

**DEPARTMENT OF MANAGED HEALTH CARE  
OFFICE OF PLAN MONITORING  
DIVISION OF PLAN SURVEYS**

**TECHNICAL ASSISTANCE GUIDE**

**UTILIZATION MANAGEMENT  
BEHAVIORAL HEALTH SURVEY  
OF  
PLAN NAME**

**DATE OF SURVEY:**

**PLAN COPY**

*Issuance of this March 27, 2015 Technical Assistance Guide renders all other versions obsolete.*

# BEHAVIORAL HEALTH TAG

## UTILIZATION MANAGEMENT REQUIREMENTS\*

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**\*The following Utilization Management Requirements from the Full Service TAGs are not applicable to Behavioral Health Plan Surveys:**

- **Requirement UM-007: Terminal Illness Requirements and Compliance**
- **Requirement UM-008: UM Delegation Oversight**

**\*The following Utilization Management Requirements from the Full Service TAGs are not applicable to EAPs:**

- **Requirement UM-001 through UM-005**
- **Requirement UM- 009 through UM-011**

**\*The following Utilization Management Key Element is applicable to carve-out mental health plans only**

- **Requirement UM-009 Key Element 2**

**\*UM-011 is relevant ONLY to Carve-Out Mental Health Plans**

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### Requirement UM-001: UM Program Policies and Procedures

#### STATUTORY/REGULATORY CITATION(S)

##### **CA Health and Safety Code section 1367.01(b)**

A health care service plan that is subject to this section shall have written policies and procedures establishing the process by which the plan prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based in whole or in part on medical necessity, requests by providers of health care services for plan enrollees. These policies and procedures shall ensure that decisions based on the medical necessity of proposed health care services are consistent with criteria or guidelines that are supported by clinical principles and processes. These criteria and guidelines shall be developed pursuant to section 1363.5. These policies and procedures, and a description of the process by which the plan reviews and approves, modifies, delays or denies requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, shall be filed with the director for review and approval, and shall be disclosed by the plan to providers and enrollees upon request, and by the plan to the public upon request.

##### **CA Health and Safety Code section 1367.01(c)**

A health care service plan subject to this section, except a plan that meets the requirements of Section 1351.2, shall employ or designate a medical director who holds an unrestricted license to practice medicine in this state issued pursuant to Section 2050 of the Business and Professions Code or pursuant to the Osteopathic Act, or, if the plan is a specialized health care service plan, a clinical director with California licensure in a clinical area appropriate to the type of care provided by the specialized health care service plan. The medical director or clinical director shall ensure that the process by which the plan reviews and approves, modifies, or denies, based in whole or in part on medical necessity, requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, complies with the requirements of this section.

##### **CA Health and Safety Code section 1367.01(i)**

A health care service plan subject to this section shall maintain telephone access for providers to request authorization for health care services.

**\*UM-001 not applicable to EAPs**

#### INDIVIDUAL(S)/POSITION(S) TO BE INTERVIEWED

**Staff responsible for the activities described above, for example:**

- Medical Director and/or senior Physician responsible for utilization management
- Utilization Management Director

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### DOCUMENT(S) TO BE REVIEWED

- UM policies and procedures, including org charts and committee descriptions ( A UM Program description may be substituted or in addition to policies and procedures)
- Job Description of the Medical Director responsible for ensuring the UM process complies with section 1367.01
- Copy of license/s of the Medical Director/s
- UM Committee minutes
- Review licensing filing of the Plan’s UM Program and confirm submission of appropriate policies and procedures.

### UM-001 - Key Element 1:

- 1. The Plan has utilization management policies and procedures.  
CA Health and Safety Code section 1367.01(b)**

Assessment Questions	Yes	No	N/A
1.1 Do policies and procedures describe the process by which the Plan reviews and approves, modifies, delays, or denies, based in whole or in part on medical necessity, requests by providers of behavioral health care services for Plan enrollees?			
1.2 Do policies and procedures include utilization review processes such as prospective review, concurrent review and retrospective review?			

### UM-001 - Key Element 2:

- 2. A designated Medical Director is responsible for the oversight of the UM process and holds an unrestricted license to practice medicine in California.  
CA Health and Safety Code section 1367.01(c)**

Assessment Questions	Yes	No	N/A
2.1 Is a Physician designated to provide clinical direction to the UM Program and ensure compliance with the requirements of 1367.01?			
2.2 Does the designated individual hold a current unrestricted license to practice medicine in California?			
2.3 Is there evidence that the individual is substantially involved in UM Program operations through significant time devoted to UM activities, clinical <b>oversight and guidance to UM staff?</b>			
2.4 Is there evidence that the individual is substantially involved in UM Program operations through active <b>involvement in UM Committee and subcommittees?</b>			

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### **UM-001 - Key Element 3:**

- 3. The Plan ensures telephone access for providers to request authorizations for behavioral health care services.**  
**CA Health and Safety Code section 1367.01(i)**

<b>Assessment Questions</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
3.1 Does the Plan have policies and procedures that describe and ensure telephone access for requesting authorizations for behavioral health care services?			
3.2 Does the Plan maintain telephone access for providers to request authorizations for behavioral health care services?			

**End of Requirement UM-001: UM Program Policies and Procedures**

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### Requirement UM-002: UM Decision Making and Time Frames

#### STATUTORY/REGULATORY CITATION(S)

##### **CA Health and Safety Code sections 1367.01(b), (e), and (g)**

(b) A health care service plan that is subject to this section shall have written policies and procedures establishing the process by which the plan prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based in whole or in part on medical necessity, requests by providers of health care services for plan enrollees. These policies and procedures shall ensure that decisions based on the medical necessity of proposed health care services are consistent with criteria or guidelines that are supported by clinical principles and processes. These criteria and guidelines shall be developed pursuant to Section 1363.5. These policies and procedures, and a description of the process by which the plan reviews and approves, modifies, delays, or denies requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, shall be filed with the director for review and approval, and shall be disclosed by the plan to providers and enrollees upon request, and by the plan to the public upon request.

(e) No individual, other than a licensed physician or a licensed health care professional who is competent to evaluate the specific clinical issues involved in the health care services requested by the provider, may deny or modify requests for authorization of health care services for an enrollee for reasons of medical necessity. The decision of the physician or other health care professional shall be communicated to the provider and the enrollee pursuant to subdivision (h).

(g) If the health care service plan requests medical information from providers in order to determine whether to approve, modify, or deny requests for authorization, the plan shall request only the information reasonably necessary to make the determination.

##### **CA Health and Safety Code section 1367.01(b)**

(b) A health care service plan that is subject to this section shall have written policies and procedures establishing the process by which the plan prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based in whole or in part on medical necessity, requests by providers of health care services for plan enrollees. These policies and procedures shall ensure that decisions based on the medical necessity of proposed health care services are consistent with criteria or guidelines that are supported by clinical principles and processes. These criteria and guidelines shall be developed pursuant to Section 1363.5. These policies and procedures, and a description of the process by which the plan reviews and approves, modifies, delays, or denies requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, shall be filed with the director for review and approval, and shall be disclosed by the plan to providers and enrollees upon request, and by the plan to the public upon request.

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### **CA Health and Safety Code sections 1367.01(h)(1) and (2)**

(h) In determining whether to approve, modify, or deny requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, based in whole or in part on medical necessity, every health care service plan subject to this section shall meet the following requirements:

(1) Decisions to approve, modify, or deny, based on medical necessity, requests by providers prior to, or concurrent with the provision of health care services to enrollees that do not meet the requirements for the 72-hour review required by paragraph (2), shall be made in a timely fashion appropriate for the nature of the enrollee's condition, not to exceed five business days from the plan's receipt of the information reasonably necessary and requested by the plan to make the determination. In cases where the review is retrospective, the decision shall be communicated to the individual who received services, or to the individual's designee, within 30 days of the receipt of information that is reasonably necessary to make this determination, and shall be communicated to the provider in a manner that is consistent with current law. For purposes of this section, retrospective reviews shall be for care rendered on or after January 1, 2000.

(2) When the enrollee's condition is such that the enrollee faces an imminent and serious threat to his or her health including, but not limited to, the potential loss of life, limb, or other major bodily function, or the normal timeframe for the decision-making process, as described in paragraph (1), would be detrimental to the enrollee's life or health or could jeopardize the enrollee's ability to regain maximum function, decisions to approve, modify, or deny requests by providers prior to, or concurrent with, the provision of health care services to enrollees, shall be made in a timely fashion appropriate for the nature of the enrollee's condition, not to exceed 72 hours after the plan's receipt of the information reasonably necessary and requested by the plan to make the determination. Nothing in this section shall be construed to alter the requirements of subdivision (b) of Section 1371.4. Notwithstanding Section 1371.4, the requirements of this division shall be applicable to all health plans and other entities conducting utilization review or utilization management.

### **CA Health and Safety Code section 1367.01(h)(3)**

(h) In determining whether to approve, modify, or deny requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, based in whole or in part on medical necessity, a health care service plan subject to this section shall meet the following requirements:

(3) Decisions to approve, modify, or deny requests by providers for authorization prior to, or concurrent with, the provision of health care services to enrollees shall be communicated to the requesting provider within 24 hours of the decision. Except for concurrent review decisions pertaining to care that is underway, which shall be communicated to the enrollee's treating provider within 24 hours, decisions resulting in denial, delay, or modification of all or part of the requested health care service shall be communicated to the enrollee in writing within two business days of the decision. In the case of concurrent review, care shall not be discontinued until the enrollee's treating

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provider has been notified of the plan's decision and a care plan has been agreed upon by the treating provider that is appropriate for the medical needs of that patient.

### **28 CCR 1300.71.4.(b) and (d)**

(b) In the case when an enrollee is stabilized but the health care provider believes that the enrollee requires additional medically necessary health care services and may not be discharged safely, the following applies:

(1) A health care service plan shall approve or disapprove a health care provider's request for authorization to provide necessary post-stabilization medical care within one half hour of the request.

