTC care manager prior to admission and prior to continued authorization.
- Documentation of care planning and ongoing efforts to affect member weight loss must be provided to the MCLTC care manager prior to continued authorization for this level of care.
- PHP shall provide the following:
  - Additional nutritional counseling to assist member with appropriate caloric needs.
  - Physical, occupational or restorative therapies tailored to the member.
  - Demonstrate an ongoing multidisciplinary approach to weight loss.
  - Provide all services, medications, supplies and bariatric equipment necessary including a bariatric bed to maintain the member at the bariatric level of care (excludes customized DME).

**Hospital Bed Hold**

Bed holds require authorization by MCLTC staff. PHP must notify the MCLTC care manager within 24 hour of hospital admission if there is a request for a hospital bed hold. There is a maximum of twelve (12) days that may be authorized per member, per contract year (October 1- September 30).



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### **Therapeutic Bed Hold**

Bed holds require authorization by MCLTC staff. There is a maximum of nine (9) days that may be authorized per member, per contract year (October 1- September 30).

### **Respite**

Respite placement in a nursing facility is authorized by MCLTC staff according to AHCCCS requirements. The purpose is to provide an interval of rest and/or relief to a family member or other unpaid person caring for the member, and to improve the emotional and mental well-being of the member. There is a maximum of 25 respite days per contract year (October 1-September 30) provided member has not used respite in any other setting during the contract year.

### **Requirements for All Behavioral Health Specialty Placements**

Provider shall provide all the following Behavioral Health Services:

- Psychiatric nursing care services
- Rehabilitative services
- Restorative services
- Overall management and evaluation of a member's care plan
- Observation and assessment of a member's changing condition
- Attendants for off-site appointments
- One-on-one services for short durations

Mercy Care Behavioral Health Care Manager and the Behavioral Health Program Team, which shall include the member, the member's authorized representative, the Clinical Program Director, Unit Coordinator, and other nursing home clinical staff involved in the member's clinical care will reassess all members placed on the Behavioral Health High Acuity Unit monthly and report to MCLTC all changes to the member's needs, ensuring that placement on the unit remains appropriate.

PHP shall provide a minimum of forty (40) hours of on-the-job training for new staff in the Behavioral Health High Acuity Unit covering the services provided on the unit. During the didactic in-service requirements during which the new staff observes and participates, new staff is not to be left alone or responsible for direct member care.

PHP shall provide a secure outdoor area separate from any outdoor area utilized by other facility residents. The outdoor area for the covered behavioral health program services must be available to members twenty-four (24) hours per day, must have *secured* gates and have a fence no less than six (6) feet high, and be designed in such a manner as to ensure the staff's ability to directly observe and supervise members at all times.

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PHP shall comply with MCLTC documentation requirements that include but are not limited to:

- The development of a behavioral treatment plan for each member;
- Charting of all behavior related to the behavioral treatment plan **daily, and**
- Maintain a system to track the increase and decrease of targeted behaviors.

PHP shall provide the foregoing documentation upon request from MCLTC.

### ***Behavioral Health High Acuity***

In addition to the above requirements, PHPs must meet the requirements for Behavioral Health High Acuity, as follows:

- 7.66 nursing hours per patient day (NHPPD), including 1.66 NHPPD of Registered Nursing (RN) or Licensed Practical Nursing (LPN), and 6.00 NHPPD of Certified Nursing Assistants (CNA). These hours are to be dedicated exclusively to residents of the Behavioral Health High Acuity Unit.
- Assuming a full census, the Behavioral Health High Acuity Unit shall be staffed with two licensed nurses throughout the day and evening shifts (6:00 a.m. to 10:30 p.m.) for a total of sixteen (16) hours, and one (1) licensed nurse on the night shift (10:00 p.m. to 6:30 a.m.).
- For all persons (including MCLTC members and non-members) the Behavioral Health High Acuity Unit shall be staffed with the ratio of CNAs to residents as follows:
  - Day Shift: 1 CNA to 2 residents
  - PM Shift: 1 CNA to 2 residents
  - Night Shift: 1 CNA to 4 residents

### ***Behavioral Health Standard Rate***

In addition to the above requirements, PHPs must meet the requirements for Behavioral Health Standard Rate as follows:

- PHP shall maintain the following staffing ratio:
  - 5.45 Nursing Hours Per Patient Day (NHPPD), including 0.40 NHPPD Registered Nurse (RN) Program Coordinator
  - 1.20 NHPPD Licensed Practical Nurse (LPN)
  - 0.25 NHPPD Activity Program Staff
  - 3.60 NHPPD paraprofessional therapeutic assistants
- CNA Staff Ratio
  - Day Shift: 1 CNA to 4 residents
  - PM Shift: 1 CNA to 4 residents
  - Night Shift: 1 CNA to 6 residents

These hours are to be dedicated exclusively to the members in the Behavior Unit and shall be maintained at the same rate for all members including those who are not on MCLTC.

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### ***Behavioral Health Step-Down***

In addition to the above requirements, PHPs must meet the requirements for Behavioral Health Step-Down Rate as follows:

- PHP shall maintain 3.00 Nursing Hours per Patient Day (NHPPD) minimum staffing, including 1.0 NHPPD Licensed Nurses, and 2.0 NHPPD Certified Nursing Assistants. These hours shall be dedicated exclusively to the Step-Down Unit. This staffing shall be maintained at the same rate for non-MCLTC residents who are placed on the Step-Down Unit.
- A Unit Coordinator must work exclusively on the Step-Down Unit seven (7) days per week, eight (8) hours per day. The Licensed Nurse Unit Coordinator's hours must not be counted in the 3.0 NHPPD.

CNA Staff Ratio:

- Day Shift: 1 CNA to 6 residents
- PM Shift: 1 CNA to 6 residents
- Night Shift: 1 CNA to 8 residents

### ***Behavioral Health Troublesome***

In addition to the above requirements, PHPs must meet the requirements for Behavioral Health Troublesome Rate as follows:

- Ensure that all new staff will receive a minimum of six (6) hours of didactic in-service training prior to working on the unit. Training shall include, but not be limited to the following:
  - Charting and documentation
  - Appropriate verbal and non-verbal interaction with members
  - Psychotropic medication management
  - Behavior management
  - Activities of daily living as part of the specialized activity programming

CNA staffing ratio:

- Day Shift: 1 CNA to 6 residents
- PM Shift: 1 CNA to 6 residents
- Night Shift: 1 CNA to 8 residents

### **2.16 - Contract Terminations – Nursing Facilities and Alternative Residential Settings**

The below process defines the relationship between MCLTC, a Nursing Facility (NF) and/or an Alternative Residential Setting (ARS) following the termination of a contract between these entities, regardless of which entity terminates the contract or the reason for contract termination. The following process delineates how MCLTC, NF and/or ARS will collaborate to provide for the needs of the members residing in the facility at the time of contract termination.

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### *Member/Resident Options when a NF and/or ARS Contract is Terminated*

Affected members residing in a NF and/or ARS at the time of a contract termination may continue to reside in that facility until their open enrollment period, at which time they must either choose an available Contractor that is contracted with the facility or move to a setting that is contracted with their current Contractor.

A meeting between the Contractor, NF and/or ARS and AHCCCS will be held prior to the effective date of the contract termination to plan all aspects related to the change in contract status and impact on members and representatives.

MCLTC in collaboration with the NF and/or ARS and AHCCCS must develop a member/representative communication plan. The purpose of the communication plan is to provide affected or impacted members and/or their representatives with consistent information regarding the contract termination. The Contractor must receive approval of their member/representative communication plan from the Division of Health Care Management Operations Unit. The plan must be submitted to AHCCCS within five business days of the termination decision. All member communications must be consistent with guidelines found in the AHCCCS ACOM Policy 404.

### *Reimbursement*

#### ▪ **Nursing Facilities**

MCLTC shall reimburse the NF at the previously contracted rates or the AHCCCS fee for service schedule rates, whichever are greater. Should AHCCCS increase its fee schedule, MCLTC shall reimburse the NF at the greater of the increased AHCCCS fee for service schedule rates or MCLTC's previously contracted rates. Should AHCCCS reduce its fee schedule, LCT shall reduce its previously contracted rates by the same percentage and pay the greater of the adjusted rates.

If MCLTC had in place a provision for subacute, specialty care or add-on rates at the time of the contract termination, then MCLTC shall apply those rates. Should AHCCCS adjust its fee schedule, then MCLTC will adjust its subacute or add-on rate(s) by the average adjustment to the NF fee schedule rates.

#### ▪ **Alternative Residential Settings**

MCLTC shall reimburse the ARS at the previously contracted rate. Should AHCCCS adjust its HCBS Fee Schedule rates, MCMCLTC will adjust its ARS rates by the average percentage that the HCBS Fee Schedule rates are adjusted.

### *Quality of Care*

If MCLTC or other entity, such as Arizona Department of Health Services (ADHS) Licensure or AHCCCS identify instances where the overall quality of care delivered by an NF or ARS places residents in immediate jeopardy, the Contractor will inform members/representatives of the

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problems and offer members alternative placement. Members may have the option to continue to reside in the NF or ARS.

In some cases, ADHS or AHCCCS may require that MCLTC find new placements for members. In such cases, the Contractor shall work with the members/representative to identify an appropriate placement that meets the needs of the member. AHCCCS may require MCLTC increase monitoring of facilities identified as having health or safety issues until AHCCCS is assured that the issues have been resolved or members have been transitioned to a placement setting that can meet their needs.

In the event of a bankruptcy or foreclosure order of an NF or ARS, MCLTC must notify the MC Quality Management Department (QM) within 24 hours. QM will investigate the concern, take action with the provider and make any necessary reports to external entities and AHCCCS.

#### ***Admissions/Discharges/Readmissions***

- NFs or ARSs are not required to accept new admissions of members who are enrolled with a non-contracted Contractor.
- NFs are required to otherwise follow admission, readmission, transfer, and discharge rights as per 42 CFR 438.12.
- The Contractor may authorize bed hold days up to the allowed limit (Short Term Hospitalization Leave – 12 days and Therapeutic – nine days) as required by Chapter 100 of the AHCCCS AMPM.

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### MCLTC Chapter 3 – Covered Services

#### 3.00 – Coverage Criteria

Except for emergency care, all covered services must be medically necessary and provided by a primary care provider or other qualified providers. Benefit limits apply.

Each line of business has specific covered and non-covered services. Participating providers are required to administer covered and non-covered services to members in accordance with the terms of their contract and member's benefit package.

**Disclosure Statement: The presence of a rate in the fee schedule does not guarantee payment; the service must be covered by AHCCCS to be considered payable.**

#### 3.01 - Covered Services

##### Long term care covered services and benefits:

- Nursing home care
- Home and Community Based Services
  - Adult day health care
  - Attendant care (includes spouse attendant care and self-directed care)
  - Community transitional service
  - Habilitation (includes day treatment and training)
  - Home delivered meals
  - Home health services
  - Homemaker services
  - Home modifications
  - Hospice
  - Personal care services
  - Respite and group respite care
- Alternative residential settings
  - Adult foster care
  - Adult and child developmental home
  - Assisted living home
  - Assisted living center
  - Behavioral health facility
  - Substance abuse transitional facility
  - Therapeutic home care - adult and child
  - Traumatic brain injury home

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### **Medical covered services and benefits:**

- Audiology services, including evaluation and treatment of hearing loss
- Behavioral health services and settings
- Breast reconstruction after a mastectomy
- Care to stabilize you after an emergency
- Diabetes care including A1C and LDL screenings, and eye exam for diabetes-related care
- Doctor office visits, including specialists and primary care providers
- Durable medical equipment such as crutches, walkers, wheelchairs and blood glucose monitors
- Emergency medical care
- Family planning services such as contraceptives and testing for sexually transmitted infections
- Foot and ankle services such as treatment for foot pain or preventative diabetic foot care
- Health risk assessments and screening such as blood pressure testing, mammography and colon cancer screenings
- Hospital care, including inpatient medical care, observation and outpatient medical care
- Incontinence briefs to avoid or prevent skin breakdown, with limitations
- Kidney dialysis
- Laboratory and X-rays, including blood work
- Limited vision services, for members over 21 years of age, including: emergency eye care and some medically necessary vision services such as cataract removal
- Maternity care (prenatal, labor and delivery, postpartum)
- Medical foods, with limitations
- Medical supplies such as catheters and oxygen
- Medically necessary transportation to and from required medical services; emergency transportation
- Medications on MCLTC's list of covered medicines - members with Medicare will receive their medications from Medicare Part D
- Nutritional assessments, including evaluation and dietary recommendations
- Orthotics to support or brace weak joints or muscles
- Outpatient surgery and anesthesia
- Prescriptive lenses after cataract surgery
- Rehabilitation services, including occupational, speech, physical and respiratory therapy (limitations apply) for patients older than age 21
- Routine immunizations, such as flu shots
- Treatment of sexually transmitted diseases
- Urgent care services – when you need care today, or within the next couple of days
- Wellness exams and preventative screenings

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### Additional covered services for children (under age 21):

- Dental homes are covered for members under 21 years of age. A “dental home” is an office or facility where all dental services are provided in one location.
- Two (2) routine and preventive dental visits are covered per year for members under the age of 21.
- Visits to the dentist must take place within six (6) months and one (1) day after the previous visit. Services include oral health screenings, cleanings, fluoride treatments, dental sealants, oral hygiene education, X-rays, fillings, extractions and other medically necessary procedures and therapeutic and emergency dental services.
- Routine and emergency vision services are covered for members under 21. Vision services include exams and prescriptive lenses, including replacement (for children under age 21);
- EPSDT visits (same as wellness visits) includes checkups and immunizations (shots). See section on EPSDT/ Children’s Services.
- Chiropractic services
- Conscious sedation
- Incontinence briefs, with limitations
- Additional services for Qualified Medicare Beneficiaries (QMBs)
- Any service covered by Medicare but not by AHCCCS

### Limited and excluded benefits/services: for members 21 years or older:

The following services are not covered for adults 21 years and older. (If a member is a Qualified Medicare Beneficiary, we will continue to pay their Medicare deductible and coinsurance for these services.)

Benefit/service	Service Description	Service exclusions or limitations
<b>Chiropractic services</b>	Hands on therapy for spinal manipulation or adjustment	Excluded except for QMB members
<b>Percussive vests</b>	This vest is placed on a person’s chest and shakes to loosen mucus.	AHCCCS will not pay for percussive vests. Supplies, equipment maintenance (care of the vest) and repair of the vest will be paid for.
<b>Bone-anchored hearing aid</b>	A hearing aid that is put on a person’s bone near the ear by surgery. This is to carry sound.	AHCCCS will not pay for Bone-Anchored Hearing Aid (BAHA). Supplies, equipment maintenance (care if the hearing aid) and repair of any parts will be paid for.



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<b>Cochlear implant</b>	A small device that is put in a person's ear by surgery to help he/ she hear better.	AHCCCS will not pay for cochlear implants. Supplies, equipment maintenance (care of the implant) and repair of any parts will be paid for.
<b>Lower limb microprocessor controlled joint/prosthetic</b>	A device that replaces a missing part of the body and uses a computer to help with the moving of the joint.	AHCCCS will not pay for a lower limb (leg, knee or foot) prosthetic that includes a microprocessor (computer chip) that controls the joint.
<b>Dental and emergency dental service</b>	Emergency services are those times that you need care immediately like a bad infection in your mouth or pain in your teeth or jaw.	There is limited coverage for dental services for members with cancer of the jaw, neck or head and for members who are pre-transplant candidates. Coverage for emergency dental services for members 21 years of age or older is limited to services that physicians are generally competent to perform. Exclusions include services such as dental cleanings, routine dental exams, dental restorations and root canals. Diagnosis and treatment of TMJ is not covered except for reduction of trauma.
<b>Transplants</b>	A transplant is defined as the transfer of an organ or blood cells from one person to another.	Approval is based on the medical need and if the transplant is on the "covered" list. Only transplants listed by AHCCCS as covered will be paid for.

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Occupational, Physical and Speech Therapies	Exercises taught or provided by a physical therapist to make you stronger or help improve movement.	Coverage for out-patient physical therapy visits is limited to 15 visits to re-learn a skill and 15 visits to learn a new skill per contract year (October 1 - September 30). Coverage for members who have Medicare is limited to payment of copays for 15 visits. Members who have Medicare should contact the health plan for help in determining coverage.
Respite care	Respite care is offered as a temporary break for caregivers to take time for themselves.	The number of respite hours available to adults and children receiving ALTCS benefits or behavioral health services is 600 hours within a 12-month period. The 12 months will run from October 1 through September 30 of the next year.

### **Member Handbook**

MCLTC is responsible for the **Member Handbook**, available on our [Member Handbook](#) web page.

The MCLTC Member Handbook applies to MCLTC and DDD members also receive the member handbook produced by the contractor who delivers their physical health benefits.

The member handbook is provided to all members in their welcome letter that contains their member ID card. MCLTC also notifies members annually that they can request a printed copy of the member handbook by contacting Mercy Care Member Services.

For those members who do not have internet access, please direct them to contact:

- Mercy Care Member Services at 602-263-3000/800-624-3879 (Long Term Care and DDD physical)

Per AHCCCS ACOM Chapter 400, Policy 406 – Member Handbook and Provider Directory, Member Handbooks must be distributed to members receiving services as follows:

- Provide the Member Handbook to each member/guardian/designated representative or household within 12 Business Days of receipt of notification of the enrollment date to

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members receiving physical health care services. A hard copy of the MCLTC Member Handbook is provided and reviewed by MCLTC's Care Manager with the MCLTC member.

Documentation of receipt of the member handbook should be filed in the member's record, if given to a member by a provider.

- Member Handbooks will be available and easily accessible on the MCLTC website ([Member Handbook](#)). The Member Handbook is available in English and Spanish.
- Members receiving healthcare services have the right to request and obtain a Member Handbook at least annually. MCLTC notifies members of their right to request and obtain a Member Handbook at least annually by publishing this information using notices or newsletters accessible on MCLTC's website.
- AHCCCS may require MCLTC to revise the Member Handbook and distribute it to all current enrollees if there is a significant program change. AHCCCS determines if a change qualifies as significant.

Member Handbooks are reviewed annually, and updated by MCLTC sooner, if needed.

### 3.02 – Non-Covered Services

- Services from a provider who is NOT contracted with MCLTC (unless prior approved by MCLTC)
- Cosmetic services or items
- Personal care items such as combs, razors, soap etc.
- Any service that needs prior authorization that was not prior authorized
- Services or items given free of charge, or for which charges are not usually made
- Services of special duty nurses, unless medically necessary and prior authorized
- Physical therapy that is not medically necessary
- Routine circumcisions
- Services that are determined to be experimental by the health plan medical director
- Abortions and abortion counseling, unless medically necessary, pregnancy is the result of rape or incest, or if physical illness related to the pregnancy endangers the health of the mother
- Health services if you are in prison or in a facility for the treatment of tuberculosis
- Experimental organ transplants, unless approved by AHCCCS
- Sex change operations
- Reversal of voluntary sterilization
- Medications and supplies without a prescription
- Treatment to straighten teeth, unless medically necessary and approved by MCLTC
- Prescriptions not on MCLTC's list of covered medications, unless approved by MCLTC

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- Diapers solely for personal hygiene
- Physical exams for qualifying for employment or sports activities

Other Services that are Not Covered for Adults (age 21 and over):

- Hearing aids, including bone-anchored hearing aids
- Cochlear implants
- Microprocessor controlled lower limbs and microprocessor-controlled joints for lower limbs
- Percussive vests
- Routine eye examinations for prescriptive lenses or glasses
- Chiropractic services (except for Medicare QMB members)
- Outpatient speech therapy (except for Medicare QMB members)

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### MCLTC Chapter 4 – Behavioral Health

#### 4.00 - Behavioral Health Overview

Comprehensive mental health and substance abuse (behavioral health) services are available to MCLTC members. A direct referral for a behavioral health evaluation can be made by any health care professional in coordination with the member's assigned PCP and care manager. MCLTC members may also self-refer for a behavioral health evaluation. The level and type of behavioral health services will be provided based upon a member's strengths and needs and will respect a member's culture. Behavioral health services include:

- Behavior management (personal care, family support/home care training, peer support)
- Behavioral health care management services
- Behavioral health nursing services
- Emergency behavioral healthcare
- Emergency and non-emergency transportation
- Evaluation and assessment
- Individual, group and family therapy and counseling
- Inpatient hospital services
- Non-hospital inpatient psychiatric facilities services (Level I residential treatment centers and sub-Acute facilities)
- Lab and radiology services for psychotropic medication regulation and diagnosis
- Opioid Agonist treatment
- Partial care (supervised, therapeutic and medical day programs)
- Psychosocial rehabilitation (living skills training; health promotion; supported employment services)
- Psychotropic medication
- Psychotropic medication adjustment and monitoring
- Respite care (with limitations)
- Screening

#### 4.01 - Behavioral Health Provider Types

Several main provider types typically provide behavioral health services for MCLTC members. These may include, but are not limited to, the following licensed agencies or individuals:

- Outpatient behavioral health clinics
- Psychiatrists
- Psychologists
- Certified psychiatric nurse practitioners
- Licensed clinical social workers
- Licensed professional counselors
- Licensed marriage and family therapists
- Licensed substance abuse counselors

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- Residential treatment facilities
- Behavioral health group homes, Levels II and III.
- Partial hospital programs
- Substance abuse programs

### 4.02 - Alternative Living Arrangements

MCLTC also includes the following alternative living arrangements:

- **Behavioral Health Level II and III** – these settings provide behavioral health treatment with 24-hour supervision. Services may include on site medical services and intensive behavioral health treatment programs.
- **Traumatic Brain Injury Treatment Facility** – this setting provides treatment and services for people with traumatic brain injuries.

### 4.03 – Case Management Caseload Ratio Guidelines

#### *Caseload Ratios for children in High Needs Case Management (HNCM)*

The caseload ratios for children in High Needs Case Management is a caseload ratio of between 1:8 and 1:25, with 1:15 being the desired target.

### 4.04 - Emergency Services

MCLTC covers behavioral health emergency services for MCLTC members. If a member is experiencing a behavioral health crisis, please contact the Crisis Response Network at 800-631-1314.

During a member's behavioral health emergency, the Crisis Response Network clinician may dispatch a behavioral health mobile crisis team to the site of the member to de-escalate the situation and evaluate the member for behavioral health services. All medically necessary services are covered by MCLTC.

### 4.05 – Crisis Intervention Services

Crisis intervention services are provided to a member for stabilizing or preventing a sudden, unanticipated, or potentially dangerous behavioral health condition, episode or behavior. Crisis intervention services are provided in a variety of settings, such as hospital emergency departments, face-to-face at a member's home, over the telephone or in the community. These intensive and time limited services may include screening, (e.g., triage and arranging for the provision of additional crisis services) assessing, evaluating or counseling to stabilize the situation, medication stabilization and monitoring, observation and/or follow-up to ensure stabilization, and/or other therapeutic and supportive services to prevent, reduce or eliminate a crisis.

### *General Requirements*

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To meet the needs of individuals in communities throughout Arizona, MCLTC will ensure that the following crisis services are available:

- Telephone Crisis Intervention Services:
  - Telephone crisis intervention and NurseLine services, including a toll-free number, available 24 hours per day, seven days a week: 602-222-9444; toll free 800-631-1314; or TTY/TTD toll free 800-327-9254.
  - Answer calls within three (3) telephone rings (equivalent to 18 seconds), with a call abandonment rate of less than three (3%) percent.
  - Offer interpretation or language translation services to members who do not speak or understand English and for the deaf and hard of hearing.
- Mobile Crisis Intervention Services
  - Mobile crisis intervention services available 24 hours per day, seven days a week;
  - Mobile crisis teams will respond within one (1) hour to a psychiatric crisis in the community.
  - If a two-member team responds, one member may be a Behavioral Health Technician, including a peer or family member, provided he/she has supervision and training as currently required for all mobile team members.
- 23-hour crisis observation/stabilization services, including detoxification services.
- Up to 72 hours of additional crisis stabilization as funding is available for mental health and substance use related services.
- Work collaboratively with local emergency departments and first responders.

***Psychiatric and Substance Use Emergencies for Child and Adolescent***

St. Luke's Behavioral Health Center (child and adolescent services only)  
1800 E. Van Buren St.  
Phoenix, AZ 85006  
Phone: 602-251-8535

***Psychiatric Emergencies for Adults***

Community Bridges- Community Psychiatric Emergency Center  
358 E. Javelina Ave.  
Mesa, AZ 85210  
Phone: 877-931-9142

Connections AZ Urgent Psychiatric Care Center (UPC)  
1201 S. 7<sup>th</sup> Ave., #150  
Phoenix, AZ 85007  
Phone: 602-416-7600



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Recovery Response Center (formerly Recovery Innovations Psychiatric Recovery Center (META) West (PRC-West))  
11361 N 99<sup>th</sup> Ave., Ste. 402  
Peoria, AZ 85345  
Phone: 602-650-1212, then press 2

### *Substance Use Emergencies for Adults*

Community Bridges Central City Addiction Recovery Center (CCARC)  
2770 E. Van Buren St.  
Phoenix, AZ 85008  
Phone: 877-931-9142

Community Bridges East Valley Addiction Recovery Center (EVARC)  
506 S. Bellview  
Mesa, AZ 85204  
Phone: 877-931-9142

Up to 72 hours of additional crisis stabilization as funding is available for mental health and substance use related services at an inpatient psychiatric acute or sub-acute facility.

### *Management of Crisis Services*

While MCLTC must provide a standard set of crisis services to ensure the availability of these services throughout the state, MCLTC will also be able to meet the specific needs of communities located within their service area. MCLTC will utilize the following in managing crisis services:

- Allocate and manage funding to maintain the availability of required crisis services for the entire fiscal year;
- Work collaboratively with local hospital-based emergency departments to determine whether a MCCC-funded crisis provider should be deployed to such locations for crisis intervention services;
- Work collaboratively with local inpatient hospitals to determine whether and for how many hours such locations are used for crisis observation/stabilization services; and
- When Non-Title XIX/XXI eligible individuals are receiving crisis services and require medication, MCCC will use the generic medication formulary identified in the Non-Title XIX SMI benefit.

Whenever possible, Crisis Services are to be delivered within the community at the least restrictive level of care available.

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### *General Mental Health/Substance Use (GMH/SU) Member Contact in Sub-Acute and Inpatient Facilities*

Upon finding out that a client has been admitted to an inpatient level of care:

- Behavioral health providers must attempt to speak with the sub-acute or inpatient provider daily.
- Behavioral health providers must actively participate in the client's discharge planning and should make plans for follow up activities once the client is discharged (actual discharge planning should begin to occur at the time of admission).

