

ST. CLAIR COUNTY COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE PROCEDURE

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I. APPLICATION:

- SCCCMH Board
- SCCCMH Providers & Subcontractors
- Direct-Operated Programs
- Community Agency Contractors
- Residential Programs
- Specialized Foster Care

II. PURPOSE STATEMENT:

St. Clair County Community Mental Health (SCCCMH) shall ensure its provider network complies with all applicable federal and state laws pertaining to enrollee information rights; and develops policies and mechanisms that ensure its staff, and affiliated providers take those rights into account when furnishing services to all Medicaid beneficiaries.

III. DEFINITIONS:

- A. Beneficiary: An individual who is eligible for Medicaid and who is receiving or may qualify to receive services and/or supports from SCCCMH, or one of its affiliate providers, including another CMH or a sub-contract provider of SCCCMH or another CMH.
- B. Enrollee: A Medicaid beneficiary who is currently enrolled in a Medicaid Benefit Plan.
- C. Enrollee Rights Information: This includes specific and general information made available to enrollees that explains their rights and provides for notice and informational exchange.
- D. Enrollee Rights: Is a specific set of rights delineated in the Code of Federal Regulations that are to be guaranteed by SCCCMH (and network providers). Note: Recipients of community mental health services have other "rights" as defined by other sources, such as the Michigan Mental Health Code.

IV. STANDARDS:

- A. SCCCMH and its sub-contract providers shall ensure each Medicaid enrollee is entitled to and receives the informational rights guaranteed by 42 CFR 438.10. Region 10 PIHP and SCCCMH have developed administrative procedure/policy guidelines, such as SCCCMH [Board Policy #06-002-0015 Limited English Proficiency \(LEP\)](#) and [Region 10 PIHP Board Policy #05-01-02, Limited English Proficiency \(LEP\)](#), to implement these rights.

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- B. SCCCMH and its affiliated providers, utilizing existing policy development and review protocols, will develop new and revise existing policies related to enrollee information rights as called for by federal and state laws and regulations.
- C. SCCCMH shall make its provider panel aware of the non-English prevalent languages in its service area, as identified and informed by the State of Michigan.

V. PROCEDURES:

SCCCMH/Contract Provider

- 1. Provides enrollees with enrollee information as outlined in Exhibit A, Medicaid Enrollee Information Rights from the Code of Federal Regulations.

VI. REFERENCES:

- A. 42 CFR 438 et al.

VII. EXHIBITS:

- A. Medicaid Enrollee Information Rights from Code of Federal Regulations
- B. Policies that Ensure Compliance with CFR 438.10 et seq.

VIII. REVISION HISTORY:

Dates issued 07/04, 06/08, 08/11, 01/13, 01/15, 03/15, 07/16, 07/16, 07/17, 09/18, 09/19, 09/20, 09/21, 09/22, 09/23.

**MEDICAID ENROLLEE INFORMATION RIGHTS
FROM CODE OF FEDERAL REGULATIONS**

Enrollee Information Rights:

The PIHP, or as delegated to any subcontract affiliate provider, shall:

1. Make its written information available free of charge in the prevalent non-English languages in its particular service area, as identified by the State of Michigan.
2. Make oral interpretation services available and to notify its enrollees:
 - a. That oral interpretation is available for any language and written information is available in prevalent languages, as identified by the State of Michigan; and
 - b. How to access those services.
3. The PIHP, and all subcontract providers, must:
 - a. Use easily understood language and format in all its recipient publications; and
 - b. Ensure recipient publications are available in alternative formats and in an appropriate manner that takes into consideration the special needs of those who are, for example, visually limited or have a limited reading proficiency.
4. The PIHP, or as sub-delegated to any subcontract affiliate provider, shall inform all enrollees and potential enrollees that information is available in alternative formats and how to access those formats.
5. The PIHP, or as sub-delegated to any subcontract affiliate provider, shall provide the following information to each enrollee as follows:
 - a. At the time the potential enrollee is first required to enroll in a mandatory enrollment program (i.e. Pursuant to MDHHS direction, this is at the time the enrollee requests services from the specialty benefit plan, at time of system access screening);
 - b. Within a timeframe that allows potential enrollees (recipients) to use the information in choosing among available providers, pursuant to CFR 438.52 (b) (2) (i-ii).
 - c. The information for enrollees must include the following:
 - (1) General information about:
 - (a) the basic features of managed care;
 - (b) which populations are subject to mandatory enrollment into the PIHP benefit plan; and
 - (c) PIHP responsibilities for coordination of enrollee care.
 - (2) Information specific to each PIHP program operating in the enrollees' service area. A summary of the following information is sufficient:
 - (a) Benefits covered;
 - (b) Cost sharing, if any;
 - (c) Service area;
 - (d) Names, locations, telephone numbers of, and non-English language spoken by current contracted providers; including identification of providers that are not accepting new recipients. For PIHPs this includes, at minimum, information on primary care physicians, specialists, and hospitals.
 - (e) Benefits that are available under the State plan but are not covered under the contract, including how and where the enrollee may obtain those benefits, any cost sharing, and how transportation is provided (Note: For counseling or

referral service that the PIHP does not cover because of moral or religious objections, the PIHP must provide information on where and how to obtain the service).