(2) If a health care service plan fails to approve or disapprove a health care provider's request for authorization to provide necessary post-stabilization medical care within one half-hour of the request, the necessary post-stabilization medical care shall be deemed authorized. Notwithstanding the foregoing sentence, the health care service plan shall have the authority to disapprove payment for (A) the delivery of such necessary post-stabilization medical care or (B) the continuation of the delivery of such care; provided, that the health care service plan notifies the provider prior to the commencement of the delivery of such care or during the continuation of the delivery of such care (in which case, the plan shall not be obligated to pay for the continuation of such care from and after the time it provides such notice to the provider, subject to the remaining provisions of this paragraph) and in both cases the disruption of such care (taking into account the time necessary to effect the enrollee's transfer or discharge) does not have an adverse impact upon the efficacy of such care or the enrollee's medical condition.

(3) Notwithstanding the provisions of Subsection (b) of this rule, a health care service plan shall pay for all medically necessary health care services provided to an enrollee which are necessary to maintain the enrollee's stabilized condition up to the time that the health care service plan effectuates the enrollee's transfer or the enrollee is discharged.

(d) All requests for authorizations, and all responses to such requests for authorizations, of post-stabilization medically necessary health care services shall be fully documented. All provision of medically necessary health care services shall be fully documented. Documentation shall include, but not be limited to, the date and time of the request, the name of the health care provider making the request, and the name of the plan representative responding to the request.

**\*UM-002 not applicable to EAPs**

### **INDIVIDUAL(S)/POSITION(S) TO BE INTERVIEWED**

**Staff responsible for the activities described above, for example:**

- UM Director / Managers
- Medical Director and/or senior Physician responsible for UM



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### DOCUMENT(S) TO BE REVIEWED

- UM policies and procedures, including UM decision timeframe requirements.
- Organization charts, committee descriptions and key staff job descriptions of staff involved in UM review.
- Sample UM denial template letters.
- Sample of UM denial files to be reviewed onsite.

### UM-002 - Key Element 1:

1. **The Plan has written policies and procedures for review and approval, modification, delay or denial of services (medical necessity denials) and ensures they are consistently applied.**  
CA Health and Safety Code sections 1367.01(b), (e), and (g)

Assessment Questions	Yes	No	N/A
1.1 Does the Plan have policies and procedures to ensure that only licensed Physicians (psychiatrists) or a licensed health care professional (competent to evaluate clinical issues related to requested health care services) make decisions to deny or modify requested mental health services on the basis of medical necessity?			
1.2 Do the Plan's denial files validate that only licensed Physicians (psychiatrists) or a licensed health care professional (competent to evaluate clinical issues related to requested mental health care services) make decisions to deny or modify requested services on the basis of medical necessity?			

### UM-002 - Key Element 2:

2. **The Plan has established and implemented written policies and procedures regarding the timeliness of UM decisions and ensures they are consistently applied.**  
CA Health and Safety Code section 1367.01(b); CA Health and Safety Code sections 1367.01(h)(1) and (2); 28 CCR 1300.71.4(b) and (d)

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Assessment Questions	Yes	No	N/A
2.1 Does the Plan make decisions to approve, modify, or deny requests by providers in a timely fashion, <b><u>not to exceed five business days</u></b> after the Plan's receipt of the information reasonably necessary to make the determination? (This applies to requests prior to, or concurrent with, the provision of health care services to enrollees.)			
2.2 For urgent referrals and requests for other health care services, does the Plan make the decision to approve, modify, or deny requests by providers in a timely fashion, not to exceed 72 hours after the Plan's receipt of the information reasonably necessary and requested by the Plan to make the determination? (This applies to requests prior to, or concurrent with, the provision of health care services to enrollees.)			
2.3 Does the Plan communicate utilization review decisions to approve, deny, delay, or modify health care services to requesting <b><u>providers</u></b> initially by telephone, facsimile or electronic mail and then in writing <b><u>within 24 hours of making the decision?</u></b>			
2.4 Does the Plan communicate UM decisions to approve, deny, delay, or modify health care services to <b><u>enrollees</u></b> in writing within <b><u>2 business days?</u></b>			
2.5 Does the Plan request information from the provider that is reasonably necessary to make a medical necessity decision in a timely fashion? (Appropriate for the nature of the enrollee's condition.)			
2.6 Upon receipt of the requested information, does the Plan make decisions to approve, modify, or deny the request within the required timeframe?			
2.7 For retrospective reviews, does the Plan make the decision to approve or deny the previous provision of health care services to enrollees, and communicate that decision <b><u>within 30 days</u></b> after the Plan's receipt of the information reasonably necessary and requested by the Plan to make the determination?			

**UM-002 - Key Element 3:**

- 3. Care shall not be discontinued until a care plan has been agreed upon by the treating provider that is appropriate for the medical needs of that patient. California Health and Safety Code section 1367.01(h)(3)**

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<b>Assessment Questions</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
3.1 Does the Plan's policy and practice demonstrate that treating providers can readily access the Plan Physician that made the adverse decision?			
3.2 Does the Plan document receipt of agreement by the treating provider?			
3.3 What is the turn around time for Plan provider to respond to treating provider? How does the Plan monitor it?			

### End of Requirement UM-002: UM Decision Making and Time Frames

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### Requirement UM-003: UM Criteria Development

#### STATUTORY/REGULATORY CITATION(S)

##### **CA Health and Safety Code sections 1363.5(a) and (b)**

(a) A plan shall disclose or provide for the disclosure to the director and to network providers the process the plan, its contracting provider groups, or any entity with which the plan contracts for services that include utilization review or utilization management functions, uses to authorize, modify, or deny health care services under the benefits provided by the plan, including coverage for sub acute care, transitional inpatient care, or care provided in skilled nursing facilities. A plan shall also disclose those processes to enrollees or persons designated by an enrollee, or to any other person or organization, upon request. The disclosure to the director shall include the policies, procedures, and the description of the process that are filed with the director pursuant to subdivision (b) of Section 1367.01.

(b) The criteria or guidelines used by plans, or any entities with which plans contract for services that include utilization review or utilization management functions, to determine whether to authorize, modify or deny health care services shall:

- (1) Be developed with involvement from actively practicing health care providers
- (2) Be consistent with sound clinical principles and processes
- (3) Be evaluated, and updated if necessary, at least annually

##### **CA Health and Safety Code sections 1367.01(b) and (f)**

(b) A health care service plan that is subject to this section shall have written policies and procedures establishing the process by which the plan prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based in whole or in part on medical necessity, requests by providers of health care services for plan enrollees. These policies and procedures shall ensure that decisions based on the medical necessity of proposed health care services are consistent with criteria or guidelines that are supported by clinical principles and processes. These criteria and guidelines shall be developed pursuant to Section 1363.5. These policies and procedures, and a description of the process by which the plan reviews and approves, modifies, delays, or denies requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, shall be filed with the director for review and approval, and shall be disclosed by the plan to providers and enrollees upon request, and by the plan to the public upon request.

(f) The criteria or guidelines used by the health care service plan to determine whether to approve, modify, or deny requests by providers prior to, retrospectively, or concurrent with, the provision of health care services to enrollees shall be consistent with clinical principles and processes.

##### **CA Health and Safety Code sections 1374.72(a) and (d)**

(a) Every health care service plan contract issued, amended, or renewed on or after July 1, 2000, that provides hospital, medical, or surgical coverage shall provide coverage for the diagnosis and medically necessary treatment of severe mental

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illnesses of a person of any age, and of serious emotional disturbances of a child, as specified in subdivisions (d) and (e), under the same terms and conditions applied to other medical conditions as specified in subdivision (c).

(d) For the purposes of this section, "severe mental illnesses" shall include:

- (1) Schizophrenia.
- (2) Schizoaffective disorder.
- (3) Bipolar disorder (manic-depressive illness).
- (4) Major depressive disorders.
- (5) Panic disorder.
- (6) Obsessive-compulsive disorder.
- (7) Pervasive developmental disorder or autism.
- (8) Anorexia nervosa.
- (9) Bulimia nervosa.

**\*UM-003 not applicable to EAPs**

### INDIVIDUAL(S)/POSITION(S) TO BE INTERVIEWED

**Staff responsible for the activities described above, for example:**

- UM Director
- Medical Director or designee
- Senior mental health clinical officer

### DOCUMENT(S) TO BE REVIEWED

- UM policies and procedures and/or Program document outlining development and approval of UM criteria
- UM review criteria, including the criteria for parity diagnoses (for the diagnosis and treatment of serious mental illnesses, autistic disorders, other pervasive-developmental disorders and serious emotional disturbances of a child).
- Policies and procedures for verifying parity diagnosis including pervasive-developmental disorders and serious emotional disturbances of a child.
- Policies and procedures related to individuals that are seriously mentally ill and do not adhere to Plan policies and procedures and/or treatment plans.
- UM Committee minutes
- Signature page for UM Program/Plan/policies and procedures

### UM-003 - Key Element 1:

**1. The Plan develops UM criteria consistent with acceptable standards and evaluates them annually.**

**CA Health and Safety Code sections 1363.5(a) and (b); CA Health and Safety Code sections 1367.01(b) and (f); CA Health and Safety Code sections 1374.72(a) and (d)**

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Assessment Questions	Yes	No	N/A
1.1 Does the Plan utilize criteria/guidelines when determining the medical necessity of requested health care services?			
1.2 Does the Plan have written UM criteria that are consistent with accepted standards of practice for one or more of the following mental health parity conditions? <ul style="list-style-type: none"> <li>• Schizophrenia</li> <li>• Schizoaffective disorder</li> <li>• Bipolar disorder (manic depressive illness)</li> <li>• Major Depressive disorders</li> <li>• Panic disorder</li> <li>• Obsessive-compulsive disorder</li> <li>• Pervasive developmental disorder or autism</li> <li>• Anorexia Nervosa</li> <li>• Bulimia Nervosa</li> <li>• Severe Emotional Disturbances of Children</li> </ul>			
1.3 Are criteria/guidelines developed with involvement from actively practicing mental health care providers?			
1.4 Does the Plan have a mechanism to ensure that UM criteria/guidelines for making medical necessity decisions are updated annually (or more frequently if needed)?			
1.5 Does the Plan have a mechanism to ensure that UM criteria/guidelines for making medical necessity decisions are disseminated to all UM decision-makers?			
1.6 Does the Plan distribute clinical practice guidelines to mental health providers as appropriate?			
1.7 Is there supporting documentation to confirm the criteria/guidelines are consistent with accepted standards of practice? (For example, documented approval via minutes from Physician discussions; criteria/guidelines have been adopted by reputable Physician organizations; criteria/guidelines consistent with national standards from federal agencies.)			