Behavioral health providers must also document activities in the clinical record and conduct follow-up activities to maintain engagement within the following timeframes:

- Community Based MCLTC Contracted Behavioral Health Providers must have telephonic or face to face contact with member within 24 hours of crisis episode or discharge.
- Member to see prescriber within 7 days of discharge.

#### 4.06 - Behavioral Health Consults

Behavioral Health consults are required by AHCCCS on all MCLTC members who receive behavioral health services. Behavioral Health Consults are done between an MCLTC care manager and a behavioral health care manager reviewing the behavioral health provider's progress notes and treatment plan to determine continued medical necessity of the services. Per AHCCCS guidelines, the following items are required for the Behavioral Health Consultations Process:

- Consults must take place quarterly for long term care members that are receiving behavioral health services and 30 days after a referral for behavioral health services is made.
- Behavioral health consultations must be reviewed face-to-face with, and the outcome signed by, a master's Level Behavioral Health Clinician.

MCLTC behavioral health prescriber will send a letter to the member's PCP regarding the member's treatment and psychotropic medication regime.

#### 4.07 - Behavioral Health Screening

- Members should be screened by their PCP for behavioral health needs during routine or preventive visits.
- Behavioral health screening by PCPs is required at each EPSDT visit for members under age 21

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### 4.08 – Behavioral Analysis Service

Behavior Analysis Services are an AHCCCS covered benefit for individuals with Autism Spectrum Disorder (ASD) and other diagnoses as justified by medical necessity. Behavior Analysis Services are designed to accomplish one or more of the following:

- Increase functional skills;
- Increase adaptive skills (including social skills);
- Teach new behaviors; and
- Increase independence and/or reduce or eliminate behaviors that interfere with behavioral or physical health.

Behavior Analysis Services are prescribed or recommended in specific dosages, frequency, intensity, and duration by a qualified Behavioral Health Professional as the result of an assessment of the member, the intensity of the behavioral targets, and complexity and range of treatment goals.

Please refer to our Claims Processing Manual available on our [Claims](#) web page for additional information on how to bill for these services. You may also refer to the Behavioral Health Services Billing Matrix under the [Medical Coding Resources](#) page on the AHCCCS website for more information regarding required coding information, including covered settings, modifiers for behavior analysis trainee billing, or other billing/coding information.

### **Provider Qualifications**

Behavior Analysis Services shall be directed and overseen by Behavior Analysts and supported, where applicable, by Behavior Analysis Trainees and/or Behavior Technicians.

The Behavior Analyst is responsible for training Behavior Analysis Trainees and Behavior Technicians to implement assessment and intervention protocols with members. The Behavior Analyst is responsible for all aspects of clinical direction, supervision, and provider-level case management.

The Behavior Analyst shall be responsible for ensuring that the extent, kind, and quality of the Behavior Analysis Services the Behavior Analysis Trainee and Behavior Technician performs are consistent with his or her training and experience.

The Behavior Analyst shall be responsible for Behavior Analysis Trainee and Behavior Technician compliance with this Policy and Arizona state rules and regulations including those provisions set forth in A.R.S. §32-2091.

### **Behavior Analysis Assessments**

Behavior Analysis Services shall be based upon assessment(s) that include Standardized and/or Non-Standardized instruments through both direct and indirect methods.

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- Standardized instruments and procedures include, but are not limited to, behavior checklists, rating scales, and adaptive skill assessment instruments that comprise a fixed set of items and are administered and scored in a uniform way with all members (e.g., Pervasive Developmental Disabilities Behavior Inventory, Brigance Inventory of Early Development, Vineland Adaptive Behavior Scales).
- Non-standardized instruments and procedures include, but are not limited to, curriculum-referenced assessments, stimulus preference assessment procedures, and other procedures for assessing behaviors and associated environmental events that are specific to the individual member and their behaviors.

### Service Administration

Behavior Analysis Services shall be rendered in accordance with an individualized behavior analysis treatment plan which shall:

- Be developed by a Behavior Analyst, based upon an assessment completed of the member and their behaviors as described above.
- Be person-centered and individualized to the member's specific needs.
- Specify the setting(s) in which services will be delivered.
- Identify the modality by which the service will be delivered (whether in person or via telehealth, or in group or individual setting, or combination thereof).
- Identify the baseline levels of target behaviors.
- Specify long- and short-term objectives that are defined in observable, measurable, and behavioral terms.
- Specify the criteria that will be used to determine treatment progress and achievement of objectives.
- Include assessment and treatment protocols for addressing each of the target behaviors.
- Clearly identify the schedule of services planned and roles and responsibilities for service delivery.
- Include frequent review of data on target behaviors.
- Include adjustments of the treatment plan and/or protocols by the Behavior Analyst as needed based upon the review of data, including recommendations for treatment intensity and duration based upon the member's response to treatment.
- Include training, supervision, and evaluation of procedural fidelity for BCaBA's, Behavior Analysis Trainees, and Behavioral Technicians implementing treatment protocols.
- Include training and support to enable parents and/or other caregivers, if applicable, to participate in treatment planning and treatment plan implementation.
- Include care coordination activities involving the member's team in order to assist in the generalization and maintenance of treatment targets. This shall include the Child and Family Team (CFT) or Adult Recovery Team (ART) for members enrolled with Mercy Care and may include the Health Care Decision Maker, Primary Care Provider (PCP), school,

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medical specialists, behavioral health prescribers, Department of Child Safety (DCS) and/or other state-funded programs, and others as applicable.

- Result in progress reports at minimum, every six months. Progress reports shall include, but are not limited to the following components:
  - Member Identification;
  - Background Information (family dynamics, school placement, cultural considerations, prenatal and/or developmental history, medical history, sensory, dietary and adaptive needs, sleep patterns, and medications);
  - Assessment Findings (i.e., social, motor, and self-help skills, maladaptive behaviors, and primary caregiver concerns);
  - Outcomes (measurable objectives progress towards goals, clinical recommendations, treatment dosage, family role and family outcomes, and nature of family participation); and
  - Care Coordination (transition statement and individualized discharge criteria).
- Be consistent with applicable professional standards and guidelines relating to the practice of behavior analysis as well as Arizona Medicaid laws and regulations and Arizona state Behavior Analyst licensure laws and regulations (A.R.S. §32-2091).

### 4.09 - Behavioral Health Appointment Standards

MCLTC routinely monitors providers for compliance with appointment standards. The minimum standard requirements are:

- Emergency - Within 24 hours of referral.
- Routine - within 30 days of referral.

### 4.10 - Behavioral Health Provider Coordination of Care Responsibilities

It is critical that a strong communication link be maintained with behavioral health providers including:

- PCPs and other interested parties such as CPS (if the guardian and MCLTC have the paperwork)
- Public Fiduciary Department (if documentation is provided identifying the Public Fiduciary Department as the member's guardian)
- Veterans Office (when guardian)
- Children's schools (participation in the ISP with parental or guardian consent)
- The court system (when completing paperwork for all court ordered treatments or evaluations)
- Other providers not described above

Information can be shared with the other party that is necessary for the member's treatment. This process begins once a member is identified as meeting medical necessity for seeing a

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behavioral health provider by the behavioral health coordinator. Information can be shared with other parties with written permission from the member or the member's guardian.

### 4.11 - PCP Coordination of Care

The PCP will be informed of the member's behavioral health provider so that communication may be established. It is very important that PCPs develop a strong communication link with the behavioral health provider. PCPs are expected to exchange any relevant information such as medical history, current medications, diagnosis and treatment within 10 business days of receiving the request from the behavioral health provider.

Where there has been a change in a member's health status identified by a medical provider, there should be coordination of care with the behavioral health provider within a timely manner. The update should include but is not limited to; diagnosis of chronic conditions, support for the petitioning process, and all medication prescribed.

The PCP should also document and initial signifying review receipt of information received from a behavioral health provider who is treating the member. All efforts to coordinate on care on behalf of the member should be documented in the member's medical record.

### 4.12 - Prior Authorization Requirements and Process

Behavioral health services do not require referrals or prior authorization for outpatient services.

### 4.13 – General and Informed Consent

Each member has the right to participate in decisions regarding his or her behavioral health care, including the right to refuse treatment. It is important for members seeking behavioral health services to agree to those services and be made aware of the service options and alternatives available to them as well as specific risks and benefits associated with these services.

**General Consent** is a one-time agreement to receive certain services, including but not limited to behavioral health services that is usually obtained from a member during the intake process at the initial appointment, and is always obtained prior to the provision of any behavioral health services. General consent must be obtained from a member's behavioral health recipient's or legal guardian's signature.

**Informed Consent** is an agreement to receive behavioral health services before the provision of a specific treatment that has associated risks and benefits. Informed consent is required to be obtained from a member or legal guardian prior to the provision of the following services and procedures:

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- Complementary and Alternative Medicine (CAM),
- Psychotropic medications,
- Electro-Convulsive Therapy (ECT),
- Use of telemedicine,
- Application for a voluntary evaluation,
- Research,
- Admission for medical detoxification, an inpatient facility or a residential program (for members determined to have a Serious Mental Illness), and
- Procedures or services with known substantial risks or side effects

MCLTC recognizes two primary types of consent for behavioral health services: general consent and informed consent.

Prior to obtaining informed consent, an appropriate behavioral health representative, as identified in R9-21-206.01(c), must present the facts necessary for a member to make an informed decision regarding whether to agree to the specific treatment and/or procedures. Documentation that the required information was given, and that the member agrees or does not agree to the specific treatment, must be included in the comprehensive clinical record, as well as the member/ guardian's signature when required.

In addition to general and informed consent for treatment, state statute (A.R.S. §15-104) requires written consent from a child's parent or legal guardian for any behavioral health survey, analysis, or evaluation conducted in reference to a school-based prevention program.

The intent of this section is to describe the requirements for reviewing and obtaining general, and informed consent, for members receiving services within the behavioral health system, as well as consent for any behavioral health survey or evaluation in connection with an AHCCCS school-based prevention program.

### ***General Requirements***

- Any member aged 18 years and older, in need of behavioral health services must give voluntary general consent to treatment, demonstrated by the member's or legal guardian's signature on a general consent form, before receiving behavioral health services.
- For members under the age of 18, the parent, legal guardian, or a lawfully authorized custodial agency (including foster care givers A.R.S. 8.514.05(C)) must give general consent to treatment, demonstrated by the parent, legal guardian, or a lawfully authorized custodial agency representative's signature on a general consent form prior to the delivery of behavioral health services.
- Any member aged 18 years and older or the member's legal guardian, or in the case of members under the age of 18, the parent, legal guardian or a lawfully authorized custodial



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agency, after being fully informed of the consequences, benefits and risks of treatment, has the right not to consent to receive behavioral health services.

- Any member aged 18 years and older or the member’s legal guardian, or in the case of members under the age of 18, the parent, legal guardian or a lawfully authorized custodial agency has the right to refuse medications unless specifically required by a court order or in an emergency situation.
- Providers treating members in an emergency are not required to obtain general consent prior to the provision of emergency services. Providers treating members pursuant to court order must obtain consent, as applicable, in accordance with A.R.S. Title 36, Chapter 5.
- All evidence of informed consent and general consent to treatment must be documented in the comprehensive clinical record per the AHCCCS AMPM Policy 940.
- Contractors and T/RBHAs must develop and make available to providers policies and procedures that include any additional information or forms.
- A foster parent, group home staff, foster home staff, relative, or other person or agency in whose care a child is currently placed may give consent for:
  - Evaluation and treatment for emergency conditions that are not life threatening, and
  - Routine medical and dental treatment and procedures, including Early Periodic Screening Diagnosis and Treatment (EPSDT) services, and services by health care providers to relieve pain or treat symptoms of common childhood illnesses or conditions (A.R.S. §8-514.05(C)).
- To ensure timely delivery of services, consent for intake and routine behavioral health services may be obtained from either the foster caregiver or the Department of Child Safety Specialist (DCSS) whomever is available to do so immediately upon request (A.R.S. § 8-514.05(C)).
- Foster or kinship caregivers can consent to evaluation and treatment for routine medical and dental treatment and procedures, including behavioral health services. Examples of behavioral health services in which foster or kinship can consent to include:
  - Assessment and service planning,
  - Counseling and therapy,
  - Rehabilitation services,
  - Medical Services,
  - Psychiatric evaluation,
  - Psychotropic medication,
  - Laboratory services,
  - Support Services,
  - Care Management,
  - Personal Care Services,
  - Family Support,
  - Peer Support,
  - Respite,
  - Sign Language or Oral Interpretive Services,

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- Transportation,
- Crisis Intervention Services,
- Behavioral Health Day Programs.
- A foster parent, group home staff, foster home staff, relative, or other person or agency in whose care a child is currently placed shall not consent to:
  - General Anesthesia,
  - Surgery,
  - Testing for the presence of the human immunodeficiency virus,
  - Blood transfusions,
  - Abortions.
- Foster or kinship caregivers may not consent to terminate behavioral health treatment. The termination of behavioral health treatment requires Department of Child Safety (DCS) consultation and agreement.
- If the foster or kinship caregiver disagrees on the behavioral health treatment being recommended through the Child and Family Team (CFT), the CFT including the foster or kinship caregiver and DCS Specialist should reconvene and discuss the recommended treatment plan. Only DCS can refuse consent to medically recommended behavioral health treatment.

### **General Consent**

Administrative functions associated with a member's enrollment do not require consent, but before any services are provided, general consent must be obtained.

MCLTC will make available to providers any form used to obtain general consent to treatment.

### **Informed Consent**

- In all cases where informed consent is required by this policy, informed consent must include at a minimum:
  - The member's right to participate in decisions regarding his or her health care, including the right to refuse treatment, and to express preferences about future treatment decisions,
  - Information about the member's diagnosis and the proposed treatment, including the intended outcome, nature and all available procedures involved in the proposed treatment,
  - The risks, including any side effects, of the proposed treatment, as well as the risks of not proceeding,
  - The alternatives to the proposed treatment, particularly alternatives offering less risk or other adverse effects,
  - That any consent given may be withheld or withdrawn in writing or orally at any time. When this occurs, the provider must document the member's choice in the medical record;

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- The potential consequences of revoking the informed consent to treatment, and
- A description of any clinical indications that might require suspension or termination of the proposed treatment. Documenting Informed Consent:
  - Members, or if applicable the member's parent, guardian or custodian, shall give informed consent for treatment by signing and dating an acknowledgment that he or she has received the information and gives informed consent for the proposed treatment.
  - When informed consent is given by a third party, the identity of the third party and the legal capability to provide consent on behalf of the member, must be established. If the informed consent is for psychotropic medication or telemedicine and the member, or if applicable, the member's guardian refuses to sign an acknowledgment and gives verbal informed consent, the medical practitioner shall document in the member's record that the information was given, the member refused to sign an acknowledgment and that the member gives informed consent to use psychotropic medication or telemedicine.
- When providing information that forms the basis of an informed consent decision for the circumstances identified above, the information must be:
  - Presented in a manner that is understandable and culturally appropriate to the member, parent, legal guardian or an appropriate court; and
  - Presented by a credentialed behavioral health medical practitioner or a registered nurse with at least one year of behavioral health experience. It is preferred that the prescribing clinician provide information forming the basis of an informed consent decision. In specific situations in which it is not possible or practicable, information may be provided by another credentialed behavioral health medical practitioner or registered nurse with at least one year of behavioral health experience.
- Psychotropic Medications, Complementary and Alternative Treatment and Telemedicine:
  - Unless treatments and procedures are court ordered, providers must obtain written informed consent, and if written consent is not obtainable, providers must obtain oral informed consent. If oral informed consent is obtained instead of written consent from the member, parent or legal guardian, it must be documented in written fashion. Informed consent is required in the following circumstances:
    - Prior to the initiation of any psychotropic medication or initiation of Complementary and Alternative Treatment (CAM). The use of [AMPM 310-V – Prescription Medications – Pharmacy Services, Attachment A – Informed Consent for Psychotropic Medication Treatment](#) is recommended as a tool to review and document informed consent for psychotropic medications, and
    - Prior to the delivery of behavioral health services through telemedicine.
  - Electro-Convulsive Therapy (ECT), research activities, voluntary evaluation and procedures or services with known substantial risks or side effects.

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- Written informed consent must be obtained from the member, parent or legal guardian, unless treatments and procedures are under court order, in the following circumstances:
  - Before the provision of (ECT),
  - Prior to the involvement of the member in research activities,
  - Prior to the provision of a voluntary evaluation for a member. The use of AMPM Exhibit 320-Q-1, Application for Voluntary Evaluation is required for members determined to have a Serious Mental Illness and is recommended as a tool to review and document informed consent for voluntary evaluation of all other populations, and
  - Prior to the delivery of any other procedure or service with known substantial risks or side effects.
- Written informed consent must be obtained from the member, legal guardian or an appropriate court prior to the member's admission to any medical detoxification, inpatient facility or residential program operated by a behavioral health provider.
- If informed consent is revoked, treatment must be promptly discontinued, except in cases in which abrupt discontinuation of treatment may pose an imminent risk to the member. In such cases, treatment may be phased out to avoid any harmful effects.
- Informed Consent for Telemedicine:
  - Before a health care provider delivers health care via telemedicine, verbal or written informed consent from the member or their health care decision maker must be obtained. Refer to the AHCCCS AMPM Policy 320-I for additional detail.
  - Informed consent may be provided by the behavioral health medical practitioner or registered nurse with at least one year of behavioral health experience. When providing informed consent, it must be communicated in a manner that the member and/or legal guardian can understand and comprehend.
  - Exceptions to this consent requirement include:
    - If the telemedicine interaction does not take place in the physical presence of the member;
    - In an emergency situation in which the member or the member's health care decision maker is unable to give informed consent; or
    - To the transmission of diagnostic images to a health care provider serving as a consultant or the reporting of diagnostic test results by that consultant.

### *Special Requirements for Children*

- In accordance with A.R.S. §36-2272, except as otherwise provided by law or a court order, no person, corporation, association, organization or state-supported institution, or any individual employed by any of these entities, may procure, solicit to perform, arrange for the performance of or perform mental health screening in a nonclinical setting or mental health treatment on a minor without first obtaining consent of a parent or a legal custodian

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of the minor child. If the parental consent is given through telemedicine, the health professional must verify the parent's identity at the site where the consent is given. This section does not apply when an emergency exists that requires a person to perform mental health screening or provide mental health treatment to prevent serious injury to or save the life of a minor child.

- Non-Emergency Situations
  - In cases where the parent is unavailable to provide general or informed consent and the child is being supervised by a caregiver who is not the child's legal guardian (e.g., grandparent) and does not have power of attorney, general and informed consent must be obtained from one of the following:
    - Lawfully authorized legal guardian,
    - Foster parent, group home staff or another person with whom the DCS has placed the child, or
    - Government agency authorized by the court.
- If someone other than the child's parent intends to provide general and, when applicable, informed consent to treatment, the following documentation must be obtained and filed in the child's comprehensive clinical record:

INDIVIDUAL/ENTITY	DOCUMENTATION
Legal guardian	Copy of court order assigning custody
Relatives	Copy of power of attorney document
Other person/agency	Copy of court order assigning custody
DCS Placements (for children removed from the home by DCS), such as: <ul style="list-style-type: none"> <li>• Foster parents</li> <li>• Group home staff</li> <li>• Foster home staff</li> <li>• Relatives</li> <li>• Other person/agency in whose care DCS has placed the child</li> </ul>	None required (see note)

**NOTE:** If behavioral health providers doubt whether the individual bringing the child in for services is a person/agency representative in whose care DCS has placed the child,

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the provider may ask to review verification, such as documentation given to the individual by DCS indicating that the individual is an authorized DCS placement. If the individual does not have this documentation, then the provider may also contact the child's DCS case worker to verify the individual's identity.

- For any child who has been removed from the home by DCS, the foster parent, group home staff, foster home staff, relative or other person or agency in whose care the child is currently placed may give consent for the following behavioral health services:
  - Evaluation and treatment for emergency conditions that are not life threatening, and
  - Routine medical and dental treatment and procedures, including early periodic screening, diagnosis and treatment services, and services by health care providers to relieve pain or treat symptoms of common childhood illnesses or conditions (including behavioral health services and psychotropic medications).
  - Any minor who has entered into a lawful contract of marriage, whether that marriage has been dissolved subsequently, any emancipated youth or any homeless minor may provide general and, when applicable, informed consent to treatment without parental consent (A.R.S. §44-132).
- Emergency Situations
  - In emergencies involving a child in need of immediate hospitalization or medical attention, general and, when applicable, informed consent to treatment is not required.
  - Any child, 12 years of age or older, who is determined upon diagnosis of a licensed physician, to be under the influence of a dangerous drug or narcotic, not including alcohol, may be considered an emergency situation and can receive behavioral health care as needed for the treatment of the condition without general and, when applicable, informed consent to treatment.

At times, involuntary treatment can be necessary to protect safety and meet needs when a member, due to mental disorder, is unwilling or unable to consent to necessary treatment. In this case, a court order may serve as the legal basis to proceed with treatment. However, capacity to give informed consent is situational, not global, as a member may be willing and able to give informed consent for aspects of treatment even when not able to give general consent. Members should be assessed for capacity to give informed consent for specific treatment and such consent obtained if the member is willing and able, even though the member remains under court order.

### ***Consent for Behavioral Health Survey or Evaluation for School-Based Prevention Programs***

- Written consent must be obtained from a child's parent or legal guardian for any behavioral health survey, analysis, or evaluation conducted in reference to a school-based prevention program administered by AHCCCS.
- AMPM Exhibit 320-Q-2, Substance Abuse Prevention Program and Evaluation Consent must be used to gain parental consent for evaluation of school-based prevention programs.

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Providers may use an alternative consent form only with the prior written approval of AHCCCS. The consent must satisfy all the following requirements:

- Contain language that clearly explains the nature of the screening program and when and where the screening will take place;
  - Be signed by the child's parent or legal guardian; and
  - Provide notice that a copy of the actual survey, analysis, or evaluation questions to be asked of the student is available for inspection upon request by the parent or legal guardian.
- 3. Completion of AMPM Exhibit 320-Q-2, Substance Abuse Prevention Program and Evaluation Consent applies solely to consent for a survey, analysis, or evaluation only, and does not constitute consent for participation in the program itself.

### 4.14 - Family Involvement

Family involvement in a member's treatment is an important aspect in recovery. Studies have shown members who have family involved in their treatment tend to recover quicker, have less dependence on outside agencies, and tend to rely less on emergency resources. Family is defined as any person related to the member biologically or appointed (stepparent, guardian, and/or power of attorney). Treatment includes treatment planning, participation in counseling or psychiatric sessions, providing transportation or social support to the member. Information can be shared with other parties with written permission from the member or the member's guardian.

### 4.15 - Members with Diabetes and the Arizona State Hospital

- Members with diabetes who are admitted to the Arizona State Hospital (herein AzSH) for behavioral health services will receive training to use a glucometer and testing supplies during their stay at AzSH.
- Upon discharge from AzSH, PCPs must ensure these members are issued the same brand and model of glucometer and supplies that they were trained to use during their AzSH admission.
- MCLTC's behavioral health coordinator will notify the PCP of the member's discharge from AzSH and provide information on the brand and model of equipment and supplies that should be continued to be prescribed.
- The MCLTC behavioral health coordinator will work with AzSH to ensure the member has sufficient testing supplies to last until an office visit can be scheduled with the provider.
- In the event the member's mental status renders them incapable or unwilling to manage their medical condition and that condition requires skilled medical care, the MCLTC behavioral health coordinator will work with AzSH and the PCP to obtain an appropriate placement for additional outpatient services.



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- For re-authorization for continued behavioral health services, contact the member's care manager and fax the Behavioral Health Treatment Plan and progress notes requesting continued authorization. Be sure to include the services to be delivered, frequency of services to be delivered and duration of services provided.
- ALWAYS verify member eligibility prior to the provision of services.

### 4.16 - Court Ordered Treatment and Petition Process

At times, it may be necessary to initiate civil commitment proceedings to ensure the safety of a person, or the safety of other persons, due to a member's mental disorder when that member is unable or unwilling to participate in treatment. In Arizona, state law permits any responsible person to submit an application for pre-petition screening when another member may be, as a result of a mental disorder:

- **A danger to self (DTS);**
- **A danger to others (DTO);**
- **Persistently or acutely disabled (PAD); or**
- **Gravely disabled (GD).**

If the person who is the subject of a court ordered commitment proceeding is subject to the jurisdiction of an Indian tribe rather than the state, the laws of that tribe, rather than state law, will govern the commitment process.

Pre-petition screening includes an examination of the person's mental status and/or other relevant circumstances by a designated screening agency. Upon review of the application, examination of the person and review of other pertinent information, a licensed screening agency's medical director or designee will determine if the person meets criteria for DTS, DTO, PAD, or GD as a result of a mental disorder.

If the pre-petition screening indicates that the person may be DTS, DTO, PAD, or GD, the screening agency will file an application for a court-ordered evaluation. Based on the immediate safety of the member or others, an emergency admission for evaluation may be necessary. Otherwise, an evaluation will be arranged for the person by a designated evaluation agency within timeframes specified by state law.

Based on the court-ordered evaluation, the evaluating agency may petition for court-ordered treatment on behalf of the member. A hearing, with the member and his/her legal representative and the physician(s) treating the member, will be conducted to determine whether the member will be released and/or whether the agency will petition the court for court-ordered treatment. For the court to order ongoing treatment, the person must be determined, as a result of the evaluation, to be DTS, DTO, PAD, or GD. Court-Ordered Treatment (COT) may include a combination of inpatient and outpatient treatment. Inpatient

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treatment days are limited contingent on the member’s designation as DTS, DTO, PAD, or GD. Members identified as:

- DTS may be ordered up to 90 inpatient days per year;
- DTO and PAD may be ordered up to 180 inpatient days per year; and
- GD may be ordered up to 365 inpatient days per year.

If the court orders a combination of inpatient and outpatient treatment, a mental health agency will be identified by the court to supervise the person’s outpatient treatment. Before the court can order a mental health agency to supervise the person’s outpatient treatment, the agency medical director must agree and accept responsibility by submitting a written treatment plan to the court.

At every stage of the pre-petition screening, court-ordered evaluation, and court-ordered treatment process, a person will be provided an opportunity to change his/her status to voluntary. Under voluntary status, the person is no longer considered to be at risk for DTS/DTO and agrees in writing to receive a voluntary evaluation.