- d. Notification to the enrollee of their right to request and obtain materials in non-English prevalent languages from their service area at least once per year.
 - e. Furnish to each of its enrollees the information specified in C.2.d. above when requested.
 - f. Notification to the enrollee of any change the State of Michigan defines as “significant” in the information specified in the paragraphs of this section.
 - g. Notification to the enrollee at least 30 days before the intended effective date of the change.
6. As delegated a subcontract affiliate provider, each Community Mental Health Services Program (CMHSP) must make a good faith effort to give written notice of termination of a contracted provider, within 15 days after receipt of issuance of the termination notice, to each enrollee who received his or her primary care from, or was seen on a regular basis by, the terminated provider.
7. As delegated to a subcontract affiliate provider, each CMHSP must provide the following information to enrollees:
- a. Names, locations, telephone numbers of, and non-English languages spoken by current contracted providers in the enrollee’s service area, including identification of providers that are not accepting new recipients. This includes information on physicians (psychiatrists), panel specialists, and hospitals, as applicable.
 - b. Any restrictions on an enrollee’s freedom of choice among network providers;
 - c. Enrollee rights and protections, as specified in Region 10 PIHP policy 07-01-02.
 - d. Information on grievances and fair hearing procedures, and the information specified in section 8.a.2. below.
 - e. The amount, scope, duration of benefits available under the sub-contract with the PIHP, in sufficient detail to ensure that enrollees understand the benefits to which they are entitled;
 - f. Procedures for obtaining benefits, including local authorization and PIHP (Level II) prior-authorization requirements;
 - g. The extent to which, and how enrollees may obtain out-of-network providers;
 - h. The extent to which, and how, after hours and emergency coverage are provided, including:
 - (1) What constitutes emergency medical conditions, emergency services, and post-stabilization services;
 - (2) The fact that prior authorization is not required for emergency services;
 - (3) The process and procedures for obtaining emergency services;
 - (4) The locations of any emergency settings (e.g. psychiatric hospitals) and other locations (hospitals) at which providers furnish emergency services, and post-stabilization services covered under the contract;
 - (5) The fact that, subject to the provisions of this section, the enrollee has a right to use any psychiatric hospital or other setting for emergency care.
 - i. The post-stabilization care services rules set forth CFR 438.113 (c);
 - j. CMHSP policy on referrals for specialty care and for other benefits not furnished by the CMHSP;
 - k. Cost sharing, if any;
 - l. How and where to access any benefits that are available under the State plan, but are not covered under the sub-contract with the PIHP, including any cost sharing, and how transportation will be provided or arranged by the CMHSP.

8. The PIHP, or as delegated to any subcontract affiliate provider, must provide the following information to its enrollees:
 - a. Grievance, appeal, and fair hearing procedures and timeframes, which must include the following:
 - (1) For State Hearings:
 - (a) The right to a hearing;
 - (b) The method for obtaining a hearing; and
 - (c) The rules that govern representation at the hearing.
 - (2) Grievance and Appeals:
 - (a) The right to file grievances and appeals;
 - (b) The requirements and timeframes for filing a grievance or appeal;
 - (c) The availability of assistance in the filing process;
 - (d) The toll-free number(s) that the enrollee can use to file a grievance or appeal with the PIHP by phone;
 - (e) The fact that when requested by the enrollee:
 - (1) Benefits will continue if the enrollee files an appeal or a request for a State Hearing within the required timeframes specified for filing;
 - (2) The enrollee may be required to pay the cost of services furnished while the appeal is pending. If the final decision is adverse to the enrollee:
 - (a) Benefits will continue if the enrollee files an appeal or a request for a State Fair Hearing within the timeframe specified for filing; and
 - (b) The enrollee may be required to pay the cost of services furnished while the appeal is pending, if the final decision is adverse to the enrollee.
 - (f) Any appeal rights the State of Michigan (or PIHP) chooses to make available to providers to challenge the failure of the organization to cover a service.
 - b. Advance Directives, as set forth in CFR 438.6 (i) (2).
 - c. Additional information that is available upon request, including the following:
 - (1) Information on the structure and operation of the PIHP;
 - (2) Physician incentive plans, if applicable, as set forth in CFR 438.6. (h).
 - d. Because Michigan is a mandatory enrollment program for the specialty benefit plan, the PIHP, or as delegated to its subcontract affiliate providers, shall inform all Medicaid recipients of their right to:
 - (1) Choose from at least two (2) care managers (e.g. Case Manager; Supports Coordinator; or Primary Case Holder); and
 - (2) Obtain services from any other provider under the following circumstances:
 - (a) The service or type of provider (in terms of training, experience, and specialization) is not available within the PIHPs providers' network, including the local CMHSP network;
 - (3) The provider is not part of the PIHP network, but is the main source of a service to a recipient.

**POLICIES THAT ENSURE COMPLIANCE
WITH CFR 438.10 ET SEQ.
ENROLLEE INFORMATION RIGHTS**

Appeal Process & Second Opinion/Grievance and Appeal System

SCCCMH [Administrative Policy #02-001-0045, Appeal Process & Second Opinion](#)

Region 10 PIHP policy #07-02-01

Cultural Competency

SCCCMH [Board Policy #06-002-0010, Cultural Competency](#)

Region 10 PIHP policy #05-01-03

Customer Services

Region 10 PIHP policy #05-02-01

Grievance Process/Grievance and Appeal System

SCCCMH [Administrative Policy #02-001-0040, Grievance Process](#)

Region 10 PIHP policy #07-02-01

Interpretation & Language Services

Region 10 PIHP policy #05-03-03

Language & Technical Requirements for Informational Materials

Region 10 PIHP policy #05-03-04

Limited English Proficiency

SCCCMH [Board Policy #06-002-0015, Limited English Proficiency \(LEP\)](#)

Region 10 PIHP policy #05-01-02