### End of Requirement UM-003: Criteria Development

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### Requirement UM-004: Communication Requirements for UM Decisions

#### STATUTORY/REGULATORY CITATION(S)

##### **CA Health and Safety Code section 1363.5(b)(4)**

(b) The criteria or guidelines used by plans, or any entities with which plans contract for services that include utilization review or utilization management functions, to determine whether to authorize, modify, or deny health care services shall:

(4) If used as the basis of a decision to modify, delay, or deny services in a specified case under review, be disclosed to the provider and the enrollee in that specified case.

##### **CA Health and Safety Code section 1367.01(d)**

If health plan personnel, or individuals under contract to the plan to review requests by providers, approve the provider's request, pursuant to subdivision (b), the decision shall be communicated to the provider pursuant to subdivision (h).

##### **CA Health and Safety Code section 1367.01(b)**

(b) A health care service plan that is subject to this section shall have written policies and procedures establishing the process by which the plan prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based in whole or in part on medical necessity, requests by providers of health care services for plan enrollees. These policies and procedures shall ensure that decisions based on the medical necessity of proposed health care services are consistent with criteria or guidelines that are supported by clinical principles and processes. These criteria and guidelines shall be developed pursuant to Section 1363.5. These policies and procedures, and a description of the process by which the plan reviews and approves, modifies, delays, or denies requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, shall be filed with the director for review and approval, and shall be disclosed by the plan to providers and enrollees upon request, and by the plan to the public upon request.

##### **CA Health and Safety Code section 1367.01(h)(5)**

(h) In determining whether to approve, modify, or deny requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, based in whole or in part on medical necessity, a health care service plan subject to this section shall meet the following requirements:

(5) If the health care service plan cannot make a decision to approve, modify, or deny the request for authorization within the timeframes specified in paragraph (1) or (2) because the plan is not in receipt of all of the information reasonably necessary and requested, or because the plan requires consultation by an expert reviewer, or because the plan has asked that an additional examination or test be performed upon the enrollee, provided the examination or test is reasonable and consistent with good medical practice, the plan shall, immediately upon the expiration of the timeframe

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specified in paragraph (1) or (2) or as soon as the plan becomes aware that it will not meet the timeframe, whichever occurs first, notify the provider and the enrollee, in writing, that the plan cannot make a decision to approve, modify, or deny the request for authorization within the required timeframe, and specify the information requested but not received, or the expert reviewer to be consulted, or the additional examinations or tests required. The plan shall also notify the provider and enrollee of the anticipated date on which a decision may be rendered. Upon receipt of all information reasonably necessary and requested by the plan, the plan shall approve, modify, or deny the request for authorization within the timeframes specified in paragraph (1) or (2), whichever applies.

### **CA Health and Safety Code sections 1367.01(h)(3) and (4)**

(h) In determining whether to approve, modify, or deny requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, based in whole or in part on medical necessity, a health care service plan subject to this section shall meet the following requirements:

(3) Decisions to approve, modify, or deny requests by providers for authorization prior to, or concurrent with, the provision of health care services to enrollees shall be communicated to the requesting provider within 24 hours of the decision. Except for concurrent review decisions pertaining to care that is underway, which shall be communicated to the enrollee's treating provider within 24 hours, decisions resulting in denial, delay, or modification of all or part of the requested health care service shall be communicated to the enrollee in writing within two business days of the decision. In the case of concurrent review, care shall not be discontinued until the enrollee's treating provider has been notified of the plan's decision and a care plan has been agreed upon by the treating provider that is appropriate for the medical needs of that patient.

(4) Communications regarding decisions to approve requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees shall specify the specific health care service approved. Responses regarding decisions to deny, delay, or modify health care services requested by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees shall be communicated to the enrollee in writing, and to providers initially by telephone or facsimile, except with regard to decisions rendered retrospectively, and then in writing, and shall include a clear and concise explanation of the reasons for the plan's decision, a description of the criteria or guidelines used, and the clinical reasons for the decisions regarding medical necessity. Any written communication to a physician or other health care provider of a denial, delay, or modification of a request shall include the name and telephone number of the health care professional responsible for the denial, delay, or modification. The telephone number provided shall be a direct number or an extension, to allow the physician or health care provider easily to contact the professional responsible for the denial, delay, or modification. Responses shall also include information as to how the enrollee may file a grievance with the plan pursuant to Section 1368, and in the case of Medi-Cal enrollees, shall explain how to request an



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administrative hearing and aid paid pending under Sections 51014.1 and 51014.2 of Title 22 of the California Code of Regulations.

### **CA Health and Safety Code section 1374.30(i)**

(i) No later than January 1, 2001, every health care service plan shall prominently display in every plan member handbook or relevant informational brochure, in every plan contract, on enrollee evidence of coverage forms, on copies of plan procedures for resolving grievances, on letters of denials issued by either the plan or its contracting organization, on the grievance forms required under Section 1368, and on all written responses to grievances, information concerning the right of an enrollee to request an independent medical review in cases where the enrollee believes that health care services have been improperly denied, modified, or delayed by the plan, or by one of its contracting providers.

**\*UM-004 not applicable to EAPs**

### INDIVIDUAL(S)/POSITION(S) TO BE INTERVIEWED

**Staff responsible for the activities described above, for example:**

- UM Director
- Medical Director and/or senior Physician responsible for UM decisions

### DOCUMENT(S) TO BE REVIEWED

- UM policies and procedures, including UM decision communication requirements.
- Sample UM denial template letters, UM approval template letters, and UM extension letters (when the Plan cannot make a decision within the required timeframe).
- Sample denial files to be reviewed onsite.

### **UM-004 - Key Element 1:**

**1. The Plan has established and implemented guidelines for UM-related communications to providers and enrollees (including content, form, and timeframes).**

**CA Health and Safety Code section 1363.5(b)(4); CA Health and Safety Code section 1367.01(d); CA Health and Safety Code sections 1367.01(h)(3) and (4); CA Health and Safety Code section 1374.30(i)**

Assessment Questions	Yes	No	N/A
1.1 For retrospective UM decisions, does the Plan communicate denials or modifications of health care services to providers in writing?			

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Assessment Questions	Yes	No	N/A
1.2 Do communications regarding decisions to approve requests by providers specify the specific health care service approved?			
1.3 Do the Plan's denial letters provide a <b><u>clear and concise explanation</u></b> of the reasons for the Plan's decision to deny, delay, or modify health care services?			
1.4 Do the Plan's denial letters specify a <b><u>description of the criteria</u></b> or guidelines used for the Plan's decision to deny, delay, or modify health care services?			
1.5 Do the Plan's denial letters specify the <b><u>clinical reasons</u></b> for the Plan's decision to deny, delay, or modify health care services?			
1.6 Do written communications to a Physician or other mental health care provider of a denial, delay, or modification of a request include the following information the <b><u>name</u></b> of the health care professional responsible for the denial, delay, or modification?			
1.7 Do written communications to a Physician or other mental health care provider of a denial, delay, or modification of a request include the following information the <b><u>direct telephone number</u></b> or an extension of the healthcare professional responsible for the denial, delay, or modification to allow the requesting Physician or health care provider to easily contact them?			
1.8 Do written communications to an enrollee of a denial, delay or modification of a request include information as to how he / she may <b><u>file a grievance</u></b> with the Plan?			
1.9 Do written communications to an enrollee of a denial, delay or modification of a request include information as to how he / she may <b><u>request an independent medical review</u></b> in cases where the enrollee believes that health care services have been improperly denied, modified, or delayed by the Plan, or by one of its contracting providers?			

**UM-004 - Key Element 2:**

- 2. The Plan has established and implemented guidelines for communicating to the enrollee and Physician if a UM decision will not be made within 5 business days.**  
**CA Health and Safety Code section 1367.01(b); CA Health and Safety Code section 1367.01(h)(5)**

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<b>Assessment Questions</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
2.1 Does the Plan have guidelines for communicating with the enrollee and provider if UM decisions do not meet the required timeframes?			
2.2 If the Plan is unable to make a UM decision within the required timeframe, does the Plan notify the provider and enrollee of the anticipated decision date?			

### End of Requirement UM-004: Communications Requirements for UM Decisions

## BEHAVIORAL HEALTH TAG

### Requirement UM-005: Disclosure of UM Process to Authorize or Deny Services

#### STATUTORY/REGULATORY CITATION(S)

##### **CA Health and Safety Code section 1363.5(a)**

(a) A plan shall disclose or provide for the disclosure to the director and to network providers the process the plan, its contracting provider groups, or any entity with which the plan contracts for services that include utilization review or utilization management functions, uses to authorize, modify, or deny health care services under the benefits provided by the plan, including coverage for sub-acute care, transitional inpatient care, or care provided in skilled nursing facilities. A plan shall also disclose those processes to enrollees or persons designated by an enrollee, or to any other person or organization, upon request. The disclosure to the director shall include the policies, procedures, and the description of the process that are filed with the director pursuant to subdivision (b) of Section 1367.01.

##### **CA Health and Safety Code sections 1363.5(b)(4) and (5)**

(b) The criteria or guidelines used by plans, or any entities with which plans contract for services that include utilization review or utilization management functions, to determine whether to authorize, modify, or deny health care services shall:

(4) If used as the basis of a decision to modify, delay, or deny services in a specified case under review, be disclosed to the provider and the enrollee in that specified case.

(5) Be available to the public upon request. A plan shall only be required to disclose the criteria or guidelines for the specific procedures or conditions requested. A plan may charge reasonable fees to cover administrative expenses related to disclosing criteria or guidelines pursuant to this paragraph, limited to copying and postage costs. The plan may also make the criteria or guidelines available through electronic communication means.