County agencies and MCLTC contracted agencies responsible for pre-petition screening and court-ordered evaluations must use the following forms prescribed in **9 A.A.C. 21, Article 5** for persons determined to have a Serious Mental Illness; agencies may also use the following forms AHCCCS Forms found under the [AHCCCS Medical Policy Manual, Section 320-U](#), for all other populations:

- Application for Involuntary Evaluation
- Application for Voluntary Evaluation
- Application for Emergency Admission for Evaluation
- Petition for Court-Ordered Evaluation

### **Petition for Court-Ordered Treatment Gravely Disabled Person**

- Affidavit
- Special Treatment Plan for Forced Administration of Medications

In addition to court ordered treatment as a result of civil action, an individual may be ordered by a court for evaluation and/or treatment upon:

- 1) conviction of a domestic violence offense; or
- 2) upon being charged with a crime when it is determined that the individual is court ordered to treatment, or programs, as a result of being charged with a crime and appears to be an “alcoholic”.

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***Licensing Requirements***

Behavioral health providers who are licensed by the Arizona Department of Health Services/Division of Public Health Licensing Services as a court-ordered evaluation or court-ordered treatment agency must adhere to ADHS licensing requirements.

***Pre-Petition Screening*****MARICOPA COUNTY**

There is an intergovernmental agreement between Maricopa County and AHCCCS for the management, provision of, and payment for Pre-Petition Screening and Court Ordered Evaluation. AHCCCS in turn contracts with MCLTC for these pre-petition screening and court ordered evaluation functions. MCLTC is required to coordinate provision of behavioral health services with the member's contractor responsible for the provision of behavioral health services.

The pre-petition screening includes an examination of the member's mental status and/or other relevant circumstances by a designated screening agency. The designated screening agency must follow these procedures:

- The pre-petition screening agency must offer assistance, if needed, to the applicant in the preparation of the application for court-ordered evaluation (see Application for Involuntary Evaluation).
- Any behavioral health provider that receives an application for court-ordered evaluation (see Application for Involuntary Evaluation) must immediately refer the applicant for pre-petition screening and petitioning for court-ordered evaluation to the designated pre-petition screening agency or county facility.

**PIMA COUNTY*****Emergent Petition***

Only persons who, as a direct result of a mental disorder, display behaviors that are DTS or DTO, and the person is likely, without immediate hospitalization, to suffer serious physical harm or serious illness, or is likely to inflict serious physical harm upon another person, is appropriate for an emergency petition that precludes the use of the pre-petition non-emergent screening process.

The Emergent Petition can be initiated by police, crisis teams, family members, or anyone who has directly witnessed the alleged behavior(s). In addition, there must be two witnesses available to verify the member's behavior once it goes to court.

To initiate the Emergent petition the petitioner would call Tucson Police Department (TPD) if it warrants a call to 911 or call Southern Arizona Mental Health Corporation (SAMHC) to dispense the Mobil Acute Services (MAC team). TPD calls the Crisis Response Network (CRN) to triage to

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find out which evaluating hospital has an opening. The MAC team would coordinate with TPD and CRN.

**Southern Arizona Mental Health Corporation (SAMHC)**

520-617-0043

The evaluating hospitals are:

**Sonora Behavioral Health**

6050 N. Corona Rd. Bldg. 3

Tucson, AZ 85704

520-469-8700

**Palo Verde Hospital**

2695 N. Craycroft Rd.

Tucson, AZ 85712

520-324-3522

**University of Arizona Medical Center-South Campus**

Abrams Annex

2800 E. Ajo Way

Tucson, AZ 85713

520-626-5582

***Non-Emergent (PAD/GD) Petition***

Non-Emergent Petitions are facilitated by the SAMHC pre-petition evaluation team. Any party may initiate a request for a Non-Emergent Petition by calling SAMHC at 520-617-0043 or 520-618-8694. Two witnesses must be available to verify the individual's behavior if there is a hearing scheduled. A person may only be petitioned if he/she is a resident of Pima County and/or if the behavior in question occurred in Pima County. A person must also be suffering from a mental disorder and meet the legal definition of DTS, DTO, GD, or PAD.

For members who are already under Court Ordered Treatment through the Mental Health Court, MCLTC is responsible for tracking the status of the member's treatment and reports to the Mental Health Court as necessary. As such, treating providers must notify MCLTC of any treatments.

***Filing of Non-Emergent Petitions***

This provides instruction to the Care Manager and Pre-Petition Team relative to AAC and ARC requirements, not intended to be instructive to provider/community members.

***Non-emergent Process***

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For behavioral health members receiving MCLTC Clinic Services, the following steps will be completed by the Clinical Team.

- For all other residents of Maricopa County (not enrolled with a MCLTC Clinic), the pre-petition team will complete these steps for petitions for COE. Any responsible individual may apply for a COE of a member who is alleged to be, as a result of a mental disorder, a danger to self or to other, persistently or acutely disabled, or gravely disabled and who is unwilling or unable to undergo a voluntary evaluation.
- For Maricopa County residents not enrolled with a MCLTC Clinic, an applicant contacts the MCLTC Customer Service Line at 800-564-5465 or the Crisis Response Network Crisis Line 800-631-1314 and requests a PAD or GD petition application be completed on an identified member in the community. An applicant can also go in person to UPC, RRC, or CPEC to begin the non-emergent process. The Pre-Petition team shall receive the referral and will contact the applicant to assist the applicant in completion of the **Application for Involuntary Evaluation** when a non-emergency COE is requested. All other steps, when applicable, will be the same as for MCLTC Clinic enrolled behavioral health members.
- For MCLTC Clinic enrolled behavioral health members, the Clinical Team shall assist the applicant in the completion of the application and evaluation when a non-emergency COE is requested. If at any time during the process the behavioral health member is determined to be in imminent danger of harming self or others, UPC, RRC, or CPEC will be contacted for assistance in evaluation and possible application for an emergency admission.
- For all MMCC Clinic enrolled or non-enrolled members, pre-petition screening must be attempted within forty-eight (48) hours, excluding weekends and holidays, of completion of the application. Pre-petition screening process includes informing the individual that an application for evaluation (**Application for Involuntary Evaluation**) has been completed, explaining the individual's rights to voluntary evaluation, reviewing the allegations, and completing a mental status examination. The **Pre-Petition Screening Report** is a detailed report of the information obtained during the assessment. This report must be completed by someone other than the applicant. If the member does consent to a voluntary evaluation the **Application for Voluntary Evaluation** shall be used.
- During the pre-petition screening, at least three attempts to contact the behavioral health member should be completed. If attempts at contacting the behavioral health member are unsuccessful and screening is not possible, screening staff will review this information with a physician. The screening agency shall prepare a report giving reasons why the screening was not possible, including opinions/conclusions of staff members who attempted to conduct pre- petition screening.
- If the behavioral health member does not consent to a voluntary outpatient evaluation or voluntary inpatient evaluation or when a voluntary evaluation is not appropriate as determined by the evaluating psychiatrist, the involuntary process shall continue.

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- The Clinical Team or Pre-Petition Team will staff the application for involuntary evaluation (**Application for Involuntary Evaluation and Pre-Petition Screening Report**) with a psychiatrist. The psychiatrist need never have met the person to make a decision regarding whether to move forward with a Petition for COE. The psychiatrist will:
  - Review the application, pre-petition screening report, and any other collateral information made available as part of the pre-petition screening to determine if it indicates that there is reasonable cause to believe the allegations of the applicant for the COE.
  - Prepare a Petition for COE and file the petition if the psychiatrist determines that the member, due to a mental disorder, which may include a primary diagnosis of dementia and other cognitive disorders, is DTS, DTO, PAD or GD. The documents pertinent information for COE;
  - If the psychiatrist determines that there is reasonable cause to believe that the member, without immediate hospitalization, is likely to harm him/her or others, the psychiatrist must coordinate with the UPC, RRC-W or CPEC and ensure completion of the **Application for Emergency Admission for Evaluation** and take all reasonable steps to procure hospitalization on an emergency basis.
- Pre-petition screens, application, and petition for Inpatient or Outpatient Court Ordered Evaluation can be filed on a non-emergent basis at the MIHS Desert Vista Campus Legal Office, 570 West Brown Road, Mesa, AZ 85201, and 480-344-2000. This involves all Persistently or Acutely Disabled (PAD) and Gravely Disabled (GD) petitions. Danger to Self (DTS) and Danger to Others (DTO) petitions that do not require immediate intervention can also be filed on a non-emergent basis. Please use the following forms for filing the non-emergent petition: **Petition for Court Ordered Evaluation** and **Application for Involuntary Evaluation**.
- Eight copies and the original Petition for Court-Ordered Evaluation, Application for Involuntary Evaluation, Pre-Petition Screening Report and the Police Mental Health Detention Information Sheet, must be submitted by the behavioral health member's Care Manager or the pre-petition team to the Legal Department at Maricopa Integrated Health System (MIHS) Desert Vista Campus for review by the County Attorney, preparation of the Detention Order, and filing with the Superior Court. These documents must be filed within 24 hours of completion, excluding weekends and holidays.
- Once the petition is filed with the court, the Legal Department at MIHS Desert Vista Campus Delivers the Detention Order to the Police Department to have the behavioral health member brought to the UPC, RRC or CPEC for evaluation. NOTE: The **Petition for Court Ordered Evaluation** and **Police Mental Health Detention Information Sheet**) expire 14 days from the date the judge signs off on the order for COE.
- One of the eight copies of petition documents shall be stored by the behavioral health member's Case Manager or the pre-petition team in a secure place (such as a locked file cabinet) to ensure the behavioral health member's confidentiality. A petition for

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involuntary evaluation may not be stored in the medical record if the behavioral health member has not been court ordered to receive treatment.

### ***Emergent Filing***

In cases where it is determined that there is reasonable cause to believe that the member is in such a condition that without immediate hospitalization, he/she is likely to harm himself/herself or others, an application for emergency admission can be filed. Only applications indicating Danger to Self and/or Danger to Others can be filed on an emergent basis and shall be filed at the Urgent Psychiatric Care (UPC), 1201 S 7th Ave; Suite #150, Phoenix, AZ 85007; 602-416-7600; Response Recovery Center- (RRC, 11361 N. 99th Ave Suite 402, Peoria AZ 85345, 602-636-4605; or Community Psychiatric Emergency Center (CPEC), 358 E. Javelina, Mesa, AZ 85210, 480-507-3180. MCLTC contracts with the UPC, RCC, and CPEC to assist the applicant in preparing the **Application for Emergency Admission for Evaluation** when an emergent evaluation is requested and can also assist when an Application for Court Ordered Evaluation on a non-emergent basis is needed due to the person not meeting criteria for an emergency admission.

### ***Emergent process***

The applicant is a person who has, based on personal observation, knowledge of the behavioral health member's behavior that is danger to self or danger to others. The applicant shall complete the **Application for Emergency Admission for Evaluation** with assistance of UPC/RRC/CPEC staff and include:

- The applicant must have seen or witnessed the behavior or evidence of mental disorder.
- The applicant, as a direct observer of dangerous behavior, may be called to testify in court if the application results in a petition for COE.
- Upon receipt of the Application for Emergency Admission for Emergency Evaluation (MH-104) the UPC, RRC or CPEC admitting officer will begin the assessment process to determine if enough evidence exists for an emergency admission for evaluation. If there is enough evidence to support the emergency admission for evaluation and the member does not require medical care beyond the capacity of UPC, RRC or CPEC, then the UPC, RRC or CPEC staff will immediately coordinate with local law enforcement for the detention of the member and transportation to UPC, RRC or CPEC.
- If the Application for Emergency Admission for Evaluation is accepted by the UPC, RRC or CPEC admitting officer and the member requires a level of medical support not available at the UPC, RRC or CPEC, then within 24 hours the UPC, RRC or CPEC admitting officer will coordinate admission to the MIHS Psychiatric Annex. If admission to the MIHS Psychiatric Annex cannot be completed within 24 hours of the Application for Emergency Admission for Evaluation being accepted by the UPC, RRC or CPEC admitting officer, then the MCLTC Medical Director must be notified.
- An **Application for Emergency Admission for Evaluation** may be discussed by telephone



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with a UPC, RRC or CPEC admitting officer, the referring physician, and a police officer to facilitate transport of the member to be evaluated at a UPC, RRC or CPEC.

- A member proposed for emergency admission for evaluation may be apprehended and transported to the UPC, RRC or CPEC by police officials through a written **Application for Emergency Admission for Evaluation** faxed by the UPC, RRC or CPEC admitting officer to the police.
- A 23-Hour Emergency Admission for Evaluation begins at the time the behavioral health member is detained involuntarily by the Admitting Officer at UPC, RRC or CPEC who determines there is reasonable cause to believe that the member, as a result of a mental disorder, is a DTS or DTO and that during the time necessary to complete prescreening procedures the member is likely, without immediate hospitalization, to suffer harm or cause harm to others.
- During the emergency admission period of up to 23 hours the following will occur:
  - The behavioral health member's ability to consent to voluntary treatment will be assessed.
  - The behavioral health member shall be offered and receive treatment to which he/she may consent. Otherwise, other than calming talk or listening, the only treatment administered involuntarily will be for the safety of the individual or others, i.e., seclusion/restraint or pharmacological restraint in accordance with A.R.S. §36-513.
  - UPC/RRC/CPEC may contact the County Attorney prior to filing a petition if it alleges that a member is DTO.
  - If the behavioral health member is determined to require a court ordered evaluation, then the petition for COE will be filed with the court within 24 hours of admission (not including weekends or court holidays). If the behavioral health member does not meet the criteria for an application for emergency admission but is determined to meet criteria for PAD and/or GD, UPC, RRC-W or CPEC will notify and offer to assist the applicant of the non-emergent process.

### *Court-Ordered Evaluation*

If the pre-petition screening indicates that the member may be DTS, DTO, PAD, or GD, the screening agency will file an application for a court-ordered evaluation. The procedures for court-ordered evaluations are outlined below:

MCLTC and its subcontracted behavioral health provider must follow these procedures:

- A member being evaluated on an inpatient basis must be released within seventy-two hours (not including weekends or court holidays) if further evaluation is not appropriate, unless the member makes application for further care and treatment on a voluntary basis;
- A member who is determined to be DTO, DTS, PAD, or GD as a result of a mental



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disorder must have a petition for court-ordered treatment prepared, signed and filed by MCLTC's medical director or designee; and

- Title XIX/XXI funds must not be used to reimburse court-ordered evaluation services.

MCLTC encourages the utilization of outpatient evaluation on a voluntary or involuntary basis. MCLTC is not responsible to pay for the costs associated with Court Ordered Evaluation outside of the limited "medication only" benefit package available for Non-Title XIX members determined to have SMI, unless other prior payment arrangements have been made with another entity (e.g., county, hospital, provider).

### *Court Ordered Outpatient Evaluation*

- After the pre-petition screening, if the member is refusing a voluntary evaluation and the psychiatrist determines the member is safe to go through an Outpatient Court Ordered Evaluation, then the Case Manager or pre-petition team will deliver the original Application for Involuntary Evaluation, **Pre-Petition Screening Report**, and **Petition for Court-Ordered Evaluation** to the Legal Department at Maricopa Integrated Health System(MIHS) Desert Vista Campus for review by the County Attorney, preparation of the service order, and filing with the Superior Court.
- Once the petition is filed with the court, the Legal Department at MIHS Desert Vista delivers the service order to the police department in order to have the member served legal notice of the date/time/location of the outpatient evaluation. One of the eight copies of the petition documents shall be stored by the member's Care Manager or PAD team in a secure place (such as a locked file cabinet) to ensure the behavioral health member's confidentiality. A petition for involuntary evaluation may not be stored in the medical record if the behavioral health member has not been court ordered to receive treatment.
- The MIHS Legal Department will arrange for an outpatient Court Ordered Evaluation and notify the Case Manager or Pre-Petition Team of the date and time of the evaluation.
- If the Outpatient COE is scheduled to take place at Desert Vista, the Case Manager will arrange for transportation for the member to and from the Outpatient COE and will provide any documents requested by the psychiatrists conducting the evaluation. If the member is not enrolled at an SMI Clinic, the MCLTC Court Liaison will assist the member in arranging transportation.
- If the two evaluating psychiatrists do not believe that the member is in need of COT, then the MIHS Legal Department will forward the physicians' affidavits to the Care Manager or Pre-Petition Team with an explanation that the member has been determined not to be in need of COT.
- If the two evaluating psychiatrists completing the Outpatient Court Ordered Evaluation determine the member is in need of COT, then the two physician's **Affidavit and social** work report will be delivered to the MIHS Legal Department within 1 business day of the

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evaluation. The MCLTC Court Liaison will then file a Petition for Court Ordered Treatment with the Maricopa County Superior Court within 2 business days.

### *Voluntary Evaluation*

Any MCLTC contracted behavioral health provider that receives an application for voluntary evaluation must immediately refer the member to the facility responsible for voluntary evaluations.

### *Voluntary Inpatient or Outpatient Evaluation*

- If the individual agrees to a voluntary evaluation, complete the **Application for Voluntary Evaluation** and review with a psychiatrist.
- If the psychiatrist determines that a voluntary evaluation is appropriate, then a decision as to whether the evaluation is to take place on an inpatient or outpatient basis will be made by the psychiatrist.
- If the psychiatrist determines an inpatient voluntary evaluation is necessary, the Care Manager or PAD Team is to arrange for a voluntary admission to UPC, RRC, or CPEC, in order for the evaluation to take place, assist the member in signing in and deliver the original notarized **Application for Voluntary Evaluation** to the UPC, RRC, or CPEC Coordinator.
- If the psychiatrist determines an outpatient voluntary evaluation is acceptable, then the Case Manager or PAD Team will deliver the original, notarized **Application for Voluntary Evaluation** to the MIHS Legal Department. An outpatient evaluation will then be scheduled at Desert Vista Hospital and the Case Manager or PAD Team will be responsible for notifying the member of the date and time of the evaluation, provide transportation to and from the evaluation, and provide any documentation requested by the physician's conducting the evaluation.
- The voluntary outpatient or inpatient assessment must include evaluation by two psychiatrists and the involvement of either two social workers, or one social worker and one psychologist, who shall complete the outpatient treatment plan. The voluntary psychiatric evaluation shall include determination regarding the existence of a mental disorder, and whether, as a result of a mental disorder, the individual meets one or more of the standards. The psychiatric evaluation must also include treatment recommendations. The psychiatrists completing the outpatient psychiatric evaluations will submit a written affidavit to the MIHS Legal Department regarding their findings.
- If the psychiatrists do not believe that the member is in need of COT, then the MIHS Legal Department will forward the physicians' affidavits to the Care Manager or PAD Team with an explanation that the member has been determined not to be in need of COT.
- If the psychiatrists completing the voluntary inpatient evaluation or voluntary outpatient evaluation determine the member is in need of COT, then the two

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physician's **Affidavit** and a social work report will be delivered to the MIHS Legal Department within 1 business day of the evaluation. The MCLTC contracted behavioral health provider must follow these procedures:

- The evaluation agency must obtain the individual's informed consent prior to the evaluation (see **Application for Voluntary Evaluation** and provide evaluation at a scheduled time and place within five days of the notice that the member will voluntarily receive an evaluation;
- For inpatient evaluations, the evaluation agency must complete evaluations in less than seventy-two hours of receiving notice that the member will voluntarily receive an evaluation; and
- If a behavioral health provider conducts a voluntary evaluation service as described in this chapter, the comprehensive clinical record must include:
  - A copy of the **Application for Voluntary Evaluation**;
  - A completed informed consent form; and
  - A written statement of the member's present medical condition.

When the county does not contract with the MCLTC for court-ordered evaluations MCLTC contracts with Maricopa Integrated Health Systems for inpatient Court-Ordered Evaluations and Outpatient Court-Ordered Evaluations

### *Court-Ordered Treatment Following Civil Proceedings under A.R.S. Title 36*

Based on the court-ordered evaluation, the evaluating agency may petition for court-ordered treatment. The behavioral health provider must follow these procedures:

- Upon determination that an individual is DTS, DTO, GD, or PAD, and if no alternatives to court-ordered treatment exist, the medical director of the agency that provided the court-ordered evaluation must file a petition for court-ordered treatment (see **Petition for Court-Ordered Treatment**);
- Any behavioral health provider filing a petition for court-ordered treatment must do so in consultation with the member's clinical team prior to filing the petition;
- The petition must be accompanied by the affidavits of the two physicians who conducted the examinations during the evaluation period and by the affidavit of the applicant for the evaluation (see **Affidavit** and attached addenda);
- A copy of the petition, in cases of grave disability, must be mailed to the public fiduciary in the county of the patient's residence, or the county in which the patient was found before evaluation, and to any member nominated as guardian or conservator; and
- A copy of all petitions must be mailed to the superintendent of the Arizona State Hospital.

For MCLTC members who are already under Court Ordered Treatment under A.R.S. Title 36, MCLTC is responsible for tracking the status of the member's treatment and reports to the

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Mental Health Court as necessary. As such, treating providers must notify MCLTC of any treatments.

### ***Responsibility of the Outpatient Agency Appointed to Supervise and Administer the Court Order for Treatment***

The Outpatient Agency will schedule members on COT to see a Behavioral Health Medical Professional (BMHP) at least once every 30 days. If a member does not attend a scheduled appointment, the clinical team will attempt to locate the member and re-schedule the appointment within one (1) business day. If the member cannot be engaged, then clinical team will discuss options for engagement and options for amending the COT in order to bring the member to inpatient or sub-acute facility for assessment.

### ***Members placed on COT after finding of Not Competent/Not Restorable in a Criminal Matter (Rule 11 COT)***

Members placed on COT after having been found not competent and not restorable (Rule 11) require special treatment and tracking by the Outpatient Agency. ARS §36-544 requires the Outpatient Agency to file a notice with the court and prosecuting attorney within five (5) days of a members unauthorized absence from treatment and request the court toll (suspend) the treatment order for the period of time the patient is absent. “Unauthorized absence” means:

- The member is absent from an inpatient treatment facility without authorization; or
- The member is no longer living in a placement or residence specified by the treatment plan and has left without authorization; or
- The member left or failed to return **to the county or state without authorization.**

Additionally, the statute requires the Outpatient Agency to:

- Use information and other resources available to the agency to facilitate efforts to locate and return the patient to treatment.
- File a status report every sixty (60) days specifying the information and resources used to facilitate the member’s return to treatment; and
- Notify the court of the patient’s return to treatment.

After 180 days, the Outpatient Agency may petition the court to terminate the order for treatment. The court may either terminate the treatment order or require additional outreach.

If a Notice of Noncompliance appears in the Court Order for Treatment or Minute Entry, the Outpatient Agency must report any noncompliance with the treatment order.

If the medical director intends to release a patient from a Rule 11 COT prior to the expiration of the COT, he/she must provide at least a ten (10) day notice to the court, prosecuting attorney, and any relative or victim of the patient who filed a demand for notice.

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If the medical director decides not to renew a Rule 11 COT or the Application for Renewal was not filed on time, at least a ten (10) day notice of the pending expiration date of COT shall be provided to the court and prosecuting agency.

### *Judicial Review and COT Renewal Timelines/Forms*

#### **Judicial Review**

Pursuant to ARS§36-546 each member Court Ordered Treatment must be provided with a Notice of the Right to Judicial Review 60 days after the start of COT and every 60 days thereafter. Any member of the clinical team can provide this notice and must document in a progress note the date and time notice was provided. The notice of right to judicial review can be completed verbally and/or with a form developed by the provider for this purpose. If the member does request Judicial Review, below is the timeline and paperwork that will need to be submitted:

- Member signs request for Judicial Review which is then signed by a member of the clinical team and notarized. The member does not need to make this request in person. Request for Judicial Review can be made on the phone and staff person receiving the phone call will complete the Request for Judicial Review form on behalf of the member and note that the request was made by phone on the form and also in a progress note in the medical record.
- The Psychiatric Report for Judicial Review must be completed by a psychiatrist signed and notarized and filed with the court within 72 hours (not including weekends or court holidays) of the request for judicial review (please also note that the date of the MD signature MUST match the date of the notarization or it will be rejected).
- The original Request for Judicial Review and Psychiatric Report for Judicial Review must be filed with the court within 72 hours of the Request for Judicial Review.
- If the court orders a full hearing for the Judicial Review the medical director of the treating agency shall provide the member's attorney with a copy of the member's medical records at least 24hr prior to the hearing.

#### **Application for COT Renewal**

All renewal paperwork must be submitted to the provider agency court coordinator **NO LATER** than 45 days prior to the expiration of COT. If the Final Status Report states that renewal is requested, the following paperwork will need to be submitted:

- A Final Status Report stating that renewal is requested and can be signed by a psychiatrist or Nurse Practitioner.
- Psychiatric Report for Annual Review of COT must be completed by a psychiatrist, signed and notarized (please note that the date of the psychiatrist's signature MUST match the date of the notarization or it will be rejected).

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- **ORIGINAL** Psychiatric Report for Annual Review of COT must be delivered to the provider agency court coordinator as copies cannot be filed with the court.
- Two witness statements for those who will be attending a hearing if one should be set. (The witness statements aren't notarized so these can be scanned and emailed, preferably at the same time.)

*\*Please note that both psych reports must be completed by a MD. A NP or PA CANNOT complete these, nor is co-signing permitted.*

### ***Members who are Title XIX/XXI Eligible and/or Determined to have Serious Mental Illness (SMI)***

When a member referred for court-ordered treatment is Title XIX/XXI eligible and/or determined or suspected to have a Serious Mental Illness, MCLTC will:

- Conduct an evaluation to determine if the member has a Serious Mental Illness in accordance with **MCLTC Chapter 4 – Behavioral Health, Section 4.15 – SMI Eligibility Determination**, and conduct a behavioral health assessment to identify the member's service needs in conjunction with the member's clinical team; and
- Provide necessary court-ordered treatment and other covered behavioral health services in accordance with the member
- Member's needs, as determined by the member's clinical team, the behavioral health member, family members, and other involved parties and
- Perform, either directly or by contract, all treatment required by A.R.S. Title 36, Chapter 5, Article 5 and 9 A.A.C. 21, Article 5.

### ***Transfer from one behavioral health provider to another***

A member ordered by the court to undergo treatment can be transferred from one behavioral health provider to another behavioral health provider if:

- The member does not have a court appointed guardian;
- The medical director of the receiving behavioral health provider accepts the transfer; and
- The consent of the court for the transfer is obtained as necessary.
- In order to coordinate a transfer of a member under court-ordered treatment to ALTCS or another RBHA, the behavioral health member's clinical team will coordinate with the MCLTC Court Advocacy Department at [MercyCareNetworkManagement@mercycares.org](mailto:MercyCareNetworkManagement@mercycares.org).
- In order to coordinate a transfer of a member under COT from one SMI Clinic to another, the behavioral health member's current psychiatrist will discuss the transfer with the receiving psychiatrists. If both SMI Clinics agree that the transfer is appropriate, the receiving psychiatrist will then provide a Letter of Intent to Treat to the SMI Clinic Court Coordinator of the sending SMI Clinic. The SMI Clinic Court Coordinator

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will then prepare a motion to transfer treatment provider, review with SMI Clinic attorney, and file with the court. The member's care will not be transitioned to the receiving SMI Clinic until the new treatment provider is reflected on the COT.

### *Court-Ordered Treatment for Members Charged with or Convicted of a Crime*

MCLTC providers may be responsible for providing evaluation and/or treatment services when an individual has been ordered by a court due to:

- Conviction of a domestic violence offense; or
- Upon being charged with a crime when it is determined that the individual is court ordered to treatment, or programs, as a result of being charged with a crime and appears to be an “alcoholic.”

### *Domestic Violence Offender Treatment*

Domestic violence offender treatment may be ordered by a court when an individual is convicted of a misdemeanor domestic violence offense. Although the order may indicate that the domestic violence (DV) offender treatment is the financial responsibility of the offender under **A.R.S. §13-3601.01**, MCLTC will cover DV services with Title XIX/XXI funds when the member is Title XIX/XXI eligible, the service is medically necessary, required prior authorization is obtained if necessary, and/or the service is provided by an in-network provider. For Non-TXIX/XXI eligible member's court ordered for DV treatment, the individual can be billed for the DV services.

### *Court-ordered substance abuse evaluation and treatment*

Substance abuse evaluation and/or treatment (i.e., DUI services) ordered by a court under **A.R.S. §36-2027** is the financial responsibility of the county, city, town or charter city whose court issued the order for evaluation and/or treatment. Accordingly, if MCLTC receives a claim for such services, the claim will be denied with instructions to the provider to bill the responsible county, city or town.

### *Court-Ordered Treatment for American Indian Tribal Members in Arizona*

Arizona tribes are sovereign nations, and tribal courts have jurisdiction over their members residing on reservation. Tribal court jurisdiction, however, does not extend to tribal members residing off the reservation or to state court ordered evaluation or treatment ordered because of a behavioral health crisis occurring off reservation.

Although some Arizona tribes have adopted procedures in their tribal codes, which are similar to Arizona law for court ordered evaluation and treatment, each tribe has its own laws which must be followed for the tribal court process. Tribal court ordered treatment for American Indian tribal members in Arizona is initiated by tribal behavioral health staff, the tribal prosecutor or other member authorized under tribal laws. In accordance with tribal codes,



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tribal members who may be a danger to themselves or others and in need of treatment due to a mental health disorder are evaluated and recommendations are provided to the tribal judge for a determination of whether court ordered treatment is necessary. Tribal court orders specify the type of treatment needed.

Additional information on the history of the tribal court process, legal documents and forms as well as contact information for the tribes, MCLTC liaison(s), and tribal court representatives can be found on the AHCCCS web page titled, [Tribal Court Procedures for Involuntary Commitment - Information Center](#).

Since many tribes do not have treatment facilities on reservation to provide the treatment ordered by the tribal court, tribes may need to secure treatment off reservation for tribal members. To secure court ordered treatment off reservation, the court order must be “recognized” or transferred to the jurisdiction of the state.

The process for establishing a tribal court order for treatment under the jurisdiction of the state is a process of recognition, or “domestication” of the tribal court order (see **A.R.S. §12-136**). Once this process occurs, the state recognized tribal court order is enforceable off reservation. The state recognition process is not a rehearing of the facts or findings of the tribal court. Treatment facilities, including the Arizona State Hospital, must provide treatment, as identified by the tribe and recognized by the state. [A.R.S. §12-136 Domestication or Recognition of Tribal Court Order](#) is a flow chart demonstrating the communication between tribal and state entities.

MCLTC providers must comply with state recognized tribal court orders for Title XIX/XXI and Non-Title XIX SMI members. When tribal providers are also involved in the care and treatment of court ordered tribal members, Mercy and its providers must involve tribal providers to ensure the coordination and continuity of care of the members for the duration of court ordered treatment and when members are transitioned to services on the reservation, as applicable.

This process must run concurrently with the tribal staff’s initiation of the tribal court ordered process in an effort to communicate and ensure clinical coordination with the MCLTC. This clinical communication and coordination with the MCLTC are necessary to assure continuity of care and to avoid delays in admission to an appropriate facility for treatment upon state/county court recognition of the tribal court order. The Arizona State Hospital should be the last placement alternative considered and used in this process

**A.R.S. §36-540(B)** states, “The Court shall consider all available and appropriate alternatives for the treatment and care of the patient. The Court shall order the least restrictive treatment alternative available.” MCLTC will partner with American Indian tribes and tribal courts in their



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geographic service areas to collaborate in finding appropriate treatment settings for American Indians in need of behavioral health services.

Due to the options American Indians have regarding their health care, including behavioral health services, payment of behavioral health services for AHCCCS eligible American Indians may be covered through a T/RBHA, RBHA or IHS/638 provider (see [Behavioral Health Services Payment Responsibilities](#) on the [AHCCCS Tribal Court Procedures for Involuntary Commitment](#) web page for a diagram of these different payment structures).

### 4.17 – SMI Eligibility Determination

#### *General Requirements*

This chapter applies to:

- Members who are referred for, request or have been determined to need an eligibility determination for Serious Mental Illness (SMI);
- Members who are enrolled as a member determined to have a SMI for whom a review of the determination is indicated; and
- MCLTC, subcontracted providers and the MCLTC designee.

A qualified assessor must complete all SMI evaluations. If the qualified assessor is a Behavioral Health Technician the evaluation must be reviewed, approved, and signed by a Behavioral Health Professional.

All members must be evaluated for SMI eligibility by a qualified assessor, and have an SMI eligibility determination made by the Crisis Response Network, if the member:

- Requests an SMI determination;
- A guardian/legal representative who is authorized to consent to inpatient treatment makes a request on behalf of the member;
- An Arizona Superior Court issues an order instructing that a member is to undergo a SMI evaluation/determination; or
- Has both a qualifying SMI diagnosis and functional impairment because of the qualifying diagnosis.

The SMI eligibility determination record must include all the documentation that was considered during the review including, but not limited to current and/or historical treatment records. The record may be maintained in either hardcopy or electronic format. MCLTC will develop and make available to providers any requirements or guidance on SMI eligibility determination record location and/or maintenance.

Computation of time is as follows:

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- Evaluation date with a qualified clinician = day zero (0), regardless of time of the evaluation.
- Determination due date = Three (3) business days from day zero (0), excluding weekends and holiday.
- The final determination is required three (3) business days from day 0, not 3 business days from the date of submission to MCLTC or designee. Providers that contract with MCLTC must submit the SMI evaluation to the designees as soon as practicable, but no later than 11:59 p.m. on the next business day following the evaluation. **MCLTC or designee will have at least two (2) business days to complete the SMI determination.**

### *Completion Process of Initial SMI Eligibility Determination*

Upon receipt of a referral for, a request, or identification of the need for an SMI determination, the behavioral health provider or designated Department of Corrections' staff member will schedule an appointment for an initial meeting with the member and a qualified assessor. This shall occur no later than 7 days after receiving the request or referral.

During the initial meeting with the member by a qualified assessor, the assessor must:

- Make a clinical assessment whether the member is competent enough to participate in an assessment;
- Obtain general consent from the member or, if applicable, the member's guardian to conduct an assessment; and
- Provide to the member and, if applicable, the member's guardian, the information required in **R9-21-301(D) (2)**, a client rights brochure, and the appeal notice required by **R9-21- 401(B)**.

If during the initial meeting with the member the assessor is unable to obtain sufficient information to determine whether the applicant is SMI, the assessor must:

- Request the additional information in order to make a determination of whether the member is SMI and obtain an authorization for the release of information, if applicable
- Initiate an assessment including completion of the [AHCCCS Medical Policy Manual 320-P Serious Mental Illness Determination](#).

### *Criteria for SMI Eligibility Determination*

The determination of SMI requires both a qualifying SMI diagnosis and functional impairment as a result of the qualifying diagnosis.

### *Functional Criteria for SMI Determination*

To meet the functional criteria for SMI, a member must have, as a result of a qualifying SMI diagnosis, dysfunction in at least one of the following four domains, as described below, for

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most of the past twelve months or for most of the past six months with an expected continued duration of at least six months:

- **Inability to live in an independent or family setting without supervision** – Neglect or disruption of ability to attend to basic needs. Needs assistance in caring for self. Unable to care for self in safe or sanitary manner. Housing, food and clothing must be provided or arranged for by others. Unable to attend to the majority of basic needs of hygiene, grooming, nutrition, medical and dental care. Unwilling to seek prenatal care or necessary medical/dental care for serious medical or dental conditions. Refuses treatment for life threatening illnesses because of behavioral health disorder.
- **A risk of serious harm to self or others** – Seriously disruptive to family and/or community. Pervasively or imminently dangerous to self or others' bodily safety. Regularly engages in assaultive behavior. Has been arrested, incarcerated, hospitalized or at risk of confinement because of dangerous behavior. Persistently neglectful or abusive towards others in the member's care. Severe disruption of daily life due to frequent thoughts of death, suicide, or self-harm, often with behavioral intent and/or plan. Affective disruption causes significant damage to the member's education, livelihood, career, or personal relationships.
- **Dysfunction in role performance** – Frequently disruptive or in trouble at work or at school. Frequently terminated from work or suspended/expelled from school. Major disruption of role functioning. Requires structured or supervised work or school setting. Performance significantly below expectation for cognitive/developmental level. Unable to work, attend school, or meet other developmentally appropriate responsibilities; or
- **Risk of Deterioration** – A qualifying diagnosis with probable chronic, relapsing and remitting course. Co-morbidities (like mental retardation, substance dependence, personality disorders, etc.). Persistent or chronic factors such as social isolation, poverty, extreme chronic stressors (life-threatening or debilitating medical illnesses, victimization, etc.). Other (past psychiatric history; gains in functioning have not solidified or are a result of current compliance only; court-committed; care is complicated and requires multiple providers; etc.).

The following reasons shall not be sufficient in and of themselves for denial of SMI eligibility:

- An inability to obtain existing records or information
- Lack of a face-to-face psychiatric or psychological evaluation

### ***Member with Co-occurring Substance Abuse***

For members who have a qualifying SMI diagnosis and co-occurring substance abuse, for purposes of SMI determination, presumption of functional impairment is as follows:

- For psychotic diagnoses (bipolar I disorder with psychotic features, delusional disorder, major depression, recurrent, severe, with psychotic features, schizophrenia, schizoaffective disorder and psychotic disorder NOS) functional impairment is presumed to be due to the qualifying psychiatric diagnosis;

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- For other major mental disorders (bipolar disorders, major depression and obsessive-compulsive disorder), functional impairment is presumed to be due to the psychiatric diagnosis, unless:
  - The severity, frequency, duration or characteristics of symptoms contributing to the functional impairment cannot be attributed to the qualifying mental health diagnosis; or
  - The assessor can demonstrate, based on a historical or prospective period of treatment, that the functional impairment is present only when the member is abusing substances or experiencing symptoms of withdrawal from substances.
- For all other mental disorders not covered above, functional impairment is presumed to be due to the co-occurring substance use unless:
  - The symptoms contributing to the functional impairment cannot be attributed to the substance abuse disorder; or
  - The functional impairment is present during a period of cessation of the co-occurring substance use of at least thirty (30) days; or
  - The functional impairment is present during a period of at least ninety (90) days of reduced use unlikely to cause the symptoms or level of dysfunction.

### ***SMI Eligibility Determination for Inmates in the Department of Corrections (DOC)***

An SMI eligibility designation/determination is done for purposes of determining eligibility for community-based behavioral health services. The Arizona Department of Health Services recognizes the importance of evaluating and determining the SMI eligibility for inmates in the Department of Corrections (DOC) with impending release dates in order to appropriately coordinate care between the DOC and the community based behavioral health system. Inmates of DOC **pending release within 6 months**, who have been screened or appear to meet the diagnostic and functional criteria, **will now be permitted to be referred** for an SMI eligibility evaluation and determination. Inmates of DOC whose release date exceeds 6 months are not eligible to be referred for an SMI eligibility evaluation and determination.

### ***SMI Eligibility Determination for Children Transitioning into the Adult System***

When the adolescent reaches the **age of 17.5** and the Child and Family Team (CFT) believes that the youth may meet eligibility criteria as an adult with a Serious Mental Illness (SMI), the T/RBHA and their subcontracted providers must ensure the young adult receives an eligibility determination as outlined in the [AHCCCS Medical Policy Manual 320-P Serious Mental Illness Determination](#).

If the youth is determined eligible, or likely to be determined eligible for services as a member with a Serious Mental Illness, the adult behavioral health services care manager is then contacted to join the CFT and participate in the transition planning process. **After obtaining permission from the parent/guardian, it is the responsibility of the children's behavioral health service provider to contact and invite the adult behavioral health services care**

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**manager to upcoming planning meetings.** Additionally, the children’s provider must track and report the following information to MCLTC, CFT transition date (date the adult and children’s provider attended a CFT) and adult intake date. When more than one T/RBHA and/or behavioral health service provider agency is involved, the responsibility for collaboration lies with the agency that is directly responsible for service planning and delivery.

If the young adult is not eligible for services as a member with a Serious Mental Illness, it is the responsibility of the children’s behavioral health provider, through the CFT, to coordinate transition planning with the adult GMH/SA provider. The importance of securing representation from the adult service provider in this process cannot be overstated, regardless of the member’s identified behavioral health category assignment (SMI, General Mental Health, Substance Abuse). The children’s behavioral health provider should be persistent in its efforts to make this occur.

For additional guidance regarding the Transition to Adulthood Process for youth determined SMI prior to turning 18, see [AHCCCS Clinical Guidance Tool Transition to Adulthood Practice Protocol](#).

### *Completion Process of Final SMI Eligibility Determination*

The licensed psychiatrist, psychologist, or nurse practitioner designated by Crisis Response Network must make a final determination as to whether the member meets the eligibility requirements for SMI status based on:

- A face-to-face assessment or reviewing a face-to-face assessment by a qualified assessor
- A review of current and historical information, if any, obtained orally or in writing by the assessor from collateral sources, and/or present or previous treating clinicians

The following must occur if the designated reviewing psychiatrist, psychologist, or nurse practitioner has not conducted a face-to-face assessment and has a disagreement with the current evaluating or treating qualified behavioral health professional or behavioral health technician (that cannot be resolved by oral or written communication):

- **Disagreement regarding diagnosis:** Determination that the member does not meet eligibility requirements for SMI status must be based on a face to face diagnostic evaluation conducted by a designated psychiatrist, psychologist, or nurse practitioner. The resolution of (specific reasons for) the disagreement shall be documented in the member’s comprehensive clinical record.
- **Disagreement regarding functional impairment:** Determination that the member does not meet eligibility requirements must be based upon a face-to-face functional evaluation conducted by a designated psychiatrist, psychologist, or nurse practitioner. The psychiatrist, psychologist, or nurse practitioner shall document the specific reason(s) for the disagreement in the member’s comprehensive clinical record.

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If there is sufficient information to determine SMI eligibility, the member shall be provided written notice of the SMI eligibility determination within three (3) business days of the initial meeting with the qualified assessor.

### *Issues Preventing Timely Completion of SMI Eligibility Determination*

The time to initiate or complete the SMI eligibility determination may be extended no more than 20 days if the member agrees to the extension and:

- There is substantial difficulty in scheduling a meeting at which all necessary participants can attend
- The member fails to keep an appointment for assessment, evaluation or any other necessary meeting
- The member is capable of, but temporarily refuses to cooperate in the preparation of the completion of an assessment or evaluation
- The member or the member's guardian and/or designated representative requests an extension of time
- Additional documentation has been requested, but has not yet been received
- There is insufficient functional or diagnostic information<sup>1F1</sup> to determine SMI eligibility within the required time periods.

### *Crisis Response Network*

Crisis Response Network must:

- Document the reasons for the delay in the member's eligibility determination record when there is an administrative or other emergency that will delay the determination of SMI status
- Not use the delay as a waiting period before determining SMI status or as a reason for determining that the member does not meet the criteria for SMI eligibility (because the determination was not made within the time standards).

### *Situations in which Extension is due to Insufficient Information*

- The Crisis Response Network shall request and obtain the additional documentation needed e.g., current and/or past medical records) and/or perform or obtain any necessary psychiatric or psychological evaluations
- The designated reviewing psychiatrist, psychologist, or nurse practitioner must communicate with the member's current treating clinician, if any, prior to the determination of SMI, if there is insufficient information to determine the member's level of functioning

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<sup>1</sup> Insufficient diagnostic information shall be understood to mean that the information available to the reviewer is suggestive of two or more equally likely working diagnoses, only one of which qualifies as SMI, and an additional piece of existing historical information or a face-to-face psychiatric evaluation is likely to support one diagnosis more than the other(s).

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- SMI eligibility must be determined within three days of obtaining sufficient information, but no later than the end date of the extension

If the member refuses to grant an extension, SMI eligibility must be determined based on the available information. If SMI eligibility is denied, the member will be notified of his/her appeal rights and the option to reapply).

If the evaluation or information cannot be obtained within the required time period because of the need for a period of observation or abstinence from substance use in order to establish a qualifying mental health diagnosis, the member shall be notified that the determination may, with the agreement of the member, be extended for up to 90 (calendar) days.

### ***Notification of SMI Eligibility Determination***

If the eligibility determination results in approval of SMI status, the SMI status must be reported to the member in writing, including notice of his/her right to appeal the decision.

If the eligibility determination results in a denial of SMI status, the Crisis Response Network shall include in the notice above:

- The reason for denial of SMI eligibility (**Serious Mental Illness Determination**)
- The right to appeal
- The statement that Title XIX/XXI eligible members will continue to receive needed Title XIX/XXI covered services. In such cases, the member's behavioral health category assignment must be assigned based on criteria.

### ***Re-enrollment or Transfer***

If the member's status is SMI at disenrollment, or upon transfer from another T/RBHA, the member's status shall continue as SMI upon re-enrollment, opening of a new episode of care, or transfer.

### ***Review of SMI Eligibility Determination***

A review of SMI eligibility made by Crisis Response Network for individuals currently enrolled as a member with a SMI may be initiated by MCLTC or behavioral health provider:

- As part of an instituted, periodic review of all members determined to have a SMI
- When there has been a clinical assessment that supports that the member no longer meets the functional and/or diagnostic criteria
- An individual currently enrolled as a member with a SMI, or their legally authorized representative, upon their request

A review of the determination may not be requested by MCLTC or behavioral health provider within six months from the date an individual has been determined SMI eligible.



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If, as a result of such review, the member is determined to no longer meet the diagnosis and functional requirements for SMI status, MCLTC must ensure that:

- Services are continued depending on Title XIX/XXI eligibility, or other MCLTC service priorities.
- Written notice of the determination made on review with the right to appeal is provided to the affected member with an effective date of 30 days after the date the written notice is issued.

### ***Verification of SMI Eligibility Determinations***

When a T/RBHA or its contracted providers are required to verify SMI Eligibility for individuals who have previously been determined SMI, but cannot locate the member's original SMI determination documentation, or when the SMI determination is outdated (more than 10 years old as required by AHCCCS for eligibility/enrollment for benefits), **Serious Mental Illness Determination Verification** must be completed.

- **The form does not replace Serious Mental Illness Determination but enables the MCLTC and providers to “verify” a member’s current SMI eligibility.**

The form must be completed by a licensed psychiatrist, psychologist, or nurse practitioner, and then submitted to MCLTC for approval. MCLTC is responsible for monitoring and validating the forms. MCLTC must keep copies of the validated Serious Mental Illness Determination Verification form in the member's record.

### ***SMI Decertification***

There are two established methods for removing a SMI designation, one clinical and the other an administrative option, as follows:

#### ***1. SMI Clinical Decertification***

- A member who has a SMI designation or a member working with an individual from the member's clinical team may request a SMI Clinical Decertification. A SMI Clinical Decertification is a determination that a member who has a SMI designation no longer meets SMI criteria. If, as a result of a review, the member is determined to no longer meet the diagnostic and/or functional requirements for SMI status:
  - The Determining Entity shall ensure that written notice of the determination and the right to appeal is provided to the affected member with an effective date of 30 days after the date the written notice is issued.
  - MCLTC must ensure that services are continued in the event an appeal is filed timely, and that services are appropriately transitioned as part of the discharge planning process.



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### *2. SMI Administrative Decertification*

- A member who has a SMI designation may request a SMI Administrative Decertification if the member has not received behavioral health services for a period of two or more years.
  - Upon receipt of a request for Administrative Decertification, MCLTC shall direct the member to contact AHCCCS DHCM Customer Service.
  - AHCCCS will evaluate the member's request and review data sources to determine the last date the member received a behavioral health service. AHCCCS will inform the member of changes that may result with the removal of the member's SMI designation. Based upon review, the following will occur:
    - In the event the member has not received a behavioral health service within the previous two years, the member will be provided with AMPM Exhibit 320-P-3. This form must be completed by the member and returned to AHCCCS.
    - In the event the review finds that the member has received behavioral health services within the prior two-year period, the member will be notified that they may seek decertification of their SMI status through the Clinical Decertification process.

### *SMI Clinic Transfer Protocol*

- Once CRN determines the SMI decertification, CRN sends an email to the SMI clinic indicating the specific member status of decertification.
- As soon as the SMI clinic receives notification that a member has completed and been approved for SMI decertification, the SMI clinic will immediately begin working with the member in order to determine where the member wants to transfer their services.
- The SMI clinic must complete appropriate coordination between a GMH/SA provider(s) or BHMP/PCP of the member's choice in order to eliminate any gaps in care for the member.
- The transferring of services from the SMI clinic to the GMH/SA provider(s) or alternative BHMP/ PCP must be completed in less than thirty (30) days from the time the SMI clinic is notified the member is determined to no longer meet SMI criteria.
- All coordination must be appropriately documented in the member's medical record.
- It is the sending provider's responsibility to gather a release of information from the member and transfer all applicable records to the receiving provider.
- If a member is not currently receiving services from an SMI clinic but is T19, the SMI clinic that the member was paneled to under the Navigator level of care is responsible for completing the transfer of the member.

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- If a member does not want to transfer to a GMH/SA provider or BHMP/PCP or refuses to sign a release of information for a receiving provider, the SMI clinic will complete appropriate outreach and engagement which requires two outreach attempts.
- The SMI clinic will offer the member the opportunity to obtain their medical records (see **MC Chapter 4.0 – Provider Requirements, Section 4.17 – Member’s Medical Records**) if the member declines further assistance with the transfer process.
- If the member is unable to be contacted or declines obtaining their records, the SMI clinic must retain the original or copies of the member’s medical records for at least six (6) years after the last date the member receives medical or health care services from the provider (see **MC Chapter 4.0 – Provider Requirements, Section 4.17 – Member’s Medical Records**).

### *MCLTC Transfer Protocol*

MCLTC member transition process, in coordination with Arizona Health Care Cost Containment System (AHCCCS), helps to ensure that members’ healthcare continues without interruption or delay when there is a change of health plans. When an individual has been approved for SMI decertification, MCLTC, as the relinquishing Contractor, will complete and transmit the Enrollment Transition Information (ETI) form to the appropriate parties no later than 10 business days from receipt of AHCCCS notification. MCLTC’s transition coordinator will also notify the receiving health plan’s transition coordinator to ensure that the member’s services are appropriately transferred.

### *Paneling of Members with SMI*

All members enrolled in MCLTC and Non-Title XIX SMI eligibility plans are paneled to an Assigned Behavioral Health Clinic (ABHC). MCLTC panels newly enrolled members to an ABHC based on member preference. If member preference is unavailable, the member is paneled to an ABHC based on geographic proximity. Paneling to an ABHC is aligned to member eligibility. Members are not paneled to an ABHC during gaps in enrollment or while eligible in a plan other than Integrated or Non-Title XIX SMI.

There are numerous scenarios where members determined with SMI may be enrolled in a plan other than Integrated or Non-Title XIX SMI.

- **Native American** – Native American members have choice and may opt-out of enrollment in an integrated plan.
- **Opt-Out Request** – A member determined SMI, who is currently enrolled in a RBHA, may opt out of receiving physical health services from the RBHA and be transferred to an Acute Care Contractor for his/her physical health services if one or more of the applicable opt out criteria are satisfied. Members who meet the opt-out criteria will continue to receive behavioral health services through Mercy Maricopa.

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- **Recent Determination** – There is a 14-day transitional period for a change in health plan for Medicaid members determined with SMI.

In addition to being paneled to an ABHC, members receiving services through Assertive Community Treatment (ACT) teams must be paneled to an ACT Team. MCLTC does not panel newly enrolled members to ACT teams.

SMI clinics and ACT teams are required to manage their panels through the Member Paneling tool available in Provider Intake on the Mercy Care Secure Web Portal. Panel changes submitted through the Member Paneling tool are processed nightly and loaded directly into the Mercy Maricopa provider information systems. Specific instructions on utilization of the **Provider Intake Member Paneling Tool** are available under the [Reference Material and Guides](#) of our website.

IHH Health Homes, SMI clinics and ACT teams that fail to manage their panels are subject to corrective action, loss or reduction of incentives and sanctions.

### 4.18 – Reporting of Seclusion and Restraint

#### *Definitions*

**Drug Used as a Restraint:** Means a pharmacological restraint as used in A.R.S. §36-513 that is not standard treatment for a client’s medical condition or behavioral health issue and is administered to:

- Manage the client’s behavior in a way that reduces the safety risk to the client or others;
- Temporarily restrict the client’s freedom of movement as defined in A.A.C. R-21-101(26).

**Mechanical Restraint:** Means any device, article or garment attached or adjacent to a client’s body that the client cannot easily remove and that restricts the client’s freedom of movement or normal access to the client’s body, but does not include a device, article, or garment:

- Used for orthopedic or surgical reasons; or
- Necessary to allow a client to heal from a medical condition or to participate in a treatment program for a medical condition as defined in A.A.C. R-21-101(44).