##### **CA Health and Safety Code section 1363.5(c)**

(c) The disclosure required by paragraph (5) of subdivision (b) shall be accompanied by the following notice: "The materials provided to you are guidelines used by this plan to authorize, modify, or deny care for persons with similar illnesses or conditions. Specific care and treatment may vary depending on individual need and the benefits covered under your contract."

**\*UM-005 not applicable to EAPs**

#### INDIVIDUAL(S)/POSITION(S) TO BE INTERVIEWED

**Staff responsible for the activities described above, for example:**

- UM Director

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- Medical Director or designee
- Member Services staff
- Participating Physician

### DOCUMENT(S) TO BE REVIEWED

- Policies and procedures for disclosure of UM processes and criteria to providers, enrollees, and the public.
- Policies and procedures for disclosure to the provider and enrollee of the specific UM criteria used in all decisions based on medical necessity to modify, delay, or deny care
- Template letter(s) with disclosure statement.
- Review of disclosure documents including: Provider materials relating to disclosure; disclosures to provider groups and UM vendors; enrollee materials relating to disclosure; and public materials relating to disclosure
- Review licensing filing of the Plan’s UM Program to confirm submission of policies and procedures, and the description of the UM process.

### UM-005 - Key Element 1:

**1. The Plan shall disclose to network providers, contractors, and enrollees the process the Plan uses to authorize, modify, or deny health care services under the benefits provided by the Plan.**

**CA Health and Safety Code section 1363.5(a); CA Health and Safety Code sections 1363.5(b)(4) and (5); CA Health and Safety Code section 1363.5(c)**

Assessment Questions	Yes	No	N/A
1.1 Do Plan policies and procedures provide for the disclosure of the process the Plan uses to authorize, modify, or deny health care services?			
1.2 Does the Plan disclose the UM process information to network providers?			
1.3 Does the Plan demonstrate that it discloses UM processes to enrollees or persons designated by an enrollee, or to any other person or organization, upon request?			
1.4 Does the Plan demonstrate that it discloses to the enrollee and provider the UM criteria used as a basis to modify, deny or delay services in specified cases under review?			

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<b>Assessment Questions</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
1.5 Are UM Criteria available to the public upon request, which may include the availability through electronic communication means?			
1.6 Is disclosure of UM criteria to the public accompanied by the following notice: "The materials provided to you are guidelines used by this plan to authorize, modify, or deny care for persons with similar illnesses or conditions. Specific care and treatment may vary depending on individual need and the benefits covered under your contract."?			

### End of Requirement UM-005: Disclosure of UM Process to Authorize or Deny Services

## BEHAVIORAL HEALTH TAG

### Requirement UM-006: UM Processes as Part of the QA Program

#### STATUTORY/REGULATORY CITATION(S)

##### **CA Health and Safety Code sections 1367.01(e) and (h)**

(e) No individual, other than a licensed physician or a licensed health care professional who is competent to evaluate the specific clinical issues involved in the health care services requested by the provider, may deny or modify requests for authorization of health care services for an enrollee for reasons of medical necessity. The decision of the physician or other health care professional shall be communicated to the provider and the enrollee pursuant to subdivision (h).

(h) In determining whether to approve, modify, or deny requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, based in whole or in part on medical necessity, a health care service plan subject to this section shall meet the following requirements:

(1) Decisions to approve, modify, or deny, based on medical necessity, requests by providers prior to, or concurrent with the provision of health care services to enrollees that do not meet the requirements for the 72-hour review required by paragraph (2), shall be made in a timely fashion appropriate for the nature of the enrollee's condition, not to exceed five business days from the plan's receipt of the information reasonably necessary and requested by the plan to make the determination. In cases where the review is retrospective, the decision shall be communicated to the individual who received services, or to the individual's designee, within 30 days of the receipt of information that is reasonably necessary to make this determination, and shall be communicated to the provider in a manner that is consistent with current law. For purposes of this section, retrospective reviews shall be for care rendered on or after January 1, 2000.

(2) When the enrollee's condition is such that the enrollee faces an imminent and serious threat to his or her health including, but not limited to, the potential loss of life, limb, or other major bodily function, or the normal timeframe for the decision-making process, as described in paragraph (1), would be detrimental to the enrollee's life or health or could jeopardize the enrollee's ability to regain maximum function, decisions to approve, modify, or deny requests by providers prior to, or concurrent with, the provision of health care services to enrollees, shall be made in a timely fashion appropriate for the nature of the enrollee's condition, not to exceed 72 hours after the plan's receipt of the information reasonably necessary and requested by the plan to make the determination. Nothing in this section shall be construed to alter the requirements of subdivision (b) of Section 1371.4. Notwithstanding Section 1371.4, the requirements of this division shall be applicable to all health plans and other entities conducting utilization review or utilization management.

(3) Decisions to approve, modify, or deny requests by providers for authorization prior to, or concurrent with, the provision of health care services to enrollees shall be communicated to the requesting provider within 24 hours of the decision. Except for concurrent review decisions pertaining to care that is underway, which shall be communicated to the enrollee's treating provider within 24 hours, decisions resulting in

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denial, delay, or modification of all or part of the requested health care service shall be communicated to the enrollee in writing within two business days of the decision. In the case of concurrent review, care shall not be discontinued until the enrollee's treating provider has been notified of the plan's decision and a care plan has been agreed upon by the treating provider that is appropriate for the medical needs of that patient.

(4) Communications regarding decisions to approve requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees shall specify the specific health care service approved. Responses regarding decisions to deny, delay, or modify health care services requested by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees shall be communicated to the enrollee in writing, and to providers initially by telephone or facsimile, except with regard to decisions rendered retrospectively, and then in writing, and shall include a clear and concise explanation of the reasons for the plan's decision, a description of the criteria or guidelines used, and the clinical reasons for the decisions regarding medical necessity. Any written communication to a physician or other health care provider of a denial, delay, or modification of a request shall include the name and telephone number of the health care professional responsible for the denial, delay, or modification. The telephone number provided shall be a direct number or an extension, to allow the physician or health care provider easily to contact the professional responsible for the denial, delay, or modification. Responses shall also include information as to how the enrollee may file a grievance with the plan pursuant to Section 1368, and in the case of Medi-Cal enrollees, shall explain how to request an administrative hearing and aid paid pending under Sections 51014.1 and 51014.2 of Title 22 of the California Code of Regulations.

(5) If the health care service plan cannot make a decision to approve, modify, or deny the request for authorization within the timeframes specified in paragraph (1) or (2) because the plan is not in receipt of all of the information reasonably necessary and requested, or because the plan requires consultation by an expert reviewer, or because the plan has asked that an additional examination or test be performed upon the enrollee, provided the examination or test is reasonable and consistent with good medical practice, the plan shall, immediately upon the expiration of the timeframe specified in paragraph (1) or (2) or as soon as the plan becomes aware that it will not meet the timeframe, whichever occurs first, notify the provider and the enrollee, in writing, that the plan cannot make a decision to approve, modify, or deny the request for authorization within the required timeframe, and specify the information requested but not received, or the expert reviewer to be consulted, or the additional examinations or tests required. The plan shall also notify the provider and enrollee of the anticipated date on which a decision may be rendered. Upon receipt of all information reasonably necessary and requested by the plan, the plan shall approve, modify, or deny the request for authorization within the timeframes specified in paragraph (1) or (2), whichever applies.

(6) If the director determines that a health care service plan has failed to meet any of the timeframes in this section, or has failed to meet any other requirement of this section, the director may assess, by order, administrative penalties for each failure. A proceeding for the issuance of an order assessing administrative penalties shall be



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subject to appropriate notice to, and an opportunity for a hearing with regard to, the person affected, in accordance with subdivision (a) of Section 1397. The administrative penalties shall not be deemed an exclusive remedy for the director. These penalties shall be paid to the State Managed Care Fund.

### **CA Health and Safety Code section 1367.01(j)**

(j) A health care service plan subject to this section that reviews requests by providers prior to, retrospectively, or concurrent with, the provision of health care services to enrollees shall establish, as part of the quality assurance program required by Section 1370, a process by which the plan's compliance with this section is assessed and evaluated. The process shall include provisions for evaluation of complaints, assessment of trends, implementation of actions to correct identified problems, mechanisms to communicate actions and results to the appropriate health plan employees and contracting providers, and provisions for evaluation of any corrective action plan and measurements of performance.

### **28 CCR 1300.70(a)(1)**

(a) Intent and Regulatory Purpose.

(1) The QA program must be directed by providers and must document that the quality of care provided is being reviewed, that problems are being identified, that effective action is taken to improve care where deficiencies are identified, and that follow-up is planned where indicated.

### **28 CCR 1300.70(a)(3)**

(a) Intent and Regulatory Purpose.

(3) A plan's QA program must address service elements, including accessibility, availability, and continuity of care. A plan's QA program must also monitor whether the provision and utilization of services meets professionally recognized standards of practice.

### **28 CCR 1300.70(b)(1)(A), (B), and (D)**

(b) Quality Assurance Program Structure and Requirements.

(1) Program Structure.

To meet the requirements of the Act which require plans to continuously review the quality of care provided, each plan's quality assurance program shall be designed to ensure that:

(A) a level of care which meets professionally recognized standards of practice is being delivered to all enrollees;

(B) quality of care problems are identified and corrected for all provider entities;

(D) appropriate care which is consistent with professionally recognized standards of practice is not withheld or delayed for any reason, including a potential financial gain and/or incentive to the plan providers, and/or others.

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### 28 CCR 1300.70(b)(2)(G)(5)

(b) Quality Assurance Program Structure and Requirements.

(2) Program Requirements.

(G) Medical groups or other provider entities may have active quality assurance programs which the plan may use. In all instances, however, the plan must retain responsibility for reviewing the overall quality of care delivered to plan enrollees.