**Personal Restraint:** Means the application of physical force without the use of any device for the purpose of restricting the free movement of a client’s body, but for a behavioral health agency licensed as a Level 1 RTC or a Level 1 sub-acute agency according to A.A.C. R-9-10-102 does not include:

- Holding a client for no longer than 5 minutes;
- Without undue force, in order to calm or comfort the client; or
- Holding a client’s hand to escort the client from area to another as defined in A.A.C. R-9-21-101(50).

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**Seclusion:** Means the involuntary confinement of a behavioral health member in a room or an area from which the member cannot leave.

**Seclusion of Individuals Determined to Have a Serious Mental Illness:** Means the restriction of a behavioral health member to a room or area through the use of locked doors or any other device or method which precludes a member from freely exiting the room or area or which a member reasonably believes precludes his/her unrestricted exit. In the case of an inpatient facility, the grounds of the facility, or a ward of the facility does not constitute seclusion. In the case of a community residence, restricting a behavioral health member to the residential site, according to specific provisions of an Individual Service Plan or court order, does not constitute seclusion.

### *Reporting to MCLTC*

Licensed behavioral health facilities and programs, including out-of-state facilities, authorized to use seclusion and restraint must report each occurrence of seclusion and restraint and information on the debriefing subsequent to the occurrence of seclusion or restraint to MCLTC's Quality Management Department within five (5) calendar days of the occurrence. The individual reports must be submitted on the **Policy 962, Attachment A, Seclusion and Restraint Individual Reporting Form**. This form is available on MCLTC's website.

In the event that a use of seclusion or restraint requires face-to-face monitoring, a report detailing face-to-face monitoring is submitted to MCLTC's Quality Management (QM) along with the **Policy 962, Attachment A, Seclusion and Restraint Individual Reporting Form**. The face-to-face monitoring form must include the requirements as per A.A.C. R9-21-204.

Each subcontracted licensed Level 1 Behavioral Health Inpatient Facility must also report the total number of occurrences of the use of seclusion and restraint for MCLTC members that occurred in the prior month to MCLTC QM the 5th calendar day of the month. If there were no occurrences of seclusion and restraint for MCLTC members during the reporting period, the report should so indicate.

In order to maintain consistency, all seclusion and restraint reported events for MCLTC members are to be submitted via email directly to [MercyCareSandR@MercyCareAZ.org](mailto:MercyCareSandR@MercyCareAZ.org) com or via fax to 1-855-224-4908.

### 4.19 – Out of State Treatment for Behavioral Health

#### *General Requirements*

When MCLTC considers an out-of-state treatment for a child or young adult, the following conditions apply:

- The Child and Family Team (CFT) or Adult Recovery Team (ART) will consider all applicable and available in-state services and determine that the services do not adequately meet the specific needs of the member;

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- The member's family/guardian (not including those not under guardianship between 18 and under 21 years of age) is in agreement with the out-of-state treatment;
- The out-of-state treatment facility is registered as an AHCCCS provider; and is willing to accept AHCCCS rates or enter into a Single Case Agreement (SCA) with MCLTC;
- The out-of-state treatment facility meets the Arizona Department of Education Academic Standards; and
- A plan for the provision of non-emergency medical care must be established.
- In the event that a member has been placed out-of-state secondary to an emergency situation, unforeseen event, or by a third-party liability insurance, MCLTC must address all above conditions as soon as notification of the out-of-state treatment is received.

### *Conditions before Referral for Out-of-State Placement*

Documentation in the clinical record must indicate the following conditions have been met before a referral for an out-of-state treatment is made:

- All less restrictive, clinically appropriate treatment interventions have either been provided or considered by the CFT or ART and found not to meet the member's needs;
- The CFT or ART has been involved in the service planning process and is in agreement with the out-of-state treatment;
- The CFT or ART has determined how they will remain active and involved in service planning once the out-of-state treatment has occurred;
- The CFT or ART develops a proposed Individual Service Plan that includes a discharge plan has been developed that addresses the needs and strengths of the member;
- All applicable prior authorization requirements have been met;
- The Arizona Department of Education has been consulted to ensure that the educational program in the out-of-state placement meets the [Arizona Department of Education Academic Standards](#) and the specific educational needs of the member;
- Coordination has occurred with other state agencies involved with the member, including notification to the DDD Medical Director when the individual is enrolled DD eligible;
- The member's AHCCCS Health Plan Behavioral Health Coordinator or health care provider has been contacted and a plan for the provision of any necessary non-emergency medical care has been established and is included in the comprehensive clinical record. The Assigned Behavioral Health Clinic (ABHC) in coordination with the family/legal guardian will coordinate with the AHCCCS Health Plan to make arrangements and document all contacts and arrangements;
- MCLTC Health Plan Coordinator will send notification of the pending out-of-state transition with the admission date and facility to the appropriate Health Plan AHCCCS Behavioral Health Coordinator.
- Cultural considerations have been explored and incorporated into the ISP; and
- In the event that a member has been placed out-of-state secondary to an emergency

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situation or unforeseen event, MCLTC must address all above conditions as soon as notification of the out-of-state placement is received.

### *The Individual Service Plan (ISP)*

For a member placed out-of-state, the ISP developed by the CFT or ART must require that:

- Discharge planning is initiated at the time of request for prior authorization or notification of admission (if placed prior by TPL or another state agency), including:
  - The measurable treatment goals being addressed by the out-of-state placement and the criteria necessary for discharge back to in-state services;
  - The planned or proposed in-state residence where the member will be returning;
  - The recommended services and supports required once the member returns from the out-of-state placement;
  - What needs to be changed or arranged to accept the member for subsequent in-state treatment that will meet the member's needs;
  - How effective strategies implemented in the out-of-state treatment will be transferred to the member's subsequent in-state treatment;
  - The actions necessary to integrate the member into family and community life upon discharge; and
  - The CFT or ART actively reviews the member's progress with clinical staffing occurring at least every 30 days. Clinical staffing must include the staff of the out-of-state facility.
- The member's family/guardian is involved throughout the duration of the treatment. This may include family counseling in member or by teleconference or video-conference;
- The CFT or ART must ensure that essential and necessary health care services are provided in coordination with the member's medical health plan; Home passes are allowed as clinically appropriate and in accordance with the [AHCCCS Covered Behavioral Health Services Guide](#). For youth in Department of Child Safety (DCS) custody, home passes must be determined only in close collaboration with DCS.

### *Initial Notification to AHCCCS Office of Management*

MCLTC is required to obtain approval from the AHCCCS Office of Medical Management prior to an out-of-state treatment and upon discovering that a MCLTC enrollee is in an out-of-state treatment using [AHCCCS Exhibit 450-1, Out-of-State Placement Form](#). Prior authorization must be obtained before making a referral for out-of-state treatment; in accordance with MCLTC criteria. MCLTC requires their providers assist with supplying the information required on the form and with providing copies of supporting clinical documentation.

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### *Process for Initial Notification to MCLTC*

For behavioral health providers contracted with MCLTC, the provider is required to coordinate with MCLTC the intent to make a referral for out-of-state treatment as follows:

For children/adolescent and adults under the age of 21, the Assigned Behavioral Health Clinic Clinical Leadership is expected to follow guidelines regarding Securing Services and Prior Authorization.

If a child/adolescent or adult under age 21 is approved for an inpatient treatment, and all in-state inpatient providers have been exhausted:

- The Assigned Behavioral Health Clinic Clinical Leadership will coordinate with applicable key stakeholders (i.e., DCS, JPO, and DDD) and verify they agree to an out of state placement. If there is disagreement, which cannot be resolved, the Assigned Behavioral Health Clinic Clinical Leadership may contact MCLTC for assistance in resolution.
- When the Assigned Behavioral Health Clinic Clinical Leadership and key stakeholders agree on the treatment, the Assigned Behavioral Health Clinic Clinical Leadership will complete the [AHCCCS Exhibit 450-1, Out of State Placements Form](#) and submit to the MCLTC Utilization Management Department via secure e-mail to [ChildrensDischargePlanning@MercyCareAZ.org](mailto:ChildrensDischargePlanning@MercyCareAZ.org) within 2 business days for identifying the need for out-of-state treatment.
- The MCLTC Care Management Department will review the form and forward by secure email to the AHCCCS Office of Medical Management at [MedicalManagement@azahcccs.gov](mailto:MedicalManagement@azahcccs.gov) for review and approval prior to placing the child or young adult.
- When the out-of-state treatment is approved AHCCCS, MCLTC will notify the Assigned Behavioral Health Clinic Clinical Leadership and direct them to complete the out of state placement process.
- MCLTC will identify out-of-state AHCCCS registered providers and send referrals to the provider and care management team.
- Once the accepting facility is identified, MCLTC will facilitate a Single Case Agreement (SCA) and coordination transportation.

### *Periodic Updates to AHCCCS Office of Medical Management*

In addition to providing initial notification, updates are required to be submitted every 30 days to AHCCCS regarding the member's progress in meeting the identified criteria for discharge from the out-of-state treatment. The Assigned Behavioral Health Clinic Clinical Leadership will complete the [AHCCCS Exhibit 450-1, Out of State Placements Form](#) and submit to the MCLTC UM Department via secure e-mail to [ChildrensDischargePlanning@MercyCareAZ.org](mailto:ChildrensDischargePlanning@MercyCareAZ.org) no later than 5 business days before the 30 day update is due to AHCCCS. The 30-day update timelines will be based upon the date of admission to the out-of-state treatment as reported by MCLTC



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to AHCCCS. The update will include a review of progress, CFT participation, evaluation of the discharge plan and availability of services based on the member's needs.

MCLTC reviews the form for completeness and submits it to the AHCCCS Office of Medical Management.

Additionally, MCLTC must submit notification to AHCCCS within forty-eight (48) hours of MCLTC being notified when an out-of-state treatment is discontinued.

**4.20 – Behavioral Health Assessment and Service Planning Overview**

MCLTC supports a model for assessment, service planning, and service delivery that is individualized, member-centered, strength-based, inclusive of family and/or natural supports, culturally and linguistically appropriate, and clinically sound.

The model incorporates the concept of a “team”, established for each member receiving behavioral health services. For children, this team is the Child and Family Team (CFT) and for adults, this team is the Adult Recovery Team (ART).

At a minimum, the functions of the CFT and ART include:

- Ongoing engagement of the member, family and other formal and informal supports who are significant in meeting the behavioral health needs of the member, including their active participation in the decision-making process and involvement in treatment;
- An assessment process is conducted to elicit information on the strengths, needs and goals of the individual member and his/her family, identify the need for further or specialty evaluations, and support the development and updating of a service plan which effectively meets the member's/family's needs and results in improved health outcomes;
- Continuous evaluation of the effectiveness of treatment through the CFT and ART process, the ongoing assessment of the member, and input from the member and his/her team resulting in modification to the service plan, if necessary;
- Provision of all covered services as identified on the service plan, including assistance in accessing community resources, as appropriate and, for children, services which are provided in accordance with the Arizona Vision and 12 Principles, and for adults, services which are provided in accordance with the 9 Guiding Principles for Recovery Oriented Adult Behavioral Health Services and Systems;
- Ongoing collaboration, including the communication of appropriate clinical information, important to achieving positive outcomes (e.g., primary care providers, school, child welfare, juvenile or adult probation, other involved service providers);
- Oversight to ensure continuity of care by taking the necessary steps (e.g., clinical oversight, development of facility discharge plans, or after-care plans, transfer of



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relevant documents) to assist members who are transitioning to a different treatment program, (e.g., inpatient to outpatient setting), changing behavioral health providers and/or transferring to another service delivery system (e.g., out-of-area, out-of-state or to an Arizona Long Term Care System (ALTCS) Contractor); and

- Development and implementation of transition plans prior to discontinuation or modification of behavioral health services.

For additional information regarding the Child and Family Team practice refer to [AHCCCS Practice Protocol Child and Family Team Practice](#).

### 4.21 - Assessments

All individuals being served in the public behavioral health system must have a behavioral health assessment upon an initial request for services. For individuals who continue to receive behavioral health services, updates to the assessment must occur at least annually.

Behavioral health assessments must be utilized to collect necessary information that will inform providers of how to plan for effective care and treatment of the individual.

MCLTC does not mandate that a specific assessment tool or format be utilized. However, assessment of substance use disorders and related levels of service provision using the current version of the American Society of Addiction Medicine (ASAM) must be incorporated for members identified with substance use disorders.

The initial and annual assessment must be completed by a behavioral health professional (BHP) or behavioral technician (BHT) under the clinical oversight of a BHP, who is trained on the minimum elements of a behavioral health. If an assessment is conducted and documented by a BHT, a BHP must review and sign the assessment information that was documented by the BHT within 30 days of the BHT signature.

### 4.22 - Minimum Elements of the Behavioral Health Assessment

MCLTC has established the following minimum elements that must be included in a comprehensive behavioral health assessment and documented in the comprehensive clinical record.

- Presenting issues/concerns;
- History of present illness, including review of major psychiatric symptoms (i.e., mood, depression, anxiety, psychosis, suicidal ideation, homicidal ideation, and other behavioral health symptoms) and frequency/duration of symptoms;
- Psychiatric history, including history of previous psychiatric hospitalization(s) and psychotropic medication trial(s);
- Medical history;
- Current medications, including over the counter (OTC) medications;

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- Allergies and other adverse reactions;
- Developmental history for children/youth under the age of 18 and with other populations if clinically relevant;
- Trauma history for children/youth under the age of 18 and with other populations if clinically relevant;
- Family history;\*
- Educational history/status; \*
- Employment history/status;
- Housing status/living environment;
- Social history; \*
- Legal history, including custody/guardianship status, pending litigation, Court Ordered Evaluation/Court Ordered Treatment (COE/COT) history, criminal justice history, and any history of sex offender adjudication;
- Substance use history including type of substance, duration, frequency, route of administration, longest period of sobriety, and previous treatment history;
- Standardized substance use screen for children age 11 to 18 and referral for comprehensive assessment when screened positive;
- Substance use screen for adults age 18 and older using the American Society of Addiction Medicine (ASAM) Criteria (current required version);
- Labs/ Diagnostics, if applicable;
- Mental Status Examination;
- Risk Assessment: the potential risk of harm to self or others based on self-reports, clinical symptoms, personality factors, history, substance use, criminogenic factors, etc.;
- Summary/Bio-Psycho-Social formulation;
- Axial Diagnoses I-V; and
- Date, begin, and end time of the assessment and printed name, signature, and professional credential of the provider completing the behavioral health assessment. If a privileged BHT completes the assessment, the assessment must also include a printed name, signature, professional credential, date and time of the privileged BHP who reviewed the assessment information.\*
  - **REQUIRED FOR ALL TITLE XIX/XXI MEMBERS:** Primary Care Provider (PCP) name and contact information.
  - **REQUIRED FOR ALL TITLE XIX/XXI MEMBERS:** Involvement with other agencies (e.g., Department of Child Safety, Probation, Division of Developmental Disabilities).
  - **ONLY REQUIRED FOR CHILDREN AGE 0 TO 5:** Birth to Five Assessment to be completed within 90 days of intake, with a minimum of 2 documented

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\*Additionally, confirm that sexual abuse/behavior information was documented as part of the member's Family, Educational, and Social History.

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observations to occur within a 45-60-day period and the first observation to occur within 21 days of intake. Recommendations for treatment to be reviewed with the Guardian/Primary Caregiver and Stakeholders within a Child and Family Team meeting. Developmental screening for children age 0-5 with a referral for further evaluation by the child's Primary Care Provider (PCP), the Arizona Early Intervention Program (AzEIP) for children age 0-3, or the public-school system for children age 3-5 when developmental concerns are identified.

- **ONLY REQUIRED FOR CHILDREN AGE 6 TO 18:** Child and Adolescent Service Intensity Instrument (CASII) Score and Date.
- **ONLY REQUIRED FOR CHILDREN AGE 6 TO 18 WITH CASII SCORE OF 4 OR HIGHER:** Strength, Needs and Culture Discovery Document.
- **ONLY IF INDICATED:** Seriously Mentally Ill Determination (for members who request SMI determination or have an SMI qualifying diagnosis).
- At Risk Crisis Plans will address managing any change in a client's health, medical status, or behavior that is not immediately and obviously life-threatening (such as a heart attack, a seizure or immediate danger to self or others), but is nevertheless seriously concerning and may also include any significant and concerning change in a client's health, medical status, or behavior

For members referred for or identified as needing ongoing psychotropic medications for a behavioral health condition, the assessor must establish an appointment with a licensed medical practitioner with prescribing privileges. If the assessor is unsure regarding a member's need for psychotropic medications, then the assessor must review the initial assessment and treatment recommendations with his/her clinical supervisor or a licensed medical practitioner with prescribing privileges.

Members with substance use disorders, primarily opioid addiction, may be appropriately referred to Medication Assisted Treatment (MAT). MAT services are a combination of medications and counseling/behavioral therapies to provide a "whole patient" approach to the treatment of substance use disorders. MCLTC contracts with network providers to specifically prescribe and/or dose medications to normalize brain chemistry, block the euphoric effects of alcohol and opioids, relieve physiological cravings and normalize body functions without the negative effects of the used drug. MCLTC members may solely receive behavioral health services from contracted MAT providers; members may also receive behavioral health services from one agency and receive MAT services from another provider. Providers involved are required to provide care coordination to optimize treatment outcomes for these members.

### 4.23 - Provider Submits a Complex Case Request

In the event a provider determines a need for an action, they may complete a **Complex Case Review Form** available on our [Forms](#) web page and submit it to MCLTC Medical Management at [ComplexCase@MercyCareAZ.org](mailto:ComplexCase@MercyCareAZ.org) for review. For additional guidance see Provider

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Manual, Title XIX/XXI Notice and Appeal Requirements, subsection Complex Case Requests. Medical Management staff will evaluate the request to determine if it requires a notice. If a notice is required, MCLTC will issue the NOA in accordance with ACOM 414, Notice of Adverse Benefit Determination and Notices of Extension for Service Authorizations.

In cases that a member determined to have a Serious Mental Illness and/or legal or designated representative disagree with some or all of the Non-Title XIX/XXI covered services included in the service plan, the member and/or legal or designated representative **must** be given a **Notice of Decision and Right to Appeal (For Individuals With a Serious Mental Illness)** available on our [Forms](#) web page by the behavioral health representative on the team.

In either case, the member and/or legal or designated representative may file an appeal within 60 days of the action.

### 4.24 - Update to Assessment and Service Plan

BHPs must complete an annual assessment update with input from the member and family, if applicable, that records a historical description of the significant events in the member's life and how the member/family responded to the services/treatment provided during the past year. Following this updated assessment, the service plan should then be updated as necessary. While the assessment and service plan must be updated at least annually, the assessment and service plan may require more frequent updates to meet the needs and goals of the member and his/her family.

Additionally, SMI Direct Care Clinics' targeted thresholds for ISP and Assessments are identified as 85% per clinic/stand-alone ACT team (not per agency).

### 4.25 - Transfer Assessments

If a behavioral health assessment that complies with the assessment requirements is received from a behavioral health provider other than the intake agency or the intake agency has a medical record for the patient that contains an assessment that was completed within 12 months before the date of the patient's current admission: (1) the patient's assessment information is reviewed and updated, by a BHP, if additional information that affects the patient's assessment is identified, by utilizing a collateral note. (2) The review and update of the patient's assessment information needs to be documented in the patient's medical record within 48 hours after review.

**Please Note:** The following instances would not require a BHP review within 48 hours following assessment retrieval: (1) the provider is contracted with another behavioral health provider with whom a formal agreement has been made to provide services; (2) an intake agency receives a referral from another behavioral health provider, following intake (due to additional

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services being required outside of the array of services offered by the behavioral health provider performing the intake; i.e. HNCM).

### 4.26 – Housing for Individuals Determined to have Serious Mental Illness (SMI)

AHCCCS, along with MC have worked collaboratively to ensure a variety of housing options and supportive services are available to assist members determined to have a Serious Mental Illness (SMI) live as independently as possible. Recovery often starts with safe, decent, and affordable housing so that individuals can live, work, learn, and participate fully in their communities. Safe, stable, and familiar living arrangements are critical to a member's ability to benefit from treatment and supportive services.

For MCLTC members who have been determined to have SMI and who can live independently, there are several programs accessed through the AHCCCS Housing Program (AHP) administrator to support independent living, including rental subsidies and project-based housing that combines housing services with other RBHA covered behavioral health services.

MC believes in permanent supportive housing and has adopted the SAMHSA model for permanent supportive housing services. The 12 Key Elements of SAMHSA Permanent Supportive Housing are:

- Tenants have a lease in their name, and, therefore, they have full rights of tenancy under landlord-tenant law, including control over living space and protection against eviction.
- Leases do not have any provisions that would not be found in leases held by someone who does not have a psychiatric disability.
- Participation in services is voluntary and tenants cannot be evicted for rejecting services.
- House rules, if any, are like those found in housing for people who do not have psychiatric disabilities and do not restrict visitors or otherwise interfere with a life in the community.
- Housing is not time-limited, and the lease is renewable at tenants' and owners' option.
- Before moving into Permanent Supportive Housing, tenants are asked about their housing preferences and are offered the same range of choices as are available to others at their income level in the same housing market.
- Housing is affordable, with tenants paying no more than 30 percent of their income toward rent and utilities, with the balance available for discretionary spending.
- Housing is integrated. Tenants can interact with neighbors who do not have psychiatric disabilities.
- Tenants have choices in the supportive services that they receive. They are asked about their choices and can choose from a range of services, and different tenants receive different types of services based on their needs and preferences.

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- As needs change over time, tenants can receive more intensive or less intensive supportive services without losing their homes.
- Supportive services promote recovery and are designed to help tenants choose, get, and keep housing.
- The provision of housing and the provision of supportive services are distinct.

For SMI members living outside of the Central GSA, housing subsidies can be accessed through the AHCCCS Housing Program (AHP) administrator.

### *MC Housing Requirements*

#### *State Funded Supportive Housing Programs for Central GSA*

MC complies with the following requirements to effectively manage limited housing funds in providing supportive housing services to enrolled individuals:

- MC and its subcontracted providers must not actively refer, or place individuals determined to have SMI in a homeless shelter, licensed supervisory care homes, unlicensed board and care homes, or other similar facilities.<sup>3F<sup>3</sup></sup>
- MC does not use supportive housing allocations for room and board charges in residential treatment settings (Level II and Level III facilities). However, MC may allow residential treatment settings to establish policies, which require that members earning income contribute to the cost of room and board.
- MC encourages its subcontracted providers to seek donations for necessary move-in/home furnishing items whenever possible. MC does not use supportive housing allocations or other funding received from AHCCCS (including block grant funds) to purchase furniture.
- For appeals related to supportive housing services, MC and its subcontracted providers must follow the requirements in [MCLTC Chapter 8 – Grievances, Appeals and Claim Disputes, Section 8.04 – Notice and Appeal Requirements \(SMI and Non-SMI/Non-Title XIX/XXI\).](#)
- Housing related grievances and requests for investigation for members determined to have SMI must be addressed in accordance with [MCLTC Chapter 8 – Grievances, Appeals and Claim Disputes, Section 8.03 – Conduct of Investigations Concerning Members with Serious Mental Illness.](#)

### *Other MC Housing Requirements*

MC submits Housing Deliverables and periodic reports on housing programs to AHCCCS, as outlined in the AHCCCS/MC contract.

### *Federal Programs and Assistance*

The US Department of Housing and Urban Development (HUD) provides funding for adults who are homeless and disabled. On May 20, 2009, President Obama signed into law a bill to reauthorize HUD's McKinney-Vento Homeless Assistance Programs. The bill, known as the

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Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, made numerous changes to HUD's homeless assistance programs:

- Significantly increases resources to prevent homelessness.
- New incentives will place more emphasis on rapid re-housing, especially for homeless families.
- The existing emphasis on creating permanent supportive housing for people experiencing chronic homelessness will continue, and families have been added to the definition of chronically homeless.
- Rural communities will have the option of applying under a different set of guidelines that may offer more flexibility and more assistance with capacity building.

HUD published the HEARTH Continuum of Care (CoC) Program interim rule on July 31, 2012 and it became effective August 31, 2012. Changes made include codifying the Continuum of Care process, expanding the definition of homelessness, and focusing selection criteria more on performance. The purpose of the CoC Homeless Assistance Program is to reduce the incidence of homelessness in CoC communities, by assisting homeless individuals and families in quickly transitioning to self-sufficiency and permanent housing, as authorized under Title IV of the McKinney–Vento Homeless Assistance Act.

The HEARTH Act consolidates the programs formerly known as the Supportive Housing Program (SHP), the Shelter Plus Care (S+C) Program, and the Section 8 Moderate Rehabilitation for Single Room Occupancy (SRO) Program into one grant program: The Continuum of Care program.

MC works in collaboration with the Arizona Department of Housing (ADOH) and AHCCCS and the three Continuums of Care to ensure the revised requirements of the HEARTH Act are met, allowing Arizona to maximize the HUD Continuum of Care Homeless Assistance Programs awarded throughout the State.

MC and its subcontracted providers awarded HUD funding are required to participate in the Homeless Management Information System (HMIS), a software application designed to record and store client-level information on the characteristics and service needs of homeless members. The HMIS is used to coordinate care, manage program operations, and better serve clients.

### ***Federal HUD Housing Choice Voucher Program***

- Tenants pay 30% of their adjusted income towards rent.
- Vouchers are portable throughout the entire country after one year.
- Permanent housing is obtainable for individuals following program rules.
- The program is accessed through local Public Housing Authorities through a waiting list.



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- Initial screening is conducted by the Public Housing Authority; however, the final decision is the responsibility of the landlord.
- A Crime Free - Drug Free Lease Addendum is required.

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### MCLTC Chapter 5 – Pharmacy Management

#### 5.00 - Pharmacy Management Overview

Prescription drugs may be prescribed by any authorized provider, such as a PCP, attending physician, dentist, etc. Prescriptions should be written to allow generic substitution whenever possible and signatures on prescriptions must be legible for the prescription to be dispensed. The [Preferred Drug List \(PDL\)](#) on our [Pharmacy](#) webpage, also referred to as a Formulary, identifies the medications selected by AHCCCS and the Pharmacy and Therapeutics Committee (P&T Committee) that are clinically appropriate to meet the therapeutic needs of our members in a cost effective manner.