(5) If QA activities are delegated to a participating provider to ensure that each provider has the capability to perform effective quality assurance activities, the plan must do the following:

Ensure that for each provider the quality assurance/utilization review mechanism will encompass provider referral and specialist care patterns of practice, including an assessment of timely access to specialists, ancillary support services, and appropriate preventive health services based on reasonable standards established by the plan and/or delegated providers.

### INDIVIDUAL(S)/POSITION(S) TO BE INTERVIEWED

Staff responsible for the activities described above, for example:

- UM Director
- QM Director
- Medical Director

### DOCUMENT(S) TO BE REVIEWED

- Policies and procedures for UM
- UM or QM Annual Work Plan
- UM or QM Committee minutes
- Trending reports
- Activity summaries
- Audit Reports
- Enrollee & Provider Satisfaction Surveys (UM-related questions and results)
- Corrective action plans

### UM-006 - Key Element 1:

1. The Plan has established and implemented a QA process to assess and evaluate their compliance with UM requirements.

CA Health and Safety Code section 1367.01(j); 28 CCR 1300.70(a)(3); 28 CCR 1300.70(b)(1)(A), (B), and (D)

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Assessment Questions	Yes	No	N/A
1.1 Does the Plan have a process in place to routinely and systematically <b>evaluate complaints and assess trends</b> , to identify potential quality issues in the UM process and regularly report this information to appropriate bodies?			
1.2 Does the Plan have a process in place to <b>monitor and assess compliance</b> with <b>timeliness</b> of decision-making, timeliness of notification, and turnaround times for UM functions?			
1.3 Has the Plan established and implemented policies and procedures to <b>monitor and assess compliance</b> with the use of <b>appropriately licensed</b> providers in making denial decisions and the appropriate use and application of criteria in making medical necessity decisions?			
1.4 Has the Plan established and implemented policies and procedures to audit denial letters ensuring the required information is included, and communicated to the appropriate user, providers and/or enrollees?			
1.5 Does the Plan systematically and routinely analyze its evaluation of the UM process to identify any potential quality issues in the UM process?			
1.6 Does the Plan develop, communicate, and implement corrective action plans when potential quality issues are identified in the UM process?			
1.7 Does the Plan evaluate the effectiveness of any corrective action plan (using performance measures, for example) and make further recommendations to improve the UM process?			
1.8 Does the Plan systemically and routinely analyze UM data to monitor for potential over and under utilization?			

### UM-006 - Key Element 2:

**2. The scope of quality assurance monitoring includes assessment and evaluation of provider referral and specialist care patterns of practice.  
28 CCR 1300.70(a)(1); 28 CCR 1300.70(b)(2)(G)(5)**

Assessment Questions	Yes	No	N/A
2.1 Does the Plan's quality assurance/utilization review mechanism encompass provider referral and specialist care patterns of practice, including an assessment of timely access to specialists based on reasonable standards established by the Plan and/or delegated providers?			
2.2 Does the Plan have a process in place to routinely monitor and assess access to specialist care?			

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<b>Assessment Questions</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
2.3 Does the Plan analyze its evaluation of access to specialist care?			
2.4 Does the Plan have a process to routinely monitor and assess access to specialist care for any delegated providers?			
2.5 Does the Plan identify, communicate, and implement corrective actions when potential access issues are identified in the UM process?			
2.6 Does the Plan evaluate the effectiveness of any corrective actions (using performance measures, for example) and make further recommendations to improve potential access issues?			

### End of Requirement UM-006: UM Processes as Part of the QA Program

## BEHAVIORAL HEALTH TAG

### Requirement UM-007: Terminal Illness Requirements and Compliance

**\*This requirement does not apply to Behavioral Health plans.**

End of Requirement UM-007: Terminal Illness Requirements and Compliance

### Requirement UM-008: UM Delegation Oversight

**\*This requirement does not apply to Behavioral Health plans.**

End of Requirement UM-008: UM Delegation Oversight

## BEHAVIORAL HEALTH TAG

### Requirement UM-009: Mental Health Parity Coverage & Claims Administration

#### STATUTORY/REGULATORY CITATION(S)

##### **CA Health and Safety Code sections 1374.72(a), (c), and (e)**

(a) Every health care service plan contract issued, amended, or renewed on or after July 1, 2000, that provides hospital, medical, or surgical coverage shall provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses of a person of any age, and of serious emotional disturbances of a child, as specified in subdivisions (d) and (e), under the same terms and conditions applied to other medical conditions as specified in subdivision (c).

(c) The terms and conditions applied to the benefits required by this section, that shall be applied equally to all benefits under the plan contract, shall include, but not be limited to, the following:

- (1) Maximum lifetime benefits.
- (2) Copayments.
- (3) Individual and family deductibles.

(e) For the purposes of this section, a child suffering from, "serious emotional disturbances of a child" shall be defined as a child who (1) has one or more mental disorders as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, that result in behavior inappropriate to the child's age according to expected developmental norms, and (2) who meets the criteria in paragraph (2) of subdivision (a) of Section 5600.3 of the Welfare and Institutions Code.

##### **CA Health and Safety Code sections 1374.72(a) and (c)**

(a) Every health care service plan contract issued, amended, or renewed on or after July 1, 2000, that provides hospital, medical, or surgical coverage shall provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses of a person of any age, and of serious emotional disturbances of a child, as specified in subdivisions (d) and (e), under the same terms and conditions applied to other medical conditions as specified in subdivision (c).

(c) The terms and conditions applied to the benefits required by this section, that shall be applied equally to all benefits under the plan contract, shall include, but not be limited to, the following:

- (1) Maximum lifetime benefits.
- (2) Copayments.
- (3) Individual and family deductibles.

##### **CA Health and Safety Code section 1374.72(g)(1)**

(g)(1) For the purpose of compliance with this section, a plan may provide coverage for all or part of the mental health services required by this section through a separate specialized health care service plan or mental health plan, and shall not be required to obtain an additional or specialized license for this purpose.

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### 28 CCR 1300.74.72(f) and (g)

(f) A plan's referral system shall provide enrollees timely access and ready referral, in a manner consistent with good professional practice, to mental health services for the purpose of diagnosis and medically necessary treatment of conditions set forth in Health and Safety Code section 1374.72 and for related health care services as appropriate upon referral from a primary care physician, mental health provider or pediatrician meeting the requirements of subsection (b) above.

(g) If a plan contracts with a specialized health care service plan for the purpose of providing Health and Safety Code section 1374.72 services, the following requirements shall apply:

(1) the specialized health care service plan shall maintain a telephone number that an enrollee may call during normal business hours to obtain information about benefits, providers, coverage and any other relevant information concerning an enrollee's mental health services;

(2) if the plan issues identification cards to enrollees, the identification cards shall include the telephone number required to be maintained above and a brief statement indicating that enrollees may call the telephone number for assistance about mental health services and coverage;

(3) the plan shall monitor the continuity and coordination of care that enrollees receive, and take action, when necessary, to assure continuity and coordination of care, in a manner consistent with professionally recognized evidence-based standards of practice, across the health care network;

(4) the plan shall monitor, as often as necessary, but not less frequently than once every year, the collaboration between medical and mental health providers including, but not limited to, the following:

(A) exchange of information,

(B) appropriate diagnosis, treatment and referral, and

(C) access to treatment and follow-up for enrollees with co-existing medical and mental health disorders;

(5) the plan shall retain full responsibility for assuring continuity and coordination of care, in accordance with the requirements of this subsection, notwithstanding that, by contract, it has obligated a specialized health care service plan to perform some or all of these activities.

**\*UM-009 not applicable to EAPs**

### INDIVIDUAL(S)/POSITION(S) TO BE INTERVIEWED

**Staff responsible for the activities described above, for example:**

- Mental health claims director/manager
- Senior mental health clinician responsible for mental health

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### DOCUMENT(S) TO BE REVIEWED

- Policies and procedures, protocols documents relating any application of limits compared to medical or surgical services.
- Member materials regarding benefit limits.
- Customer Service staff materials used to quote member benefits.
- Sample of claim denial files to be reviewed onsite.

### UM-009 - Key Element 1:

1. **Limits on annual/lifetime maximum benefits, co-payments, individual and family deductibles for mental health services are consistent with, or no more stringent than, any limits placed on medical or surgical services.**  
**CA Health and Safety Code sections 1374.72(a), (c), and (e)**

Assessment Questions	Yes	No	N/A
1.1 Are coverage limits, co-payments and co-insurance for mental health services consistent with or no more stringent than limits for medical/surgical services?			
1.2 When processing claims for mental health parity conditions, does the Plan or its delegate apply the following limits and co-payments consistent with medical diagnosis conditions to <b>maximum lifetime benefits</b> ?			
1.3 When processing claims for mental health parity conditions, does the Plan or its delegate apply the following limits and co-payments consistent with medical diagnosis conditions to <b>individual and family deductibles</b> ?			
1.4 When processing claims for mental health parity conditions, does the Plan or its delegate apply the following limits and co-payments consistent with medical diagnosis conditions to <b>co-payments</b> ?			
1.5 When processing claims for mental health parity conditions, does the Plan or its delegate apply the following limits and co-payments consistent with medical diagnosis conditions to <b>co-insurance</b> ?			
1.6 When processing claims for mental health parity conditions, does the Plan or its delegate apply the following limits and co-payments consistent with medical diagnosis conditions to <b>benefit limits</b> ?			

**\* Key Element 2 is applicable to carve-out mental health plans only**



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**UM-009 -Key Element 2:**

- 2. The full service plan coordinates with the mental health plan to ensure that mental health parity benefits are being provided to its enrollees.  
CA Health and Safety Code section 1374.72(g)(1); CA Health and Safety Code sections 1374.72.(a) and (c); 28 CCR 1300.74.72 (f) and (g)**

Assessment Questions	Yes	No	N/A
2.1 Does the agreement between the full service health care plan and the carve-out mental health plan delegate mental health parity responsibilities to the mental health plan?			
2.2 Does the agreement include a description of how the mental health plan and full service health care plan coordinate the development of benefit design? (i.e., development of prescription formulary)			
2.3 Does the agreement include a description of the collaboration between the mental health care plan and the full service health care plan for the timely exchange of information between medical and mental health providers?			
2.4 Does the agreement include a description of the collaboration between the mental health care plan and the full service health care plan for improving access to treatment and follow-up for enrollees with co-existing medical and mental health disorders?			

**End of Requirement UM-009: Mental Health Parity & Claims Administration**

## BEHAVIORAL HEALTH TAG

### Requirement UM-010: Mental Health Triage and Referral

#### STATUTORY/REGULATORY CITATION(S)

##### **CA Health and Safety Code section 1367(d)**

A health care service plan and, if applicable, a specialized health care service plan shall meet the following requirements:

(d) The plan shall furnish services in a manner providing continuity of care and ready referral of patients to other providers at times as may be appropriate consistent with good professional practice.

##### **CA Health and Safety Code section 1363.5(b)**

(b) The criteria or guidelines used by plans, or any entities with which plans contract for services that include utilization review or utilization management functions, to determine whether to authorize, modify or deny health care services shall:

- (1) Be developed with involvement from actively practicing health care providers
- (2) Be consistent with sound clinical principles and processes
- (3) Be evaluated, and updated if necessary, at least annually

##### **CA Health and Safety Code section 1367.01(e)**

(e) No individual, other than a licensed physician or a licensed health care professional who is competent to evaluate the specific clinical issues involved in the health care services requested by the provider, may deny or modify requests for authorization of health care services for an enrollee for reasons of medical necessity. The decision of the physician or other health care professional shall be communicated to the provider and the enrollee pursuant to subdivision (h).

##### **CA Health and Safety Code section 1367.01(i)**

(i) A health care service plan subject to this section shall maintain telephone access for providers to request authorization for health care services.

##### **CA Health and Safety Code section 1367.01(j)**

(j) A health care service plan subject to this section that reviews requests by providers prior to, retrospectively, or concurrent with, the provision of health care services to enrollees shall establish, as part of the quality assurance program required by Section 1370, a process by which the plan's compliance with this section is assessed and evaluated. The process shall include provisions for evaluation of complaints, assessment of trends, implementation of actions to correct identified problems, mechanisms to communicate actions and results to the appropriate health plan employees and contracting providers, and provisions for evaluation of any corrective action plan and measurements of performance.

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### 28 CCR 1300.67(a)(1)

The basic health care services required to be provided by a health care service plan to its enrollees shall include, where medically necessary, subject to any co-payment, deductible, or limitation of which the Director may approve:

(a) Physician services, which shall be provided by physicians licensed to practice medicine or osteopathy in accordance with applicable California law. There shall also be provided consultation with and referral by physicians to other physicians.

(1) The plan may also include, when provided by the plan, consultation and referral (physician or, if permitted by law, patient initiated) to other health professionals who are defined as dentists, nurses, podiatrists, optometrists, physician's assistants, clinical psychologists, social workers, pharmacists, nutritionists, occupational therapists, physical therapists and other professionals engaged in the delivery of health services who are licensed to practice, are certified, or practice under authority of the plan, a medical group, or individual practice association or other authority authorized by applicable California law.

**\*UM-0010 not applicable to EAPs**

### INDIVIDUAL(S)/POSITION(S) TO BE INTERVIEWED

**Staff responsible for the activities described above, for example:**

- Senior mental health clinician responsible for triage and referral
- Mental Health Medical Director
- Triage Center Manager and personnel

### DOCUMENT(S) TO BE REVIEWED

- Triage Policies and Procedures
- Utilization Management Committee and/or work group meeting minutes
- Record of periodic review and Plan assessment to ensure timely access and ready referral in accordance with 1300.74.72(f).
- Job descriptions of call center clinical and non-clinical personnel
- Review of cases from the Triage Center's telephone log, including cases in which the enrollee required emergent care or urgent care.

### UM-010 - Key Element 1:

1. **The Plan maintains a telephone intake system for enrollees, which is staffed by trained personnel, who are either individually licensed mental health professionals, or supervised by a licensed mental health professional, and which provides for initial referrals to mental health providers.**

## BEHAVIORAL HEALTH TAG

**California Health and Safety Code section 1367(d); California Health and Safety Code section 1367.01(i); 28 CCR 1300.67(a)(1)**

Assessment Questions	Yes	No	N/A
1.1 Does the Plan have an enrollee telephone intake system that is staffed by trained personnel who are individually licensed or are supervised by a licensed mental health professional?			
1.2 Does the Plan have policies and procedures and/or training that define protocols for initial referrals to mental health providers?			

### UM-010 - Key Element 2:

- 2. If the Plan requires that an enrollee access the mental health delivery system through a centralized triage and referral system, the Plan's protocols for mental health triage and referral address the level of urgency and appropriate level of care relative to the enrollee's mental status and level of functioning. California Health and Safety Code section 1367(d); California Health and Safety Code section 1300.67(a)(1); 28 CCR 1300.67(a)(1)**

Assessment Questions	Yes	No	N/A
2.1 Does the Plan require that enrollees access the mental health delivery system through a centralized triage and referral system?			
2.2 Do the Plan's protocols for mental health triage and referral address the level of urgency relative to the enrollee's mental status and level of functioning?			
2.3 Do the Plan's protocols for mental health triage and referral address the appropriate level of care relative to the enrollee's mental status and level of functioning?			

### UM-010 - Key Element 3:

- 3. The Plan has established standards and goals for the timeliness of response to its triage and referral telephone lines and measures performance against those standards. California Health and Safety Code section 1367(d); California Health and Safety Code section 1367.01(j); 28 CCR 1300.67(a)(1)**

Assessment Questions	Yes	No	N/A
3.1 Does the Plan have established standards and goals for timeliness of response to triage and referral telephone lines?			

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Assessment Questions	Yes	No	N/A
3.2 Does the Plan measure performance against standards at least quarterly?			
3.3 If the Plan does not meet its goals, does it take corrective action?			
3.4 Does the Plan re-measure results after corrective action has been implemented?			

### **UM-010 - Key Element 4:**

- 4. The Plan reviews and updates triage protocols on mental health conditions, when appropriate, on a regular basis.  
CA Health and Safety Code section 1363.5(b)**

Assessment Question	Yes	No	N/A
4.1 Does the Plan review and update triage protocols on mental health conditions on a regular basis?			

### **UM-010 - Key Element 5:**

- 5. Licensed clinical staff members make decisions about the type and level of care to which enrollees are referred.  
CA Health and Safety Code section 1367.01(e)**

Assessment Question	Yes	No	N/A
5.1 Do licensed clinical staff make decisions about the type and level of care to which enrollees are referred?			

### **End of Requirement UM-010: Mental Health Triage and Referral**

## BEHAVIORAL HEALTH TAG

### Requirement UM-011: Standing Referrals

#### STATUTORY/REGULATORY CITATIONS

##### **CA Health and Safety Code section 1367.01(h)(4)**

(h) In determining whether to approve, modify, or deny requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, based in whole or in part on medical necessity, a health care service plan subject to this section shall meet the following requirements:

(4) Communications regarding decisions to approve requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees shall specify the specific health care service approved. Responses regarding decisions to deny, delay, or modify health care services requested by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees shall be communicated to the enrollee in writing, and to providers initially by telephone or facsimile, except with regard to decisions rendered retrospectively, and then in writing, and shall include a clear and concise explanation of the reasons for the plan's decision, a description of the criteria or guidelines used, and the clinical reasons for the decisions regarding medical necessity. Any written communication to a physician or other health care provider of a denial, delay, or modification of a request shall include the name and telephone number of the health care professional responsible for the denial, delay, or modification. The telephone number provided shall be a direct number or an extension, to allow the physician or health care provider easily to contact the professional responsible for the denial, delay, or modification. Responses shall also include information as to how the enrollee may file a grievance with the plan pursuant to Section 1368, and in the case of Medi-Cal enrollees, shall explain how to request an administrative hearing and aid paid pending under Sections 51014.1 and 51014.2 of Title 22 of the California Code of Regulations.

##### **CA Health and Safety Code sections 1374.16(a), (b), and (e)**

(a) Every health care service plan, except a specialized health care service plan, shall establish and implement a procedure by which an enrollee may receive a standing referral to a specialist. The procedure shall provide for a standing referral to a specialist if the primary care physician determines in consultation with the specialist, if any, and the plan medical director or his or her designee, that an enrollee needs continuing care from a specialist. The referral shall be made pursuant to a treatment plan approved by the health care service plan in consultation with the primary care physician, the specialist, and the enrollee, if a treatment plan is deemed necessary to describe the course of the care. A treatment plan may be deemed to be not necessary provided that a current standing referral to a specialist is approved by the plan or its contracting provider, medical group, or independent practice association. The treatment plan may limit the number of visits to the specialist, limit the period of time that the visits are authorized, or require that the specialist provide the primary care physician with regular reports on the health care provided to the enrollee.

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(b) Every health care service plan, except a specialized health care service plan, shall establish and implement a procedure by which an enrollee with a condition or disease that requires specialized medical care over a prolonged period of time and is life-threatening, degenerative, or disabling may receive a referral to a specialist or specialty care center that has expertise in treating the condition or disease for the purpose of having the specialist coordinate the enrollee's health care. The referral shall be made if the primary care physician, in consultation with the specialist or specialty care center if any, and the plan medical director or his or her designee determines that this specialized medical care is medically necessary for the enrollee. The referral shall be made pursuant to a treatment plan approved by the health care service plan in consultation with the primary care physician, specialist or specialty care center, and enrollee, if a treatment plan is deemed necessary to describe the course of care. A treatment plan may be deemed to be not necessary provided that the appropriate referral to a specialist or specialty care center is approved by the plan or its contracting provider, medical group, or independent practice association. After the referral is made, the specialist shall be authorized to provide health care services that are within the specialist's area of expertise and training to the enrollee in the same manner as the enrollee's primary care physician, subject to the terms of the treatment plan.

(e) For the purposes of this section, "specialty care center" means a center that is accredited or designated by an agency of the state or federal government or by a voluntary national health organization as having special expertise in treating the life-threatening disease or condition or degenerative and disabling disease or condition for which it is accredited or designated.