#### 5.01 - Updating the Preferred Drug Lists (PDLs)

MC's PDLs are developed, monitored and updated by AHCCCS and the P&T Committee. The P&T Committee continuously reviews the PDLs and medications are added or removed based on objective, clinical and scientific data. Considerations include efficacy, side effect profile, and cost and benefit comparisons to alternative agents, if available.

Key considerations:

- Therapeutic advantages outweigh cost considerations in all decisions to change PDLs. Market share shifts, price increases, generic availability and varied dosage regimens may affect the actual cost of therapy.
- Products are not added to the list if there are less expensive, similar products on the formulary.
- When a drug is added to the PDL, other medications may be deleted.
- Participating physicians may request additions or deletions for consideration by the P&T Committee. Requests should include:
  - Basic product information, indications for use, its therapeutic advantage over medications currently on the PDL.
  - Which drug(s), if any, the recommended medication would replace in the current PDL.
  - Any published supporting literature from peer reviewed medical journals.

All PDL requested additions should be sent to:

Aetna Medicaid Administrators LLC  
Mercy Care Corporate Director of Pharmacy  
4500 E. Cotton Center Blvd.  
Phoenix, AZ 85040

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### **5.02 - Notification of PDL Updates**

MC will not remove a medication from the PDL without first notifying providers and affected members. MC will provide at least 30 days' notice of such changes. MC is not required to send a hard copy of the PDL each time it is updated, unless requested. A memo may be used to notify providers of updates and changes and may refer providers to view the updated PDL on the MC website. MC may also notify providers of changes to the PDL via direct letter. MC will notify members of updates to the PDL via direct mail and by notifying the prescribing provider, if applicable.

### **5.03 - Prior Authorization Required**

Prior authorization is required:

- If the drug is not included on the PDL.
- If the prescription requires compounding.
- For injectable medications dispensed by the physician and billed through the member's medical insurance, please call to initiate prior authorization for the requested specialty medication:
  - **MCCC/Mercy DD/MCLTC: 602-263-3000 or toll-free 800-624-3879**
  - **Mercy RBHA: 602-586-1841 or toll-free 800-564-5465**
- For injectable medications dispensed by the physician and billed through the member's medical insurance, please call 602-263-3000 or toll-free 800-624-3879 to initiate prior authorization for the requested specialty medication.
- For medication quantities which exceed recommended doses.
- For specialty drugs which require certain established clinical guidelines be met before consideration for prior authorization.
- **For certain medications on the PDL that are noted as requiring prior authorization or step therapy.**

In instances where a prescription is written for drugs not on the PDL, the pharmacy may contact the prescriber to either request a PDL alternative or to advise the prescriber that prior authorization is required for non-PDL drugs. Please see [Chapter 13 – Pharmacy Management, Section 13.13 – Request for Non-PDL Drugs](#) for additional information.

### ***Decision and Notification Standards***

MC makes pharmacy prior authorization decisions and notifies prescribing practitioners/providers, and/or members in a timely manner, according to the standards defined below:

- MC makes decisions within 24 hours of the receipt of all necessary information.
- MC notifies requesting prescribing providers by fax, phone or electronic communication of the approved decisions within 24 hours of receipt of the submitted request for prior authorization.

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- A request for additional information is sent to the prescriber by fax within 24 hours of the submitted request when the prior authorization request for a medication lacks enough information to render a decision. A final decision will be rendered within seven business days from the initial date of the request.
- If an authorization is denied, MC notifies members and practitioners and/or providers regarding how to initiate an expedited appeal at the time they are notified of the denial.
- MC *will fill at least* a 4-day supply of a covered outpatient prescription drug in an emergent situation.

### **5.04 - Over the Counter (OTC) Medications**

A limited number of OTC medications are covered for MC members. OTC medications require a written prescription from the physician that must include the quantity to be dispensed and dosing instructions. Members may present the prescription at any MC contracted pharmacy. OTCs are limited to the package size closest to a 30-day supply when filled at a retail pharmacy and up to a 90-day supply when filled at CVS mail order pharmacy. Please refer to the [Provider Drug List](#) for more information.

### **5.05 - Generic vs. Brand**

Generic medications represent a considerable cost savings to the health care industry and Medicaid program. As a result, generic substitution with A-rated products is mandatory unless the brand has been specifically authorized or as otherwise noted. In all other cases, brand names are listed for reference only.

### **5.06 - Diabetic Supplies**

Diabetic supplies are limited to a 30-day supply (to the nearest package size) with a prescription when filled at a retail pharmacy and up to a 90-day supply when filled at CVS mail order pharmacy.

### **5.07 - Injectable Drugs**

The following types of injectable drugs are covered when dispensed by a licensed pharmacist or administered by a participating provider in an outpatient setting and may require prior authorization:

- Immunizations when administered by a pharmacy in a retail pharmacy
- Chemotherapy for the treatment of cancer
- Medication to support chemotherapy for the treatment of cancer
- Glucagon emergency kit
- Hemophilia medications including Ceprotin and Stimate Nasal Spray which must be filled at CVS Specialty Pharmacy.
- Insulin; Insulin syringes

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- Immunosuppressant drugs for the post-operative management of covered transplant services
- Rhogam

### **5.08 - Exclusions**

The following items, by way of example, are not reimbursable by MC:

- DESI drugs (those considered less than effective by the FDA)
- Non-FDA approved agents
- Rogaine
- Any medication limited by federal law to investigational use only
- Medications used for cosmetic purposes
- Non-indicated uses of FDA approved medications without prior approval by MC
- Lifestyle medications (such as medications for sexual dysfunction)
- Medications used for fertility

### **5.09 - Family Planning Medications and Supplies**

Aetna Medicaid Administrators LLC administers the family planning benefit for MC that includes:

- Over-the-counter items related to family planning (condoms, foams, etc.) are covered and do not require prior authorization. However, the member must present a written prescription, to the pharmacy including the quantity to be dispensed. A supply for up to 30-days is covered.
- Injectable medications, administered in the provider's office, such as Depo-Provera will be reimbursed at the MC Fee Schedule, unless otherwise stated in the provider's contract.
- Oral contraceptives are covered for MC members, through Aetna Medicaid Administrators LLC.

### **5.10 - Behavioral Health Medications**

**PCP Medication Management Services:** In addition to treating physical health conditions, MC will allow PCPs to treat behavioral health conditions within their scope of practice. PCPs who treat members with behavioral health conditions may provide medication management services including prescriptions, laboratory and other diagnostic tests necessary for diagnosis, and treatment. For PCPs prescribing medications to treat SUDs, the PCP must refer the member to a behavioral health provider for the psychological and/or behavioral therapy component of the MAT model and coordinate care with the behavioral health provider.

**Transfer of Care:** For members transitioning from a BHMP to a PCP or from a PCP to a BHMP: PCPs and BHMPs shall coordinate the care and ensure that the member has a sufficient supply of medication(s) to last through the date of the member's first appointment with the PCP or BHMP.

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### *Psychotropic Medication: Prescribing and Monitoring*

Psychotropic medication will be prescribed by a psychiatrist who is a licensed physician, or a licensed nurse practitioner, licensed physician assistant, or physician trained or experienced in the use of psychotropic medication; that has seen the client and is familiar with the client's medical history or, in an emergency, is at least familiar with the client's medical history.

When a client on psychotropic medication receives a yearly physical examination, the results of the examination will be reviewed by the physician prescribing the medication. The physician will note any adverse effects of the continued use of the prescribed psychotropic medication in the client's record.

Whenever a prescription for medication is written or changed, a notation of the medication, dosage, frequency or administration, and the reason why the medication was ordered or changed will be entered in the client's record.

### *Assessments*

Reasonable clinical judgment, supported by available assessment information, must guide the prescription of psychotropic medications. To the extent possible, candidates for psychotropic medications must be assessed prior to prescribing and providing psychotropic medications. Psychotropic medication assessments must be documented in the member's comprehensive clinical record. Behavioral health medical providers (BHMPs) can use assessment information that has already been collected by other sources and are not required to document existing assessment information that is part of the member's comprehensive clinical record. At a minimum, assessments for psychotropic medications must include:

- An adequately detailed medical and behavioral health history;
- A mental status examination;
- A diagnosis;
- Target Symptoms;
- A review of possible medication allergies;
- A review of previously and currently prescribed psychotropic medications including any noted side effects and/or potential drug-drug interactions;
- Current medications prescribed by the PCP and medical specialists;
- Current over the counter (OTC) medications, including supplements;
- For sexually active females of childbearing age, a review of reproductive status (pregnancy); and
- For post-partum females, a review of breastfeeding status;

Annual reassessments must ensure that the provider prescribing psychotropic medication notes in the client's record:

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- The reason for the use of the medication and the effectiveness of the medication;
- The appropriateness of the current dosage;
- All medication (including medications prescribed by the PCP and medical specialists, OTC medications, and supplements) being taken and the appropriateness of the combination of the medications; and
- Any side effects such as weight gain and/or abnormal/involuntary movements if treated with an anti-psychotic medication.

### *Informed Consent*

Informed consent must be obtained from the member and/or legal guardian for each psychotropic medication prescribed. When obtaining informed consent, the BHP must communicate in a manner that the member and/or legal guardian can understand and comprehend. It is preferred that the prescribing clinician provide information forming the basis of an informed consent decision. In specific situations in which this is not possible or practicable, information may be provided by another credentialed behavioral health medical practitioner or registered nurse with at least one year of behavioral health experience.

The comprehensive clinical record must include documentation of the essential elements for obtaining informed consent. Essential elements for obtaining informed consent for medication are contained within the [Informed Consent for Psychotropic Medication Treatment](#). The use of this form is recommended as a tool to document informed consent for psychotropic medications. If Informed Consent for Psychotropic Medication Treatment is not used to document informed consent, the essential elements for obtaining informed consent must be documented in the member's individual comprehensive clinical record in an alternative fashion.

### *Psychotropic Medication Monitoring*

Psychotropic medications are known to affect health parameters. Depending on the specific psychotropic medication(s) prescribed, these parameters must be monitored according to current national guidelines, considering individualized factors. At a minimum, these must include:

- **Heart Rate and Blood Pressure:** On initiation of any medication, follow up at week 12, and at least annually thereafter or more frequently as clinically indicated.
- **Weight/Body Mass Index (BMI):** On initiation of any medication, follow up at week 4, 8, 12, each visit and at least annually thereafter.
- **Abnormal Involuntary Movements (AIMS):** On initiation of any antipsychotic medication, follow up at week 12, and at least every six months thereafter or more frequently as clinically indicated.
- **Fasting glucose:** On initiation of any medication affecting this parameter, follow up at week 12, and at least annually thereafter or more frequently as clinically indicated.



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- **Lipids:** On initiation of any medication affecting this parameter, at week 12, and at least annually thereafter or more frequently as clinically indicated.
- **Complete Blood Count (CBC):** On initiation of any medication affecting this parameter and at least annually thereafter or more frequently as clinically indicated.
- **Liver function:** On initiation of any medication affecting this parameter and at least annually thereafter or more frequently as clinically indicated.
- **Lithium level:** Within one week of initiation of lithium or significant change in dose, follow up at 6 months, and at least annually thereafter or more frequently as clinically indicated.
- **Thyroid functions:** On initiation of lithium, at 6 months, at any significant change in dose, and at least annually thereafter, or more frequently as clinically indicated.
- **EKGs:** On initiation of any medication affecting the QT interval, then as clinically indicated.
- **Renal function:** On initiation of lithium, follow up at 3 months, 6 months, at any significant change in dose, and at least annually thereafter or more frequently as clinically indicated.
- **Valproic acid level:** Within one week of initiation of valproic acid or divalproex or significant change in dose and at least annually thereafter or more frequently as clinically indicated.
- **Carbamazepine level:** Within one week of initiation of carbamazepine or significant change in dose and at least annually thereafter or more frequently as clinically indicated.
- **Review of all Medications,** including medications prescribed by the PCP and medical specialists, OTC medications, and supplements at least annually or more frequently as clinically necessary.
- **Children** are more vulnerable than adults about developing several antipsychotic induced side effects. These included higher rates of sedation, extrapyramidal side effects (except for akathisia), withdrawal dyskinesia, prolactin elevation, weight gain and at least some metabolic abnormalities. (Journal of Clinical Psychiatry 72:5 May 2011)

### *Polypharmacy*

Commonly used psychotropic medication combinations include the following: medication combinations used to treat multiple disorders in the same patient, medication combinations that offer unique treatment advantages for a single disorder, and medication combinations to address side effects of an effective agent ([Practice Parameter on the Use of Psychotropic Medication in Children and Adolescents J. AM. ACAD. CHILD ADOLESC. PSYCHIATRY, 48:9, SEPTEMBER 2009](#)).

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Mercy Care recognizes two types of polypharmacy: intra-class polypharmacy and inter-class polypharmacy. Below are Mercy Care's expectations regarding prescribing multiple psychotropic medications to a member being treated for a behavioral health condition:

- **Intra-class Polypharmacy:** Defined as more than two medications prescribed at the same time within the same class, other than for cross-tapering purposes. The member's medical record must contain documentation specifically describing the rationale and justification for the combined use.
- **Inter-class Polypharmacy:** Defined as more than three medications prescribed at the same time from different classes of medications for the overall treatment of behavioral health disorders. The medical record must contain documentation specifically describing the rationale and justification for the combined use.
- **Polypharmacy in Children aged Birth to Five:** Defined as use of more than one psychotropic medication at a time (see [Practice Guidelines for Children: Birth to Five Years of Age](#)).

### *Reporting Requirements*

Mercy Care has established system requirements for monitoring the following:

- Adverse drug reactions;
- Adverse drug event; and
- Medication errors.

The above referenced events are identified, reported, tracked, reviewed and analyzed by Mercy Care.

An incident report must be completed for any medication error, adverse drug event and/or adverse drug reaction that results in harm and/or emergency medical intervention.

### **5.11 - Request for Non-PDL Drugs**

A participating or nonparticipating practitioner/provider acting on behalf of a member is to obtain prior authorization from MC before prescribing or obtaining medications that are not listed in the Formulary/PDL or the member's prescription drug benefit. MC will require the practitioner/provider to submit the MC Pharmacy Prior Authorization request form and all the necessary supporting medical documentation (e.g., pertinent medical records, completed Federal Drug Administration [FDA] Med Watch form).

The prescribing provider is responsible for submitting authorization requests for non-formulary drugs to the Pharmacy Prior Authorization unit by phone, fax, or electronic PA (ePA), and is responsible for providing medical information necessary to review the request.

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Pharmacy Prior Authorization will accept drug-specific information necessary for the authorization review from the prescribing practitioner. MC will inform the member and provider of authorization approvals or denials by written notice.

Any new drugs that are approved by the FDA will be considered through AHCCCS and the P&T Committee review process for addition to MC formulary, and would be made available as a non-formulary drug, requiring PA, upon their availability in the marketplace

To support routine Non-Formulary pharmacy authorization decisions, MC uses guidelines, based on FDA-approved indications, evidence-based clinical literature, recognized off-label use supported by peer-reviewed clinical studies, and member's benefit design, which are applied based on individual members.

The Non-Formulary Guideline is used to evaluate authorization requests for which there are not specific guidelines. A request may be authorized if any of the following conditions are met:

- Drug is deemed to be medically necessary AND
- All formulary drugs (when available) in the same therapeutic category have been utilized for an adequate trial and have not been effective OR
- Formulary drugs in the same therapeutic category are contra-indicated OR
- There is no therapeutic alternative listed on the Formulary

**5.12 – Discarded Physician-Administered Medications**

Discarded federally and state reimbursable physician-administered medications shall not be billed to MC. A.A.C. R9-22-209(C) provides that pharmaceutical services are covered only if they are prescribed. The unused portion of a physician administered drug is not covered because it's not medically necessary or prescribed.

A.R.S. §36-2918(A)(1) prohibits a person from making a claim for an item or service that the person knows or has reason to know was not provided as claimed.

A.R.S. §36-2918(A)(3)(b) prohibits a person from submitting a claim for items and services that substantially exceed the needs of the patient.

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**MCLTC Chapter 6 – Partnership Requirements with Families and Family-Run Organizations****6.00 – Peer and Family Support Services**

Peer and family services are a vital part of member- and family-centered care. When you put a member and their family at the center of their care, the individual's voice is strengthened, and recovery and resiliency can remain the primary focus for all involved in the care for loved ones experiencing mental illness.

Peer support services usually operate in conjunction with clinical services which amplify the benefits of treatment by engaging peers in services they might otherwise not accept, offering ongoing support and psychosocial rehabilitation, and encouraging peers to stay in treatment and services by sharing their stories of recovery. Peer support activities could include, but are not limited to, developing formal and informal supports, instilling confidence, assisting in the development of goals, and/or serving as an advocate, mentor, or facilitator for resolution of issues and skills necessary to enhance and improve the health of a member with emotional, behavioral, or co-occurring disorders.

Family support services are directed toward the restoration, enhancement, or maintenance of the family functioning to increase the family's ability to effectively interact and care for the person in the home and community. Parent/family support activities could include, but are not limited to, assisting the family to adjust to the individual's needs, developing skills to effectively interact and/or guide the individual, understanding the causes and treatment of behavioral health concerns, understanding and effectively utilizing the system, and/or planning long term care for the individual and the family.

Peer and family support services are a valuable addition to traditional care, and these services are known to contribute to improved outcomes in employment, education, housing stability, satisfaction, self-esteem, medication adherence, and decrease in the need for more costly services, such as hospitalizations. Peer and family-provided services help to foster recovery, increase treatment and service engagement, reduce acute care use, and improve quality of life. Peer and family services are available to all MC Title 19 and Non-Title 19 members and their families within the health home setting as well as at community-based supportive service organizations. Based on member's choice, a member may receive peer support services at their health home and/or at a supportive service provider; however, the service must be identified on the member's individualized service plan. Regarding family support services, a family member may receive family support services at the member's health home and/or at a supportive service provider, if indicated on the member's service plan and the member is in agreement.

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Trainers of peer/recovery support specialists, and individuals seeking training and/or employment as a peer and/or recovery support specialist shall:

- a) Self-identify as a peer
- b) Qualify as a behavioral health paraprofessional, behavioral health technician, or behavioral health professional.

Individuals meeting the above criteria may be credentialed as a peer and/or recovery support specialist by completing training and passing a competency exam through an AHCCCS/OIFA approved Peer Support Employment Training Program. Individuals are credentialed by the agency operating the Peer Support Employment Training Program. Credentialing is required statewide to deliver peer support services. A list of training programs can be accessed by reaching out to [oifateam@mercycaresaz.org](mailto:oifateam@mercycaresaz.org).

The OIFA Team has authority to request and review both new and existing PSETP materials upon request. A member of the OIFA Team would contact the program developer and request the materials to be submitted within 2 weeks to the [oifateam@mercycaresaz.org](mailto:oifateam@mercycaresaz.org). Should the OIFA Team have feedback to further develop or enhance their curricula, written feedback will be provided within 2 weeks and a follow up meeting will be scheduled to review recommendations and discuss any enhancements. Prospective and current PSETPs interested in recommendations and input from the OIFA Team may also request additional review and oversight through contact with [oifateam@mercycaresaz.org](mailto:oifateam@mercycaresaz.org).

Provider agencies rendering peer support services to any AHCCCS member including fee for service members shall maintain documentation evidencing that all actively employed peer/recovery support specialists have met the required qualifications and credentialing. All providers of peer/recovery support services are required to complete quarterly reports utilizing AMPM Policy 963: Attachments A, B, C and E.

Peer Support Employment Training Programs (PSETPs) are approved through AHCCCS/OIFA. PSETPs shall include core elements addressed in AMPM Policy 963: Section H. Additional resources for development of curriculum can be found in AMPM Policy 963: Attachment D, as well as by contacting [oifateam@mercycaresaz.org](mailto:oifateam@mercycaresaz.org) for questions or assistance. PSETPs are required to send all credentialed individuals who completed and passed their training program to AHCCCS/OIFA. Individuals credentialed in another state shall submit their credential to AHCCCS/OIFA through their employing provider.

Individuals employed as a peer and/or recovery support specialist (PRSS) shall have adequate access to continuing education relevant to peer support. PRSS shall obtain a minimum of two hours of Continuing Education and Ongoing Learning relevant to Peer Support, per year. Agencies employing peer and/or recovery support specialists shall provide supervision by

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individuals qualified as behavioral health technicians or behavioral health professionals. Supervision shall be documented and inclusive of both clinical and administrative supervision. Supervisors of peer and/or recovery support specialists shall have adequate access to continuing education relevant to the provision of peer support services and supervision of peer and/or recovery support specialists.

Trainers of parent/family support specialists and individuals seeking training and/or employment as a parent/family support specialist shall:

- a. Self-identify as an individual who has lived experience as a primary natural support for an adult with emotional, behavioral health or substance abuse needs OR as a parent or primary caregiver with lived experience who has raised or is currently raising a child with emotional, behavioral health and/or substance use disorders
- b. Qualify as a behavioral health paraprofessional, behavioral health technician, or behavioral health professional.

Individuals meeting the above criteria may be credentialed as a parent/family support specialist by completing training and passing a competency exam through an AHCCCS/OIFA approved Credentialed Parent/Family Support Training Program. Individuals are credentialed by the agency operating the Credentialing Parent/Family Support Training Program. A list of training programs can be accessed by reaching out to [oifateam@mercycares.org](mailto:oifateam@mercycares.org).

Provider agencies rendering family support services to any AHCCCS member including fee for service members shall maintain documentation of all actively employed parent/family support specialists that have met the required qualifications and credentialing. All providers are required to complete quarterly reports utilizing AMPM Policy 964: Attachments A, B, C and D.

Credentialed Parent/Family Support Training Programs (CPFSPs) are approved through AHCCCS/OIFA. CPFSPs shall include core elements addressed in AMPM Policy 964: Section E.

Additional resources for development of curriculum can be found by contacting [oifateam@mercycares.org](mailto:oifateam@mercycares.org). CPFSPs are required to send all credentialed individuals completing their training program to AHCCCS/OIFA. Individuals credentialed in another state shall submit their credential to AHCCCS/OIFA through their employing provider.

Individuals employed as a parent and/or family support specialist shall have adequate access to continuing education relevant to parent and/or family support. Agencies employing parent and/or family support specialists shall provide supervision by individuals qualified as behavioral health technicians or behavioral health professionals. Supervision shall be documented and inclusive of both clinical and administrative supervision. Supervisors of parent and/or family support specialists shall have adequate access to continuing education relevant to the provision

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of family support services and best practices in providing supervision to credentialed parent/family support providers.

**6.01 – Incorporating Peer and Family Voice and Choice in Integrated Care Service Delivery*****Advisory Councils***

All behavioral health providers must establish and maintain an Advisory Council made up of members receiving services at a provider's clinic, family members, clinic leadership, and clinic staff.

The purpose of the Advisory Council is to give individuals receiving services and their family members the opportunity to participate in organizational decision making and have regular dialogue with their clinics. The clinics of contracted providers are required to organize and hold an Advisory Council, making available to clinic members and family members a formal platform and opportunity to offer meaningful input, recommendations, and participate in decision-making and service planning with clinic leadership and staff in a comfortable and collaborative environment.

Advisory Councils will be held monthly for a minimum of one hour. The clinic is responsible for promoting their Advisory Council, ensuring members and family members are aware of the purpose of the advisory council and the time and location of each month's meeting. Each clinic will be required to post the time and location of their monthly advisory council through signage in a dedicated area of their main lobby and/or on a virtual platform i.e., clinic website, social media pages, etc. in addition to other appropriate methods to inform members and their families of each upcoming council meeting. Required attendance for each monthly advisory council will be at least 2 clinic members actively receiving clinic services and a minimum of 1 family member. Vested community partners and stakeholders are also allowed to attend and are welcomed to present information and resources appropriate to members and family members in attendance. A member of clinic leadership must be present at all Advisory Councils. A clinic's Advisory Council will consist of a Chair, Co-Chair and a Facilitator. The Chair and Co-Chair positions can only be held by clinic members and/or family members and these roles, in collaboration with the Facilitator, will lead their respective clinic's Advisory Council meetings. The Advisory Council Facilitator position is reserved only for a member of clinic staff and will be responsible for the organization of the Advisory Council in collaboration with the council's Chair and/or Co-Chair and notation of the findings and discussions during each Advisory Council meeting. Notetaking duties can be delegated to another clinic staff member, if necessary.

Each clinic will be entrusted with the responsibility of reviewing member feedback, making recommendations for improvement, and documenting these findings in detail in the meeting minutes. Monthly meeting minutes must be posted on or directly under their advisory council signage located in the clinic lobby for public consumption for those who were unable to attend. Minute meetings may also be distributed digitally to clinic members and their families at the



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discretion and guidance from clinic leadership. All Advisory Council participants are required to sign the sign in sheet, this includes members, clinic staff and any community partners. Meeting minutes and sign-in sheets will be retained and distributed to the Mercy Care Office of Individual and Family Affairs by the fifteenth of the following month.

When applicable, the Mercy Care Office of Individual and Family Affairs will provide technical assistance in the development and sustainment of a clinic's Advisory Council. The Office of Individual and Family Affairs will be available to provide Advisory Councils with support and participate in meetings when appropriate.

### *Peer, Youth and Family Engagement and Participation Committee Involvement and Participation*

MC encourages all members and their families to become involved in a way that is comfortable to them and allows them to voice concerns, provide input, make recommendations, and participate in decision-making. All committee participants will be provided with a description of their rights, roles and responsibilities as described below.

#### ***Individual and Family Rights***

- Participate in dialogue and discussions as an equal participant;
- Have input valued and respected by other committee member and participants;
- Receive information in a time frame that allows for the review of materials prior to the meeting;
- Receive adequate notice of scheduled meetings;
- Have questions answered in a respectful manner;
- Have opportunities to attend trainings on their roles and responsibilities, reviewing data, or other topics that will support their meaningful participation on the committee;
- Make recommendations that are equally considered by the committee;
- Participate in workgroups or subcommittees, as needed and appropriate;
- Participate equally in decision-making by the committee; and
- Have access to a MC staff member to support their participation in the committee through coaching and technical assistance.

#### ***Peer, Youth and Family Roles***

- Participate in the review of all quality improvement measures and performance indicators;
- Participate in the review of community facing educational and marketing materials;
- Participate in monitoring service delivery and development;
- Provide input on the quality of services provided to the community;
- Assist in identifying gaps in services;
- Identify community needs and work with committee members to develop recommendations to fill those needs;

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- As a committee participant, submit to the MC Governance Committee recommendations regarding ways to improve the delivery of mental health and substance use services;
- Provide advice and consultation regarding development of new models of service delivery;
- Observe, report, and participate in strategic planning; and
- Share insights and information about their experiences in ways that others can learn from them.