### **CA Health and Safety Code sections 1374.16(a) through (f)**

(a) Every health care service plan, except a specialized health care service plan, shall establish and implement a procedure by which an enrollee may receive a standing referral to a specialist. The procedure shall provide for a standing referral to a specialist if the primary care physician determines in consultation with the specialist, if any, and the plan medical director or his or her designee, that an enrollee needs continuing care from a specialist. The referral shall be made pursuant to a treatment plan approved by the health care service plan in consultation with the primary care physician, the specialist, and the enrollee, if a treatment plan is deemed necessary to describe the course of the care. A treatment plan may be deemed to be not necessary provided that a current standing referral to a specialist is approved by the plan or its contracting provider, medical group, or independent practice association. The treatment plan may limit the number of visits to the specialist, limit the period of time that the visits are authorized, or require that the specialist provide the primary care physician with regular reports on the health care provided to the enrollee.

(b) Every health care service plan, except a specialized health care service plan, shall establish and implement a procedure by which an enrollee with a condition or disease that requires specialized medical care over a prolonged period of time and is life-threatening, degenerative, or disabling may receive a referral to a specialist or specialty care center that has expertise in treating the condition or disease for the purpose of having the specialist coordinate the enrollee's health care. The referral shall be made if

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the primary care physician, in consultation with the specialist or specialty care center if any, and the plan medical director or his or her designee determines that this specialized medical care is medically necessary for the enrollee. The referral shall be made pursuant to a treatment plan approved by the health care service plan in consultation with the primary care physician, specialist or specialty care center, and enrollee, if a treatment plan is deemed necessary to describe the course of care. A treatment plan may be deemed to be not necessary provided that the appropriate referral to a specialist or specialty care center is approved by the plan or its contracting provider, medical group, or independent practice association. After the referral is made, the specialist shall be authorized to provide health care services that are within the specialist's area of expertise and training to the enrollee in the same manner as the enrollee's primary care physician, subject to the terms of the treatment plan.

(c) The determinations described in subdivisions (a) and (b) shall be made within three business days of the date the request for the determination is made by the enrollee or the enrollee's primary care physician and all appropriate medical records and other items of information necessary to make the determination are provided. Once a determination is made, the referral shall be made within four business days of the date the proposed treatment plan, if any, is submitted to the plan medical director or his or her designee.

(d) Subdivisions (a) and (b) do not require a health care service plan to refer to a specialist who, or to a specialty care center that, is not employed by or under contract with the health care service plan to provide health care services to its enrollees, unless there is no specialist within the plan network that is appropriate to provide treatment to the enrollee, as determined by the primary care physician in consultation with the plan medical director as documented in the treatment plan developed pursuant to subdivision (a) or (b).

(e) For the purposes of this section, "specialty care center" means a center that is accredited or designated by an agency of the state or federal government or by a voluntary national health organization as having special expertise in treating the life-threatening disease or condition or degenerative and disabling disease or condition for which it is accredited or designated.

(f) As used in this section, a "standing referral" means a referral by a primary care physician to a specialist for more than one visit to the specialist, as indicated in the treatment plan, if any, without the primary care physician having to provide a specific referral for each visit.

### **CA Health and Safety Code section 1374.16(b)**

(b) Every health care service plan, except a specialized health care service plan, shall establish and implement a procedure by which an enrollee with a condition or disease that requires specialized medical care over a prolonged period of time and is life-threatening, degenerative, or disabling may receive a referral to a specialist or specialty care center that has expertise in treating the condition or disease for the purpose of having the specialist coordinate the enrollee's health care. The referral shall be made if the primary care physician, in consultation with the specialist or specialty care center if any, and the plan medical director or his or her designee determines that this



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specialized medical care is medically necessary for the enrollee. The referral shall be made pursuant to a treatment plan approved by the health care service plan in consultation with the primary care physician, specialist or specialty care center, and enrollee, if a treatment plan is deemed necessary to describe the course of care. A treatment plan may be deemed to be not necessary provided that the appropriate referral to a specialist or specialty care center is approved by the plan or its contracting provider, medical group, or independent practice association. After the referral is made, the specialist shall be authorized to provide health care services that are within the specialist's area of expertise and training to the enrollee in the same manner as the enrollee's primary care physician, subject to the terms of the treatment plan

### **CA Health and Safety Code section 1374.16(c)**

(c) The determinations described in subdivisions (a) and (b) shall be made within three business days of the date the request for the determination is made by the enrollee or the enrollee's primary care physician and all appropriate medical records and other items of information necessary to make the determination are provided. Once a determination is made, the referral shall be made within four business days of the date the proposed treatment plan, if any, is submitted to the plan medical director or his or her designee.

### **28 CCR 1300.74.16(e) and (f)**

(e) For the purposes of this section an "HIV/AIDS specialist" means a physician who holds a valid, unrevoked and unsuspended certificate to practice medicine in the state of California who meets any one of the following four criteria:

(1) Is credentialed as an "HIV Specialist" by the American Academy of HIV Medicine; or  
(2) Is board certified, or has earned a Certificate of Added Qualification, in the field of HIV medicine granted by a member board of the American Board of Medical Specialties, should a member board of that organization establish board certification, or a Certificate of Added Qualification, in the field of HIV medicine; or

(3) Is board certified in the field of infectious diseases by a member board of the American Board of Medical Specialties and meets the following qualifications:

(A) In the immediately preceding 12 months has clinically managed medical care to a minimum of 25 patients who are infected with HIV; and

(B) In the immediately preceding 12 months has successfully completed a minimum of 15 hours of category 1 continuing medical education in the prevention of HIV infection, combined with diagnosis, treatment, or both, of HIV-infected patients, including a minimum of 5 hours related to antiretroviral therapy per year; or

(4) Meets the following qualifications:

(A) In the immediately preceding 24 months has clinically managed medical care to a minimum of 20 patients who are infected with HIV; and

(B) Has completed any of the following:

1. In the immediately preceding 12 months has obtained board certification or recertification in the field of infectious diseases from a member board of the American Board of Medical Specialties; or

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2. In the immediately preceding 12 months has successfully completed a minimum of 30 hours of category 1 continuing medical education in the prevention of HIV infection, combined with diagnosis, treatment, or both, of HIV-infected patients; or

3. In the immediately preceding 12 months has successfully completed a minimum of 15 hours of category 1 continuing medical education in the prevention of HIV infection, combined with diagnosis, treatment, or both, of HIV-infected patients and has successfully completed the HIV Medicine Competency Maintenance Examination administered by the American Academy of HIV medicine.

(f) When authorizing a standing referral to a specialist pursuant to Section 1374.16(a) of the Act for the purpose of the diagnosis or treatment of a condition requiring care by a physician with a specialized knowledge of HIV medicine, a health care service plan must refer the enrollee to an HIV/AIDS specialist. When authorizing a standing referral to a specialist for purposes of having that specialist coordinate the enrollee's health care pursuant to Section 1374.16(b) of the Act for an enrollee who is infected with HIV, a health care service plan must refer the enrollee to an HIV/AIDS specialist. The HIV/AIDS specialist may utilize the services of a nurse practitioner or physician assistant if:

(1) The nurse practitioner or physician assistant is under the supervision of an HIV/AIDS specialist; and

(2) The nurse practitioner or physician assistant meets the qualifications specified in subsection (e)(4); and

(3) The nurse practitioner or physician assistant and that provider's supervising HIV/AIDS specialist have the capacity to see an additional patient.

**CA Health and Safety code section 1374.16 (c) is NOT applicable to specialized health care service plans.**

**\*UM-011 is relevant ONLY to Carve-Out Mental Health Plans**

**\*UM-011 is not applicable to EAPs**

### INDIVIDUAL(S)/POSITION(S) TO BE INTERVIEWED

**Staff responsible for the activities described above, for example:**

- Medical Director
- Director of Provider Relations
- UM Director

### DOCUMENTS TO BE REVIEWED

- Policies and procedures for standing referrals of enrollees.
- Plan reports on monitoring of standing referrals.
- Plan reports on monitoring of standing referrals at UM delegated entities.

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- Policies and Procedures regarding identifying appropriate specialists and specialty care centers for standing referrals.
- Sample of Standing Referral files to be reviewed onsite.
- Corrective action plans.
- FS Plan to BH carve-out Plan contract.

### UM-011 - Key Element 1:

- 1. The Plan has established policies and procedures for standing referrals of: a) enrollees who need continuing care from a specialist, and b) enrollees who require specialized care over a prolonged period of time for the purpose of having the specialist coordinate the enrollee's health care.**  
**CA Health and Safety Code sections 1374.16(a) through (f)**

Assessment Questions	Yes	No	N/A
1.1 Does the Plan have established policies and procedures for standing referrals?			
1.2 Does the Plan disseminate those policies to primary care providers (e.g., via provider manual)?			

### UM-011 - Key Element 2:

- 2. The Plan makes determinations within three (3) business days of the date a request for standing referral is made and all appropriate information necessary to make the determination is provided. When approved, the Plan makes the referral within four (4) business days of the date the proposed treatment plan, if any, is submitted to the Plan medical director or his/her designee.**  
**CA Health and Safety Code section 1374.16(c)**

Assessment Questions	Yes	No	N/A
2.1 Does the Plan make a determination regarding requests for standing referrals within three (3) business days?			
2.2 Once approved, does the Plan make the referral in 4 (four) business days of the proposed treatment plan?			
2.3 Do communications to approve standard referrals specify the specific services approved?			
2.4 Do denial letters provide a clear and concise explanation of the reasons for the denial?			
2.5 Do the Plan's denial letters specify the clinical reasons for the Plan's decision to deny, delay, or modify health care services?			

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Assessment Questions	Yes	No	N/A
2.6 Do written communications to a Physician or other health care provider of a denial, delay, or modification of a request include the following information: The <b><u>name</u></b> of the health care professional responsible for the denial, delay, or modification?			
2.7 Do written communications to a Physician or other health care provider of a denial, delay, or modification of a request include the following information: The <b><u>direct telephone number</u></b> or an extension of the healthcare professional responsible for the denial, delay, or modification to allow the requesting Physician or health care provider to easily contact them?			
2.8 Do written communications to an enrollee of a denial, delay, or modification of a request include information as to how he / she may <b><u>file a grievance</u></b> with the Plan?			
2.9 Do written communications to an enrollee of a denial, delay, or modification of a request include information as to how he / she may <b><u>request an independent medical review</u></b> in cases where the enrollee believes that health care services have been improperly denied, modified, or delayed by the Plan, or by one of its contracting providers?			