### *Peer, Youth and Family Responsibilities*

- Participate in scheduled trainings;
- Attend meetings;
- Inform the committee lead if unable to attend a meeting;
- Stay informed about issues impacting the behavioral health delivery system
- Review all materials presented within specified time frames;
- Provide thoughtful input;
- Work toward fulfilling the committee/workgroup's objectives;
- Carry out individual assignments within specified timeframes;
- Focus on the best interests of the behavioral health delivery system;
- Consult with consumers, providers and RBHA staff to develop a better understanding of differing viewpoints, as well as the potential impact of service proposals on the greater community;
- Deal with one another and the greater community in ways that respect the dignity and worth of all members; and
- Encourage communication that clarifies intent

### *Engagement and Involvement of Members and Family Members in Service Planning and Delivery*

To ensure the inclusion of peer and family members, MC's contracted service providers are responsible for carrying out the activities that comprise effective engagement and involvement of members and family members in service planning and service delivery. The contracted providers are responsible for facilitating the building of rapport and encouragement of individuals to include others, such as family members, relatives, and other natural supports in the process.

Behavioral health services will be done in an effective and recovery-oriented fashion and delivered through a strengths-based assessment and service planning approach. The model incorporates the concept of a "team", established for each member receiving behavioral health services.

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For children, this team is the Child and Family Team (CFT) and for adults, this team is the Adult Recovery Team (ART). At a minimum, the functions of the Child and Family Team and Adult Recovery Team include initial and ongoing engagement of the member, family and others who are significant in meeting the behavioral health needs of the member, including their active participation in the decision-making process and involvement in treatment.

The team process emphasizes a family friendly, culturally sensitive and clinically sound model that focuses on identification of the member and family strengths. The process includes engagement and input from those members being served, as well as their family and significant others, and focuses on identifying the member's and team member's preferences.

MC requires the following from subcontractors and providers:

- The ability to welcome and engage family members in the member's service planning and service delivery as full partners in the planning, delivery and evaluation of services and supports;
- Demonstration of the ability to include family members viewpoint in the service planning and service delivery processes;
- Encourage and engage family members to participate, be active and respected as part of the member's team;
- During the assessment process, establish that the service assessment and service planning process is viewed as a partnership and is a team approach;
- During the Individual Service Plan (ISP) development, the assessor will identify the unique strengths, needs and preferences of the member, family/caregiver and identified team members. The needs (and associated services) identified in the ISP will be tailored to the unique strengths, values and beliefs of each individual member and their family, and will be updated as members progress toward recovery and their goals evolve;
  - All Individual Service Planning (ISP) and development with children is completed collaboratively with the child's parent and/or primary caregiver;
  - Development and prioritization of ISP goals are not focused solely on the child, but include the parent, caregiver and the needs of the family as a whole;
- All ISP should consider the inclusion of community and natural supports;
- Providers are required to adhere to [AHCCCS Clinical Guidance Tool Family and Youth Involvement in the Children's Behavioral Health System](#).
- Provide support to family members to assist in eliminating barriers preventing them from actively participating on the member's team, and;
- Establish a mechanism that will provide family support be accessible to families to help engage the family and to help the individual best utilize their natural support network;
- Establish partnerships with peer-run and family-run organizations to co-facilitate trainings on peer and family-professional partnerships, and;

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- Partner with peer and family-run organizations in the delivery of training on peer-to-peer and family-to-family roles for Peer and Parent/Family Support Provider roles employed in the system.

MC requires providers to demonstrate documentary evidence to show participation of at least one peer, youth or family during the interview process when hiring for all direct services staff positions. MC requires affiliated providers to have at least one peer/recovery support specialist assigned on each adult recovery team.

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### MCLTC Chapter 7 – Dental and Vision Services

#### 7.00 - Dental Services

##### *DentaQuest*

DentaQuest administers dental benefits for MCLTC. DentaQuest has administrative oversight for the following responsibilities:

- Credentialing
- Patient Management
- Prior Authorization
- Claims
- Customer Service Calls from Providers
- Appeals

MCLTC will administer the following for our members:

- Grievances
- Customer Service Calls from Members

Claims with dates of service on or after January 1, 2015 need to be sent to DentaQuest at the following claims address:

DentaQuest of Arizona, LLC – Attention: Claims  
12121 N Corp Parkway  
Mequon, WI 53092

For electronic claims submissions, DentaQuest works directly with the following Clearinghouses:

Change Healthcare (888-255-7293)  
Tesla (800-724-7420)  
EDI Health Group (800- 576-6412)  
Secure EDI (877-466-9656)  
Mercury Data Exchange (866-633-1090)

You can contact your software vendor to make certain that they have DentaQuest listed as the payer and claim mailing address on your electronic claim. Your software vendor will be able to provide you with any information you may need to ensure that submitted claims are forwarded to DentaQuest. DentaQuest's Payer ID is CX014.

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If you have additional questions regarding your claims for DentaQuest, you may contact them directly at 844-234-9831. They will be happy to assist you.

You may also utilize their Interactive Voice Response (IVR) system 24 hours a day, 7 days a week that provides up-to-date information regarding member eligibility, claim status, and much more. Benefits associated with this program and more detailed information regarding DentaQuest can be found in their Office Reference Manual on-line at [www.dentaquestgov.com](http://www.dentaquestgov.com).

#### ***Dental Screening/Dental Treatment for children under 21***

More information regarding Dental Screening/Dental Treatment for children under 21 is available under the **MC Chapter 5 – Early and Periodic Screening, Diagnostic and Treatment (EPSDT), under Section 5.13 – Dental Screening and Referrals.**

The following dental services/dental treatments are covered for children under age 21:

- oral health screenings
- cleanings
- fluoride treatments
- dental sealant
- oral hygiene education
- x-rays
- fillings
- extractions
- other therapeutic and medically necessary procedures
- routine dental services

Two (2) routine preventive dental visits are covered per year. Visits to the dentist must take place within six months and one day after the previous visit. The first dental visit should take place by one year of age. Members under 21 years of age do not need a referral for dental care.

Benefits covered for children under age 21 are in accordance with AHCCCS' [Exhibit 431, Attachment A - AHCCCS Dental Periodicity Table](#). Benefits are also outlined in the DentaQuest Office Manual available at [www.dentaquestgov.com](http://www.dentaquestgov.com).

Mercy Care assigns all members under 21 years of age to a dental home. A dental home is where the member and a dentist work together to best meet dental health needs. Having a dental home builds trust between the member and the dentist. It is a place where the member can get regular, ongoing care, not just a place to go when there is a dental problem. A “dental

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home” may be an office or facility where all dental services are provided in one place. Members can choose or change their assigned dental provider.

### *Emergency Dental Services for Members 21 Years of Age and Older*

Members 21 years of age or older have a \$1,000 annual emergency dental benefit per health plan year. The annual benefit plan year runs from October 1 - September 30. Medically necessary emergency dental care and extractions are covered for persons age 21 years and older who meet the criteria for a dental emergency. A dental emergency is an acute disorder of oral health resulting in severe pain and/or infection because of pathology or trauma.

Emergency dental services\* include:

- Emergency oral diagnostic examination (limited oral examination - problem focused);
- Radiographs and laboratory services limited to the symptomatic teeth;
- Composite resin due to recent tooth fracture for anterior teeth;
- Prefabricated crowns, to eliminate pain due to recent tooth fracture only;
- Recementation of clinically sound inlays, onlays, crowns, and fixed bridges;
- Pulp cap, direct or indirect plus filling;
- Root canals and vital pulpotomies when indicated for the treatment of acute infection or to eliminate pain;
- Apicoectomy performed as a separate procedure, for treatment of acute infection or to eliminate pain, with favorable prognosis;
- Immediate and palliative procedures, including extractions if medically necessary, for relief of pain associated with an oral or maxillofacial condition;
- Tooth reimplantation of accidentally avulsed or displaced anterior tooth, with favorable prognosis;
- Temporary restoration which provides palliative/sedative care (limited to the tooth receiving emergency treatment);
- Initial treatment for acute infection, including, but not limited to, periapical and periodontal infections and abscesses by appropriate methods;
- Preoperative procedures and anesthesia appropriate for optimal patient management; and
- Cast crowns limited to the restoration of root canal treated teeth only.

\*Emergency dental services do not require prior authorization.

Dental services that are **not** covered:

- Diagnosis and treatment of TMJ - except to reduce trauma
- Maxillofacial dental services that are not needed to reduce trauma
- Routine restorative procedures and routine root canal therapy
- Bridgework to replace missing teeth
- Dentures



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Covered dental services not subject to the \$1,000 emergency dental limit include:

- Extraction of teeth in preparation for radiation treatment of cancer of the jaw, neck or head.
- Members who require medically necessary dental services before getting a covered organ or issue transplant\*\*:
  - Treatment for oral infections
  - Treatment of oral disease, including dental cleanings, treatment of periodontal disease, medically necessary extractions and simple restorations.

\*\*These services are covered only after a transplant evaluation determines that the member is a candidate for organ or tissue transplantation.

Anesthesia related to the emergency dental services also falls under the annual \$1,000 benefit.

Emergency dental codes are covered only if they meet the criteria of emergent treatment per AHCCCS policy. For additional detail regarding this benefit, we are including the following link to the AHCCCS Medical Policy Manual:

- [Exhibit 310 D1 - Dental Services for Members 21 Years of Age and Older](#)

In addition, in accordance with A.R.S. §36-2939, MCLTC members age 21 or older may receive medically necessary dental benefits up to \$1,000 per member per contract year (October 1st to September 30th) for diagnostic, therapeutic and preventative care, including dentures. The services described in the above emergency dental AMPM Policy 310-D1 do not count towards the ALTCS \$1,000 limit.

- [Exhibit 310 D2 - Arizona Long Term Care System Adult Dental Services](#)

### ***Informed Consent***

Informed consent is a process by which the provider advises the recipient/recipient's representative of the diagnosis, proposed treatment and alternate treatment methods with associated risks and benefits of each, as well as the associated risks and benefits of not receiving treatment.

Informed consents for oral health treatment include:

- A written consent for examination and/or any preventative treatment measure, which does not include an irreversible procedure, as mentioned below. This consent is completed at the time of initial examination and is updated at each subsequent six-month follow-up appointment.
- A separate written consent for any irreversible invasive procedure, including but not limited to, dental fillings, pulpotomy, etc. In addition, a written treatment plan must be

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reviewed and signed by both parties, as described below, with the member/member's representative receiving copy of the complete treatment plan.

All providers will complete the appropriate informed consents and treatment plans for AHCCCS members as listed above to provide quality and consistent care, in a manner that protects and is easily understood by the member and/or member's representative.

This requirement extends to all mobile unit providers. Consents and treatment plans must be in writing and signed/dated by both the provider and the patient or patient's representative. Completed consents and treatment plans must be maintained in the member's chart and subject to audit.

***Notification Requirements for Charges to Members***

Providers will provide medically necessary services within the \$1,000.00 allowable amount. If medically necessary services are greater than \$1,000.00, the provider may perform the services after the following notifications take place.

In accordance with A.A.C. R9-22-702 (Charges to Members), the provider must inform/explain to the member both verbally and in writing in the member's primary language, that the dental service requested is not covered and exceeds the \$1,000.00 limit. If the member agrees to pursue the receipt of services:

- The provider must supply the member a document describing the service and the anticipated cost of the service.
- Prior to service delivery, the member must sign and date a document indicating that he/she understands that he/she will be responsible for the cost of the service to the extent that it exceeded the \$1,000.00 limit.

***Billing for MCLTC Dental Services***

Dentists will bill on the ADA form with the dental service codes and submit all claims to DentaQuest.

Dental claims need to be submitted to:

DentaQuest of Arizona, LLC. – Attention: Claims  
P.O. Box 2906  
Milwaukee, WI 53201-2906

***Billing for Medical Services***

- Physicians performing general anesthesia will bill on the CMS 1500 form with the appropriate CPT/HCPCS codes.

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- Ambulatory Surgical Centers will bill on the CMS 1500 form with the appropriate CPT/HCPCS codes and modifiers.
- Outpatient facility surgical services will be billed on the UB-04 with appropriate revenue codes and CPT/HCPCS codes.

Medical claims need to be submitted to:

Mercy Care Long Term Care  
Claims Department  
P.O. Box 982975  
El Paso, TX 79998-2975

### 7.01 - Vision Services

#### *Vision Overview*

MCLTC covers eye and optometric services provided by qualified eye/optometry professionals within certain limits based on member age and eligibility:

- Emergency eye care, which meets the definition of an emergency medical condition, is covered for all members.
- For members who are 21 years of age or older, treatment of medical conditions of the eye, excluding eye examinations for prescriptive lenses and the provision of prescriptive lenses, are covered.
- Vision examinations and the provision of prescriptive lenses are covered for members under the EPSDT, KidsCare program and for adults when medically necessary following cataract removal.
- Cataract removal is covered for all eligible members under certain conditions. For more information, please review the **AHCCCS Medical Policy Manual, Chapter 300**.

#### *Coverage for Children (Under Age 21)*

- Medically necessary emergency eye care, vision examinations, prescriptive lenses and treatments for conditions of the eye.
- PCPs are required to provide initial vision screening in their office as part of the EPSDT program.
- Members under age 21 with vision screening of 20/60 or greater should be referred to the Nationwide for further examination and possible provision of glasses.
- Replacement of lost or broken glasses is a covered benefit.
- Contact lenses are not a covered benefit.

#### *Nationwide Referral Instructions*

Nationwide is MCLTC's contracted vendor for all vision services, including diabetic retinopathy exams. Members requiring vision services should be referred by their PCP's office to a

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Nationwide provider listed on MCLTC's website. The member may call Nationwide directly to schedule an appointment.

#### *Coverage for Adults (21 years and older)*

- Emergency care for eye conditions when the eye condition meets the definition of an emergency medical condition; for cataract removal and/or medically necessary vision examinations; and for prescriptive lenses if required following cataract removal.
- Routine eye exams and glasses are not a covered service for adults.
- Adults 21 years of age and older should only be referred to a contracted ophthalmologist for the diagnosis and treatment of eye disease.

#### *Vision Community Resources for Adults*

AHCCCS benefits do not include routine dental and vision services for adults. However, there are community resources available to help members obtain routine dental and vision care. For more information, call MCLTC's Member Services at 602-263-3000 or 800-624-3879 (toll-free).

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**MCLTC Chapter 8 – Grievances, Appeals and Claim Disputes****8.00 - Grievances**

MCLTC's Grievance System includes a process for enrollee grievances, enrollee appeals, provider claim disputes and access to the State Fair Hearing system.

A Grievance is described as any written or verbal expression of dissatisfaction over anything that does not involve appealing a decision, such as a denial or discontinuance of services or benefits. Grievances may be filed by a member or provider authorized in writing to act on the member's behalf. A grievance may be submitted orally or in writing to any MCLTC staff person. Grievances include, but are not limited to, issues regarding:

- Quality of care or services
- Accessibility or availability of services
- Interpersonal relationships (e.g., rudeness of a provider or employee, cultural barriers or insensitivity)
- Claims or billing
- Failure to respect a member's rights

To file a grievance, members and/or providers filing on behalf of a member, should contact Member Services by phone at 602-263-3000, Toll -Free at 800-634-3879, or in writing at:

Mercy Care  
Member Services Department  
4500 E. Cotton Center Blvd.  
Phoenix, AZ 85040

MCLTC will respond and resolve member grievances at the time of the initial call, if possible, or within 90 days if further investigation is needed. If resolution to the grievance is not favorable to the member or representative, MCLTC will also provide written information to both members and providers, regarding the Grievance and Appeal System requirements. This includes:

- The right to a state fair hearing, the method for obtaining a state fair hearing
- The Rules that govern representation at the hearing
- The right to file grievances, appeals and claim disputes
- The requirements and timeframes for filing grievances, appeals and claims disputes
- The availability of assistance in the filing process, the toll-free numbers that the member can use to file a grievance or appeal by phone
- That benefits will continue when required by the member in an appeal or a state fair hearing request concerning certain actions which are timely filed

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- That the member may be required to pay the cost of services furnished during the appeal/hearing process if the final decision is averse to the member, and
- That a provider may file an appeal on behalf of a member with the member's written consent

If the grievance involves a quality of care concern, it will be forwarded to MCLTC's Quality Management Department for further review. The concern will be investigated, and the member will receive a closure letter after the investigation is completed.

**8.01 - Provider Claim Disputes**

A claim dispute is a dispute involving the payment of a claim, denial of a claim, imposition of a sanction or reinsurance. A provider may file a claim dispute based on:

- Claim Denial
- Recoupment
- Dissatisfaction with Claims Payment

Before a provider initiates a claims dispute, the following needs to occur:

- The claim dispute process should only be used after other attempts to resolve the matter have failed.
- The provider should contact MCLTC Claims and/or Network Management to seek additional information prior to initiating a claim dispute.
- The provider must follow all applicable laws, policies and contractual requirements when filing.
- According to the Arizona Revised Statute, Arizona Administrative Code and AHCCCS guidelines, all claim disputes related to a claim for system covered services must be filed in writing and received by the administration or the prepaid capitated provider or program contractor:
  - Within 12 months after the date of service.
  - Within 12 months after the date that eligibility is posted.
  - Or within 60 days after the date of the denial of a timely claim submission, whichever is later.

You may submit your claim dispute in writing through the mail or send electronically to us through fax. Not only do we now have the ability to receive disputes by fax, but we can also respond back to our providers via fax, allowing you to receive faster decisions. If you choose to send via fax, please fax your disputes to 602- 351-2000.

Written claim disputes must be submitted to the MCLTC Appeals Department. Please include all supporting documentation with the initial claim dispute submission. The claim dispute must specifically state the factual and legal basis for the relief requested, along with copies of any

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supporting documentation, such as remittance advice(s), medical records or claims. Failure to specifically state the factual and legal basis may result in denial of the claim dispute.

MCLTC will acknowledge a claim dispute request within five (5) business days after receipt. If a provider does not receive an acknowledgement letter within five (5) business days, the provider must contact the Appeals Department. Once received, the claim dispute will be reviewed, and a decision will be rendered within 30 days after receipt. MCLTC may request an extension of up to 45 days, if necessary. If you are submitting via mail, the claim dispute, including all supporting documentation, should be sent to:

Mercy Care  
Appeals Department  
4500 E. Cotton Center Blvd.  
Phoenix, AZ 85040

If a provider disagrees with the MCLTC Notice of Decision, the provider may request a State Fair Hearing. The request for State Fair Hearing must be filed in writing no later than 30 days after receipt of the Notice of Decision. Please clearly state “State Fair Hearing Request” on your correspondence. All State Fair Hearing Requests must be sent in writing to the follow address:

Mercy Care  
Appeals Department  
Attention: Hearing Coordinator  
4500 E. Cotton Center Blvd.  
Phoenix, AZ 85040  
602-351-2300 (fax)

**8.02 - Appeals**

An appeal is a request for review of an action by an enrollee (member) or their authorized representative, such as a provider. An appeal can be filed for various reasons including the denial or limited authorization of a requested service, the type or level of service, or for the reduction, suspension or termination of a previously authorized service. An authorized representative acting on behalf of the member, with the member's written consent, may file an appeal or request a State Fair Hearing on behalf of a member.

**Standard Appeals** - An appeal must be filed either orally or in writing with MCLTC within 60 days after the date of the Notice of Adverse Benefit Determination. A provider may assist a member in filing an appeal. MCLTC does not restrict or prohibit a provider from advocating on behalf of a member.



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**Standard Appeal Resolution** - MCLTC will resolve the appeal and mail the written Notice of Appeal Resolution to the member within 30 days after the day MCLTC receives the appeal.

**Expedited Appeals** - If a provider believes that the time for a standard resolution appeal could seriously jeopardize the member's life, health, or ability to attain, maintain, or regain maximum function, the provider can submit a request for an Expedited Appeal, with the member's written consent, along with supporting documentation to MCLTC. MCLTC will acknowledge an expedited appeal within one working day of receipt.

**Expedited Appeal Resolution** - MCLTC will resolve the appeal and mail a written Notice of Appeal Resolution to the member as expeditiously as the member's health condition warrants, but not later than 72 hours after MCLTC receives the Expedited Appeal. MCLTC will also make reasonable efforts to provide prompt oral notification to the member. This timeframe may be extended if MCLTC needs additional information and the extension is in the best interest of the member. If the request for an Expedited Appeal is denied, MCLTC will decide the appeal within the standard timeframe (30 days from the day MCLTC receives the Expedited Appeal).

Each appeal should be filed separately. To file an appeal, please submit in writing, along with all substantiating documentation to:

Mercy Care  
Appeals Department  
4500 E. Cotton Center Blvd.  
Phoenix, AZ 85040  
602-351-2300 (FAX)

A member may also file an Appeal orally by contacting:

Mercy Care  
Appeals Department  
Phone: 602-453-6098  
Toll Free: 800-624-3879

An authorized representative, including a provider, acting on behalf of the member, with the member's written consent, may request a State Fair Hearing on behalf of the member. The request for State Fair Hearing must be in writing, submitted to and received by MCLTC, no later than 120 days after the date the member receives the Notice of Appeal Resolution.

All State Fair Hearing Requests must be sent in writing to the follow address:

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Mercy Care  
Appeals Department  
Attention: Hearing Coordinator  
4500 E. Cotton Center Blvd.  
Phoenix, AZ 85040  
602-351-2300 (fax)

### **8.03 – Conduct of Investigations Concerning Members with Serious Mental Illness**

#### ***General Requirements***

Members requesting or receiving services shall be notified of their right to file grievances or request investigations according to the requirements set forth in MCLTC **Chapter 7 – Grievance, Appeals and Claims Disputes, Section 7.04 - Notice and Appeal Requirements (SMI and Non-SMI/Non-Title XIX/XXI)**. MCLTC and the AzSH, shall respond to grievances and requests for investigations in accordance with this policy and the requirements and timelines contained in [9 A.A.C. 21, Article 4.](#)

**Computation of Time** – In computing any period prescribed or allowed by this policy, the period begins the day after the act; event or decision occurs and includes all calendar days and the final day of the period. If the final day of the period is a weekend or legal holiday, the period is extended until the end of the next day that is not a weekend or a legal holiday. If the period is not designated as calendar days and is less than 11 days, then intermediate Saturdays, Sundays and legal holidays must not be included in the computation.

MCLTC or the AzSH shall use the unique Docket Number each appeal filed. The file and all correspondence generated shall reference the Docket Number.

#### ***Agency Responsible for Resolving Grievances and Requests for Investigation***

Grievances involving an alleged rights violation, or a request for investigation involving an allegation that a condition requiring investigation exists, which occurred in an agency operated by MCLTC, one of its subcontracted providers or the AzSH, and which does not involve a client death or an allegation of physical or sexual abuse, shall be filed with and investigated by MCLTC or the AzSH.

Grievances or requests for investigation involving physical or sexual abuse or death that occurred in the AzSH, an agency which is operated by MCLTC or one of its subcontracted providers or because of an action of a member employed by MCLTC or one of its subcontracted providers shall be addressed and investigated by AHCCCS.

Grievances involving a rights violation, or a request for investigation involving an allegation that a condition requiring investigation exists and which occurred in an agency that is not AzSH,

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MCLTC or one of their subcontracted providers, shall be addressed to the appropriate regulatory division or agency.

The AHCCCS Deputy Director, or designee, the MCLTC Chief Executive Officer (CEO), or the Chief Executive Officer of the AzSH, before whom a grievance or request for investigation is pending, shall immediately take whatever action may be reasonable to protect the health, safety and security of any client, complainant or witness.

#### ***Grievance/Request for Investigation Process Timeliness and Method for Filing Grievances***

Grievances or a request for investigation must be submitted to AzSH or MCLTC, orally or in writing, no later than 12 months from the date the alleged violation or condition requiring investigation occurred. This timeframe may be extended for good cause as determined by the AHCCCS Deputy Director, or designee, MCLTC Director, or CEO of AzSH, before whom the grievance or request for investigation is pending.

All grievances or requests for investigation must be submitted orally or in writing to:

Mercy Care Complete Care  
Attn: Grievances and Appeals  
4500 E. Cotton Center Blvd.  
Phoenix, AZ 85040  
Fax Number: 602-351-2300  
Phone: 602-586-1719 or 866-386-5794

Within five days of receipt of a grievance or request for investigation, AzSH or MCLTC must inform the member filing the grievance or request for investigation, in writing, that the grievance or request has been received.

Any employee or contracted staff of AzSH, MCLTC or its subcontracted provider, shall, upon request, assist a member receiving services, or their legal guardian, in making an oral or written grievance or request for investigation or direct the member to an available supervisory or managerial staff who shall assist the member to file a grievance or request for investigation.

All oral grievances and requests for investigation must be accurately reduced to writing by AzSH, MCLTC or its subcontracted provider that receives the grievance or request, on the **Appeal or SMI Grievance Form**, available on our [Forms](#) web page.

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### *Preliminary Disposition*

Summary Disposition – AzSH, MCLTC Director or designee, may summarily dispose of a grievance or request for investigation, which shall not include any notice or right for further review or hearing, when:

- The alleged violation occurred more than one year prior to the date of request; or
- The grievance request is primarily directed to the level or type of mental health treatment provided and can be fairly and efficiently addressed through the service planning or appeal process as described in [9 A.A.C. 21, Articles 3 and 4](#).

### *Disposition without Investigation*

Within seven days of receiving a grievance or request for investigation, AzSH, MCLTC Director or designee, may resolve the matter without conducting a full investigation when:

- The matter involves no material dispute as to the facts alleged in the grievance or request for investigation;
- The allegation is frivolous, meaning that it:
  - Involves conduct that is not within the scope of [Title 9, Chapter 21](#);
  - Is impossible on its face; or
  - Is substantially like conduct alleged in two previous grievances or requests for investigation within the past year and which have been determined to be unsubstantiated.
- Is resolved fairly and efficiently within seven days without a formal investigation.

Within seven days of the grievance or request for investigation, AzSH, MCLTC's Director or designee, shall prepare a written dated decision which shall explain the essential facts as to why the matter may be appropriately resolved without investigation, and the resolution. The written decision shall contain a notice of appeal rights, and information to request assistance from the AHCCCS Office of Human Rights (OHR) and the State Protection and Advocacy System. Copies of the decision shall be sent to the member filing the grievance or request for investigation and to the AHCCCS OHR for members who need special assistance.

### *Conducting Investigation of Grievances*

AzSH, and MCLTC shall conduct the investigation pursuant to [A.A.C. R9-21-406](#).

If an extension of any time frame related to the grievance process in [A.A.C. R9-21, Article 4](#) is needed; it must be requested and approved in compliance with [A.A.C. R9-21-410\(B\)](#). Specifically:

- MCLTC investigator or any other official responsible for responding to grievances must address their extension request to MCLTC Director or designee.
- The MCLTC investigator or any other MCLTC official responsible for responding to grievances must address their extension request to the AHCCCS Deputy Director or designee; and

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- A MCLTC request for an extension to complete an investigation for grievances remanded pursuant to [A.A.C. R9-21-407\(B\)\(2\)](#) or any other period established by AHCCCS decisions relating to a grievance shall be addressed to the AHCCCS Deputy Director or designee.

### *Grievance Investigations – Allegations of Rights Violations or Physical Abuse*

The investigator shall:

- Interview the member who filed the grievance and the member receiving services who is identified as the subject of the violation or abuse (if different) prior to interviewing the member alleged to be the perpetrator of the rights violation, or physical or sexual abuse.
- If the member who is the subject of the investigation needs special assistance, the investigator shall contact the member's advocate; or if no advocate is assigned, the member shall contact AHCCCS OHR, and request that an advocate be present to assist the member during the interview and any other part of the investigation process.
- Request assistance from the AHCCCS OHR if the member identified as the subject needs assistance to participate in the interview and any other part of the investigation process.
- Prepare a written report that contains at a minimum:
  - A summary for each individual interviewed of information provided by the individual during the interview conducted;
  - A summary of relevant information found in documents reviewed;
  - A summary of any other activities conducted as a part of the investigation;
  - A description of any issues identified during the investigation that, while not related to the allegation or condition under investigation, constitutes a rights violation or condition requiring investigation;
  - A conclusion, based on the facts obtained in the investigation, that the alleged violation or abuse is either substantiated or not substantiated based on a preponderance of the evidence. The conclusion must describe those findings and/or factors that led to this determination; and
  - Recommended actions or a recommendation for required corrective action, if indicated.

### *Decisions*

Within 5 days of receipt of the investigator's report, AHCCCS' Deputy Director or designee, MCLTC Director, or the CEO of AzSH shall review the investigation case record, and the report, and issue a written, dated decision which shall either:

- Accept the report and state a summary of findings and conclusions and any action or corrective action required of AzSH, MCLTC Director, and send copies of the decision, subject to confidentiality requirements to the investigator, AzSH, MCLTC Director, the member who filed the grievance, the member receiving services identified as the subject of the violation or abuse (if different), and the AHCCCS Office of Human Rights

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for members deemed in need of Special Assistance. The decision sent to the grievant and the member who is the subject of the grievance (if different) shall include a notice of the right to request an administrative appeal of the decision within 30 days from the date of receipt of the decision. The decision must be sent to the grievant by certified mail or by hand- delivery.

- Reject the report for insufficiency of facts and return the matter for further investigation. The investigator must complete the further investigation and deliver a revised report to AHCCCS' Deputy Director or designee, MCLTC Director, or the Chief Executive Officer of the AzSH within 10 days.

### *Actions*

AHCCCS' Deputy Director or designee, MCLTC Director, or the CEO of the AzSH may identify actions to be taken, as indicated above, which may include:

- Identifying training or supervision for or disciplinary action against an individual found to be responsible for a rights violation or condition requiring investigation identified during investigation of a grievance or request for investigation;
- Developing or modifying a mental health agency's practices or protocols;
- Notifying the regulatory entity that licensed or certified an individual according to [A.R.S. Title 32, Chapter 33](#) of the findings from the investigation; or
- Imposing sanctions, which may include monetary penalties, according to the terms of a contract, if applicable.

### *Disagreement with Decision*

A grievant or the client who is the subject of the grievance, who disagrees with the final decision of MCLTC or AzSH, may file a request for an administrative appeal within 30 days from the date of their receipt of the MCLTC or AzSH decision. The request for administrative appeal must specify the basis for the disagreement. Failure to specify the basis for the disagreement may result in a summary determination in favor of the MCLTC or AzSH decision.

### *Administrative Appeal*

In the event an administrative appeal is filed, MCLTC or AzSH, shall forward the full investigation case record, which includes all elements in [A.A.C. R9-21-409\(D\)\(1\)](#), to AHCCCS' Deputy Director or designee through the AHCCCS OGA. The failure of MCLTC or AzSH to forward a full investigation case record that supports the MCLTC or AzSH decision may result in summary determination in favor of the member filing the administrative appeal. MCLTC or AzSH shall prepare and send with the investigation case record, a memo in which MCLTC states:

- Any objections AzSH or MCLTC has to the timeliness of the administrative appeal;
- AzSH's or MCLTC's response to any information provided in the administrative appeal that was not addressed in the investigation report; and
- AzSH or MCLTC understands the basis for the administrative appeal.

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Within 15 days of the filing of the administrative appeal, AHCCCS' Deputy Director or designee, will review the appeal and the investigation case record and may discuss the matter with any of the members involved or convene an informal conference, and prepare a written, dated decision which shall either:

- Accept the investigator's report with respect to the facts as found, and affirm, modify or reject the decision of the agency director with a statement of reasons. The decision, along with a notice of the right to request an administrative hearing within 30 days from the date of receipt of the decision, shall be sent to the appealing party, with copies of the decision provided to the AzSH or MCLTC Director, as indicated; the OHR; and the applicable human rights committee; or
- Reject the investigator's report for insufficiency of facts and remand the matter with instructions to MCLTC or AzSH for further investigation and decision. MCLTC or AzSH shall conduct further investigation and complete a revised report and decision to AHCCCS' Deputy Director or designee within 10 days. Upon receipt of the report and decision, AHCCCS shall render a final decision consistent with the procedures described above; or;
- Reject MCLTC's decision and remand the matter with instructions to MCLTC or AzSH to conduct an investigation, or to conduct further investigation, issue an initial or revised, decision, and include a notice of the right of the grievant or client who is the subject of the grievance to request an administrative appeal to AHCCCS of the decision within 30 days from the date of receipt of the decision, consistent with the requirements in [A.A.C. R9-21-406, et. seq.](#)

A grievant or member who is the subject of the grievance who is dissatisfied with the decision of AHCCCS' Deputy Director, or designee may request an administrative hearing before an administrative law judge within 30 days of the date of the decision.

Upon receipt of a request for a hearing, the hearing shall be scheduled and conducted according to the requirements in [A.R.S. §41-1092 et seq.](#)

After the expiration of the time frames for administrative appeal and administrative hearing as described above, or after the exhaustion of all appeals regarding outcome of the investigation, MCLTC or AzSH Director, or the Deputy Director, or designee of AHCCCS, shall take any corrective action required and add to the record a written, dated report of the action taken. A copy of the report shall be sent to the AHCCCS OHR for members in need of Special Assistance.

Unless an investigation request is made pursuant to [A.A.C. R9-21-403\(A\) or R9-21-403\(B\)](#), investigations into the deaths of members receiving services shall be conducted as described in **MC Chapter 14 – Quality Management, Section 14.10 - Incident, Accident, Death Reporting.**



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### *Grievance Investigation Records and Tracking System*

AHCCCS, AzSH, and MCLTC will maintain records in the following manner:

- All documentation received and mailed related to the grievance and investigation process will be date stamped on the day received;
- AHCCCS, AzSH, and MCLTC will maintain a grievance investigation case record for each case. The record shall include:
  - The docket number assigned;
  - The original grievance/investigation request letter and the **Appeal or SMI Grievance Form**;
  - Copies of all information generated or obtained during the investigation;
  - The investigator's report which will include a description of the grievance issue, documentation of the investigative process, names of all members interviewed, written documentation of the interviews, summary of all documents reviewed, the investigator's findings, conclusions and recommendations; and
  - A copy of the acknowledgment letter, final decision letter and any information/documentation generated by an appeal of the grievance decision;
- AHCCCS, AzSH, and MCLTC will maintain all grievance and investigation files in a secure designated area and retain for at least 5 years;

### *Other Matters Related to Grievance Process*

Pursuant to the applicable statutes, AzSH and MCLTC shall maintain confidentiality and privacy of grievance matters and records at all times.

Notice shall be given to a public official, law enforcement officer, or other member, as required by law, that an incident involving death, abuse, neglect, or threat to a member receiving services has occurred, or that a dangerous condition or event exists.

AzSH or MCLTC shall notify the Deputy Director or designee of AHCCCS when:

- A member receiving services files a complaint with law enforcement alleging criminal conduct against an employee;
- An employee or contracted staff files a complaint with law enforcement alleging criminal conduct against a member receiving services;
- An employee, contracted staff, or member receiving services is charged or convicted of a crime related to a rights violation, physical or sexual abuse, or death of a member receiving services.

### 8.04 – Notice and Appeal Requirements (SMI and Non-SMI/Non-Title XIX/XXI)

#### *General Requirements for Notice and Appeals*

Behavioral health providers must be aware of general requirements guiding notice and appeal rights for the populations covered in this chapter. Behavioral health providers may have direct

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responsibility for designated functions (i.e., sending notice) as determined by MCLTC and/or may be asked to provide assistance to members who are exercising their right to appeal.

***Time Computed***

In computing any time prescribed or allowed in this chapter, the period begins the day after the act, event or decision occurs. If the period is 11 days or more, the period must be calculated using calendar days, which means that weekends and legal holidays are counted. If, however, the period is less than 11 days, the period is calculated using working days, in which case, weekends and legal holidays must not be included in the computation. In either case, if the final day of the period is a weekend or legal holiday, the period is extended until the end of the next day that is not a weekend or a legal holiday.

***Language, Format and Comprehensive Clinical Record Requirements***

Notice and related forms must be available in each prevalent, non-English language spoken in MCLTC's geographic service area (GSA). As designated by MCLTC, behavioral health providers must provide free oral interpretation services to all members who speak non-English languages for purposes of explaining the appeal process and/or information contained in the notice. MCLTC is responsible for providing oral interpretation services at no cost to the member receiving such services.

Notice and other written documents pertaining to the appeal process must be available in alternative formats, such as Braille, large font or enhanced audio and must take into consideration any special communication needs of the member applying for or receiving behavioral health services. MCLTC is responsible for ensuring the availability of these alternative formats.

The provision of notice must be documented by placing a copy of the notice in the member's comprehensive clinical record.

***Delivery of notices and appeal decisions***

All notices and appeal decisions must be personally delivered or mailed by certified mail to the required party, at their last known residence or place of business. If it may be unsafe to contact the member at his or her home, or the member has indicated that he or she does not want to receive mail at home, the alternate methods identified by the member for communicating notices must be used.

***Notice Requirements for Members with Serious Mental Illness***

The following provisions apply to notice requirements for members determined to have a SMI and for members for which an SMI eligibility determination is being considered.

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Members who are evaluated for an SMI eligibility determination must receive **the Appeal or SMI Grievance Form**, available on our [Forms](#) web page, at the time of determination.

**The Notice of Decision and Right to Appeal (for Individuals with a Serious Mental Illness)**, available on our [Forms](#) web page, must be provided to members determined to have a Serious Mental Illness or to members applying for SMI services when:

- Initial eligibility for SMI services is determined. The notice must be sent within 3 days of the eligibility determination;
- A decision is made regarding fees or waivers;
- The assessment report, service plan or individual treatment and discharge plan is developed, provided or reviewed;
- A decision is made to modify the service plan, or to reduce, suspend or terminate any service that is a covered service funded through Non-Title XIX funds 6F2. In this case, notice must be provided at least 30 days prior to the effective date unless the member consents to the change in writing or a qualified clinician determines that the action is necessary to avoid a serious or immediate threat to the health or safety of the member receiving services or others;
- A decision is made that the member is no longer eligible for SMI services; and
- A Pre-Admission Screening and Resident Review (PASRR) determination in the context of either a preadmission screening or an annual resident review, which adversely affects the member.

### *Additional Notices*

The following additional notices must be provided to members determined to have a Serious Mental Illness or members applying for SMI services:

- The Notice of Legal Rights for Members with Serious Mental Illness, available on our [Forms](#) web page, must be given at the time of admission to a behavioral health provider agency for evaluation or treatment. The member receiving this notice must acknowledge in writing the receipt of the notice and the behavioral health provider must retain the acknowledgement in the member's comprehensive clinical record. All behavioral health providers must post Notice of Legal Rights for Members with Serious Mental Illness, available on our [Forms](#) web page, in both English and Spanish, so that it is readily visible to behavioral health members and visitors;
- The Notice of Discrimination Prohibited, available on our [Forms](#) web page, posted in English and Spanish so that it is readily visible to members visiting the agency, and a copy provided at the time of discharge from the behavioral health provider agency.

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<sup>2</sup> Actions or decisions that deny, suspend, reduce, or terminate a member's or member's services or benefits to avoid exceeding the state funding legislatively appropriated for those services or benefits do not require Notice.

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***Provider Notice Responsibility***

Following a decision requiring notice to a behavioral health member, MCLTC will ensure the communication of a notice to the member.

***Notice Requirements for Non-Title XIX/XXI/Non-SMI Population***

Notice is not required to members who are not eligible for Title XIX/XXI or SMI services under this policy.

***Appeal Requirements***

Appeals that are related to MCLTC or one of their contracted behavioral health providers' decisions must be filed with MCLTC.

Title XIX/XXI eligible members applying for or who have been determined to have a SMI and who are appealing an action affecting Title XIX/XXI covered services may elect to use either the Title XIX/XXI appeal process or the appeal process for members determined to have a SMI.

***Types of Appeal***

There are two appeal processes applicable to this section:

- Appeals of members applying for an eligibility determination or who have been determined to have a SMI; and
- Appeals for other covered service-related issues.

***Filing Members and Entities***

The following members and entities may file an appeal:

- An adult applying for or receiving behavioral health services, their legal guardian, guardian ad litem, designated representative or attorney if Special Assistance, or the member meeting Special Assistance needs;
- A legal guardian or parent who is the legal custodian of a member under the age of 18 years;
- A court appointed guardian ad litem or an attorney of a member under the age of 18 years;
- A state or governmental agency that provides behavioral health services through an Interagency Service Agreement/Intergovernmental Agreement (ISA/IGA) with AHCCCS, but which does not have legal custody or control of the member, to the extent specified in the ISA/IGA between the agency and AHCCCS; and
- A provider, acting on the behavioral health member's behalf and with the written authorization of the member.

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***Timeframes for Appeals***

Appeals must be filed orally or in writing with MCLTC when required, within 60 days from the date of the decision being appealed. Late appeals must be accepted upon showing good cause.

***Where to Appeal***

- MCLTC
  - Oral Appeal: Call (800) 564-5465
  - Fax Appeal: Fax to (602) 351-2300
  - Written appeal:  
Mercy Care Long Term Care  
Attn: Appeals  
4500 E. Cotton Center Blvd.  
Phoenix, AZ 85040

***Appeal Process of Members with Serious Mental Illness***

An appeal may be filed concerning one or more of the following:

- Decisions regarding the member's SMI eligibility determination;
- Sufficiency or appropriateness of the assessment;
- Long-term view, service goals, objectives or timelines stated in the Individual Service Plan (ISP) or Inpatient Treatment and Discharge Plan (ITDP);
- Recommended services identified in the assessment report, SP or ITDP;
- Actual services to be provided, as described in the ISP, plan for interim services or ITDP;
- Access to or prompt provision of services;
- Findings of the clinical team about the member's competency, capacity to make decisions, need for guardianship or other protective services or need for Special Assistance;
- Denial of a request for a review of, the outcome of, a modification to or failure to modify, or termination of an SP, ITDP or portion of an ISP or ITDP;
- Application of the procedures and timeframes for developing the ISP or ITDP;
- Implementation of the ISP or ITDP;
- Decision to provide service planning, including the provision of assessment or care management services to a member who is refusing such services, or a decision not to provide such services to the member;
- Decisions regarding a member's fee assessment or the denial of a request for a waiver of fees;
- Denial of payment of a claim;
- Failure of MCLTC to act within the timeframes regarding an appeal; or
- A PASRR determination, in the context of either a preadmission screening or an annual resident review, which adversely affects the member.

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### *Standard Appeal Process*

Within 5 working days of receipt of an appeal, MCLTC must inform the appellant in writing that the appeal has been received and of the procedures that will be followed during the appeal.

In the event MCLTC refuses to accept a late appeal or determines that the issue may not be appealed, MCLTC must inform the appellant in writing that they may, within 10 days of their receipt of MCLTC's decision, request an Administrative Review of the decision with the AHCCCS OGA.

If a timely request for Administrative Review is filed with AHCCCS regarding MCLTC's decision, AHCCCS shall issue a final decision of within 15 days of the request (for members requiring Special Assistance).

### *Informal Conference with MCLTC*

Within 7 days of receipt of an appeal, MCLTC shall hold an informal conference with the member, guardian, any designated representative, care manager or other representative of the service provider, if appropriate.

MCLTC must schedule the conference at a convenient time and place and inform all participants in writing, two days prior to the conference, of the time, date and location, the ability to participate in the conference by telephone or teleconference, and the appellant's right to be represented by a designated representative of the appellant's choice.

The informal conference shall be chaired by a representative of MCLTC with authority to resolve the issues under appeal, who shall seek to mediate and resolve the issues in dispute.

MCLTC representative shall record a statement of the nature of the appeal, the issues involved, any resolution(s) achieved, the date by which the resolution(s) will be implemented and identify any unresolved issues for further appeal.

If the issues in dispute are resolved to the satisfaction of the member or guardian, if applicable, MCLTC shall issue a dated written notice to all parties, which shall include a statement of the nature of the appeal, the issues involved, the resolution achieved and the date by which the resolution will be implemented.

If the issues in dispute are not resolved to the satisfaction of the member or guardian and the issues in dispute do not relate to the member's eligibility for behavioral health services, the member or guardian shall be informed that the matter will be forwarded for further appeal to AHCCCS for informal conference, and of the procedure for requesting a waiver of the AHCCCS informal conference.

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If the issues in dispute are not resolved to the satisfaction of the member or guardian and the issues in dispute relate to the member's eligibility for SMI services or the member or guardian has requested a waiver of the AHCCCS informal conference in writing, MCLTC shall:

- Provide written notice to the member or guardian of the process to request an administrative hearing.
- Determine at the informal conference whether the member or guardian is requesting MCLTC to request an administrative hearing on behalf of the member or guardian and, if so, file the request with AHCCCS within 3 days of the informal conference.
- For a member who needs special assistance, send a copy of the appeal, results of information conference and notice of administrative hearing to the Office of Human Rights (OHR).
- In the event the member appealing fails to attend the informal conference and fails to notify MCLTCC of their inability to attend prior to the scheduled conference, MCLTC shall reschedule the conference. If the member appealing fails to attend the rescheduled conference and fails to notify MCLTC of their inability to attend prior to the rescheduled conference, MCLTC will close the appeal docket and send written notice of the closure to the member appealing.
  - In the event the appellant requests the appeal be re-opened due to not receiving the informal conference notification and/or due to good cause, MCLTC can re-open the appeal and proceed with the informal conference.
- For all appeals unresolved after an informal conference with MCLTC, MCLTC must forward the appeal case record to the AHCCCS OGA within three days from the conclusion of the informal conference.

### *AHCCCS Informal Conference*

Unless the member or guardian waives an informal conference or the issue on appeal relates to eligibility for SMI services, AHCCCS shall hold a second informal conference within 15 days of the notification from MCLTC that the appeal was unresolved.

- At least 5 days prior to the date of the second informal conference, AHCCCS shall notify the participants in writing of the date, time and location of the conference.
- The informal conference shall be chaired by a representative of AHCCCS with authority to resolve the issues under appeal who shall seek to mediate and resolve the issues in dispute.
- The AHCCCS representative shall record a statement of the nature of the appeal, the issues involved, any resolution(s) achieved, the date by which the resolution(s) will be implemented and identify any unresolved issues for further appeal.
- If the issues in dispute are resolved to the satisfaction of the member or guardian, AHCCCS shall issue a dated written notice to all parties, which shall include a statement of the nature of the appeal, the issues involved, the resolution achieved and the date by which the resolution will be implemented.



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- For a member in need of Special Assistance, AHCCCS shall send a copy of the informal conference report to the OHR.
- If the issues in dispute are not resolved to the satisfaction of the member or guardian, AHCCCS shall:
  - Provide written notice to the member or guardian of the process to request an administrative hearing.
  - Determine at the informal conference whether the member or guardian is requesting AHCCCS to request an administrative hearing on behalf of the member or guardian and, if so, file the request within 3 days of the informal conference.
  - For a member who needs Special Assistance, send a copy of the notice to the OHR.
  - In the event the member appealing fails to attend the informal conference and fails to notify AHCCCS of their inability to attend prior to the scheduled conference, AHCCCS may issue a written notice, within 3 working days of the scheduled conference, which contains a description of the decision on the issue under appeal and which advises the appellant of their right to request an Administrative Hearing.
  - In the event the appellant requests the appeal be re-opened due to not receiving the informal conference notification and/or due to good cause, AHCCCS can re-open the appeal and proceed with the informal conference.

### *Requests for Administrative Hearing*

A written request for hearing filed with AHCCCS must contain the following information:

- Case name (name of the applicant or member receiving services, name of the appellant and the docket number);
- The decision being appealed;
- The date of the decision being appealed; and
- The reason for the appeal.

In the event a request for administrative hearing is filed with MCLTC, MCLTC shall ensure that the written request for hearing, appeal case record and all supporting documentation is received by the AHCCCS OGA within 3 days from such date.

Administrative hearings shall be conducted and decided pursuant to [A.R.S. §41-1092 et seq.](#)

### *Expedited appeals*

A member, or a provider on the member's behalf, may request an expedited appeal for the denial or termination of crisis or emergency services, the denial of admission to or the

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termination of a continuation of inpatient services, if inpatient services are a covered benefit, or for good cause.

Within 1 day of receipt of a request for an expedited appeal, MCLTC must inform the appellant in writing that the appeal has been received and of the time, date and location of the informal conference; or

Issue a written decision stating that the appeal does not meet criteria as an expedited appeal and that the appellant may request an Administrative Review from AHCCCS of this decision within 3 days of the decision. The appeal shall then proceed according to the standard process described in this chapter.

### *Expedited Informal Conference*

Within 2 days of receipt of a written request for an expedited appeal, MCLTC shall hold an informal conference to mediate and resolve the issues in dispute.

### *AHCCCS Expedited Informal Conference*

Within two days of notification from MCLTC, AHCCCS shall hold an informal conference to mediate and resolve the issue in dispute, unless the appellant waives the conference at this level, in which case the appeal shall be forwarded within one day to the AHCCCS Director to schedule an administrative hearing.

Within one day of the informal conference with AHCCCS, if the conference failed to resolve the appeal, the appeal shall be forwarded to the AHCCCS Director to schedule an administrative hearing.

### *Requests for Administrative Hearing*

A written request for hearing filed with AHCCCS must contain the following information:

- Case name (name of the applicant or member receiving services, name of the appellant and the docket number);
- The decision being appealed;
- The date of the decision being appealed; and
- The reason for the appeal.

In the event a request for administrative hearing is filed with MCLTC, MCLTC shall ensure that the written request for hearing, appeal case record and all supporting documentation is received by the AHCCCS OGA within 3 days.

Administrative hearings shall be conducted and decided pursuant to [A.R.S. §41-1092 et seq.](#)

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### *Continuation of Services during Appeal Process*

For members determined to have a SMI, the member's behavioral health services will continue while an appeal of a modification to or termination of a covered behavioral health service is pending unless:

- A qualified clinician determines the modification or termination is necessary to avoid a serious or immediate threat to the health or safety of the member or another individual; or
- The member or, if applicable, the member's guardian, agrees in writing to the modification or termination.

### *Appeals for Non-Title XIX/XXI/Non-SMI Population*

Based on available funding, a member who is Non-Title XIX/XXI and Non-SMI may file an appeal of a decision that is related to a determination of need for a covered service (e.g., modification to previously authorized services for a non-Title XIX/XXI eligible member). In these circumstances, there is no continuation of services available during the appeal process.

MCLTC in processing the appeal must:

- Inform the appellant in writing within 5 working days of receipt that the appeal has been received and of the procedures that will be followed during the appeal;
- Provide the appellant a reasonable opportunity to present evidence and allegations of fact or law in member and in writing; and
- Provide a written decision no later than 30 days from the day the appeal is received. The decision shall include a summary of the issues involved, the outcome of the appeal, and the basis of the decision. For appeals not resolved wholly in favor of the appellant, MCLTC shall advise the appellant in writing of their right to request an administrative hearing with AHCCCS no later than 30 days from the date of MCLTC's decision, and how to do so.

### *Requests for Administrative Hearing*

A written request for hearing filed with AHCCCS must contain the following information:

- Case name (name of the applicant or member receiving services, name of the appellant and the docket number);
- The decision being appealed;
- The date of the decision being appealed; and
- The reason for the appeal.

In the event a request for administrative hearing is filed with MCLTC, MCLTC shall ensure that the written request for hearing, appeal case record and all supporting documentation is received by AHCCCS OGA within 3 days.

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#### *Behavioral Health Provider Responsibilities*

While providers are not directly responsible for the resolution of appeals, they are required to actively participate in the process as follows:

- Provide information deemed to be necessary by MCLTC, AHCCCS or the Office of Administrative Hearings (e.g., documents and other evidence); and
- Cooperate and participate as necessary throughout the appeal process.

Behavioral health providers must be available to assist a member in the filing of an appeal. For members determined to have a SMI, the Office of Human Rights may be available to assist the member in filing as well as resolving the appeal.

Behavioral health providers must not retaliate against any member who files an appeal or interfere with a member's right to file an appeal. Additionally, no punitive action may be taken against a behavioral health provider who supports a member's appeal.

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**MCLTC Chapter 9 – Provider Requirements for Specific Programs and Services**

**9.00 – Provider Requirements for Specific Programs and Services**

Provider Requirements for Specific Programs and Services are contractual documents for providers and lines of business that outline provider responsibilities and expectations that may not be included otherwise in their contract or in the Provider Manual. These providers must comply with all requirements outlined in their Provider Requirements for Specific Programs and Services.

Provider Requirements for Specific Programs and Services for MCLTC include the following:

- [Employment Rehabilitation Service Provider](#)
- [Hospital Rapid Response](#)
- [Peer and Family Operated Organization](#)
- [Supported Employment](#)