### UM-011 - Key Element 3:

- 3. The Plan appropriately approves the treatment plan or a current standing referral to a specialist or specialty care center when an enrollee requires specialized medically necessary care over a long period of time.  
CA Health and Safety Code section 1374.16(a), (b), and (e)**

Assessment Question	Yes	No	N/A
3.1 Does the Plan approve a treatment plan or a current standing referral to a specialist or specialty care center when an enrollee requires specialized medically necessary care over a long period of time?			

### UM-011 - Key Element 4:

- 4. When a specialist or specialty care center has been approved to coordinate the enrollee's health care, the Plan approves the specialist to provide health care services within the specialist's area of expertise and training in the same manner as it approves the enrollee's primary care Physician's services, subject to the terms of the treatment plan.  
CA Health and Safety Code section 1374.16(b); 28 CCR 1300.74.16(e) and (f)**

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<b>Assessment Question</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
4.1 Does the Plan demonstrate that it complies with section 1374.16 (b) and approves the specialist to provide health care services within the specialist's area of expertise and training in the same manner as it approves the enrollee's primary care Physician's services, subject to the terms of the treatment plan?			

### End of Requirement UM-011: Standing Referrals

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### Requirement UM-012: Post-Stabilization

#### STATUTORY/REGULATORY CITATION(S)

##### **CA Health and Safety Code section 1317.1.**

Unless the context otherwise requires, the following definitions shall control the construction of this article and Section 1317.4:

(a)(2)(A) "Emergency services and care" also means an additional screening, examination, and evaluation by a physician, or other personnel to the extent permitted by applicable law and within the scope of their licensure and clinical privileges, to determine if a psychiatric emergency medical condition exists, and the care and treatment necessary to relieve or eliminate the psychiatric emergency medical condition, within the capability of the facility.

(b) "Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in any of the following:

- (1) Placing the patient's health in serious jeopardy.
- (2) Serious impairment to bodily functions.
- (3) Serious dysfunction of any bodily organ or part.

(j) A patient is "stabilized" or "stabilization" has occurred when, in the opinion of the treating provider, the patient's medical condition is such that, within reasonable medical probability, no material deterioration of the patient's condition is likely to result from, or occur during, the release or transfer of the patient as provided for in Section 1317.2, Section 1317.2a, or other pertinent statute.

(k)(1) "Psychiatric emergency medical condition" means a mental disorder that manifests itself by acute symptoms of sufficient severity that it renders the patient as being either of the following:

- (A) An immediate danger to himself or herself or to others.
- (B) Immediately unable to provide for, or utilize, food, shelter, or clothing, due to the mental disorder.

(2) This subdivision does not expand, restrict, or otherwise affect the scope of licensure or clinical privileges for clinical psychologists or medical personnel.

##### **CA Health and Safety Code section 1317.4a.**

(a) Notwithstanding subdivision (j) of Section 1317.1, a patient may be transferred for admission to a psychiatric unit within a general acute care hospital, as defined in subdivision (a) of Section 1250, or an acute psychiatric hospital, as defined in subdivision (b) of Section 1250, for care and treatment that is solely necessary to relieve or eliminate a psychiatric emergency medical condition, as defined in subdivision (k) of Section 1317.1, provided that, in the opinion of the treating provider, the patient's psychiatric emergency medical condition is such that, within reasonable medical probability, no material deterioration of the patient's psychiatric emergency medical condition is likely to result from, or occur during, a transfer of the patient. A provider shall notify the patient's health care service plan, or the health plan's contracting

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medical provider of the need for the transfer if identification of the plan is obtained pursuant to paragraph (1) of subdivision (b).

(c) (1) A hospital shall [notify the health plan of a transfer to a psychiatric unit within a general acute care hospital] by either following the instructions on the patient's health care service plan member card or by using the contact information provided by the patient's health care service plan. A health care service plan shall provide all noncontracting hospitals in the state to which one of its members would be transferred pursuant to paragraph (1) of subdivision (b) with specific contact information needed to make the contact required by this section. The contact information provided to hospitals shall be updated as necessary, but no less than once a year.

(2) A hospital making the transfer pursuant to subdivision (a) shall not be required to make more than one telephone call to the health care service plan, or its contracting medical provider, provided that in all cases the health care service plan, or its contracting medical provider, shall be able to reach a representative of the provider upon returning the call, should the plan, or its contracting medical provider, need to call back. The representative of the hospital who makes the telephone call may be, but is not required to be, a physician and surgeon.

(d) If a transfer made pursuant to subdivision (a) is made to a facility that does not have a contract with the patient's health care service plan, the plan may subsequently require and make provision for the transfer of the patient receiving services pursuant to this section and subdivision (a) of Section 1317.1 from the noncontracting facility to a general acute care hospital, as defined in subdivision (a) of Section 1250, or an acute psychiatric hospital, as defined in subdivision (b) of Section 1250, that has a contract with the plan or its delegated payer, provided that in the opinion of the treating provider the patient's psychiatric emergency medical condition is such that, within reasonable medical probability, no material deterioration of the patient's psychiatric emergency medical condition is likely to result from, or occur during, the transfer of the patient.

(e) Upon admission, the hospital to which the patient was transferred shall notify the health care service plan of the transfer, provided that the facility has the name and contact information of the patient's health care service plan. The facility shall not be required to make more than one telephone call to the health care service plan, or its contracting medical provider, provided that in all cases the health care service plan, or its contracting medical provider, shall be able to reach a representative of the facility upon returning the call, should the plan, or its contracting medical provider, need to call back. The representative of the facility who makes the telephone call may be, but is not required to be, a physician and surgeon.

### **28 CCR 1300.71.4**

(b) In the case when an enrollee is stabilized but the health care provider believes that the enrollee requires additional medically necessary health care services and may not be discharged safely, the following applies:

(1) A health care service plan shall approve or disapprove a health care provider's request for authorization to provide necessary post-stabilization medical care within one half hour of the request.

(2) If a health care service plan fails to approve or disapprove a health care provider's request for authorization to provide necessary post-stabilization medical care within one

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half-hour of the request, the necessary post-stabilization medical care shall be deemed authorized. Notwithstanding the foregoing sentence, the health care service plan shall have the authority to disapprove payment for (A) the delivery of such necessary post-stabilization medical care or (B) the continuation of the delivery of such care; provided, that the health care service plan notifies the provider prior to the commencement of the delivery of such care or during the continuation of the delivery of such care (in which case, the plan shall not be obligated to pay for the continuation of such care from and after the time it provides such notice to the provider, subject to the remaining provisions of this paragraph) and in both cases the disruption of such care (taking into account the time necessary to effect the enrollee's transfer or discharge) does not have an adverse impact upon the efficacy of such care or the enrollee's medical condition.

(3) Notwithstanding the provisions of Subsection (b) of this rule, a health care service plan shall pay for all medically necessary health care services provided to an enrollee which are necessary to maintain the enrollee's stabilized condition up to the time that the health care service plan effectuates the enrollee's transfer or the enrollee is discharged.

(c) In the case where a plan denies the request for authorization of post-stabilization medical care and elects to transfer an enrollee to another health care provider, the following applies:

(1) When a health care service plan responds to a health care provider's request for post-stabilization medical care authorization by informing the provider of the plan's decision to transfer the enrollee to another health care provider, the plan shall effectuate the transfer of the enrollee as soon as possible,

(2) A health care service plan shall pay for all medically necessary health care services provided to an enrollee to maintain the enrollee's stabilized condition up to the time that the health care service plan effectuates the enrollee's transfer.

(d) All requests for authorizations, and all responses to such requests for authorizations, of post-stabilization medically necessary health care services shall be fully documented. All provision of medically necessary health care services shall be fully documented. Documentation shall include, but not be limited to, the date and time of the request, the name of the health care provider making the request, and the name of the plan representative responding to the request.

### **CA Health and Safety Code section 1262.8(i).**

(i) A health care service plan, or its contracting medical provider, that requires prior authorization for post stabilization care shall provide 24-hour access for patients and providers, including noncontracting hospitals, to obtain timely authorization for medically necessary post stabilization care.

**\*UM-012 not applicable to EAPs**

## **INDIVIDUAL(S)/POSITION(S) TO BE INTERVIEWED**

**Staff responsible for the activities described above, for example:**

- UM Director / Managers



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- Medical Director and/or senior Physician responsible for UM

### DOCUMENT(S) TO BE REVIEWED

- UM policies and procedures, including UM decision timeframe requirements.
- Organization charts, committee descriptions and key staff job descriptions of staff involved in UM review.
- Sample UM denial template letters.
- Sample of UM denial files to be reviewed on site.

### UM-012 - Key Element 1:

1. **The Plan properly arranges for the transfer of enrollees after the enrollee has been stabilized subsequent to an emergency psychiatric or medical condition but the provider believes further medically necessary health care treatment is required and the enrollee cannot be safely discharged.**  
**28 CCR 1300.71.4: CA Health and Safety Code section 1262.8; CA Health and Safety Code and 1317.1; CA Health and Safety Code section 1317.4a.**

Assessment Questions	Yes	No	N/A
1.1 Does the Plan fully document all requests for authorizations and responses to such requests for post-stabilization medically necessary care?			
1.2 Does the Plan's documentation include the date and time of the provider's request?			
1.3 Does the Plan's documentation include the name of the health care provider making the request?			
1.4 Does the Plan's documentation include the name of the Plan representative responding to the request?			
1.5 Does the Plan require prior authorization for post-stabilization care? If no, do not answer Assessment Questions 1.6-1.8.			
1.6 Does the Plan provide 24-hour access for patients and providers, including non-contracting hospitals, to obtain timely authorization for medically necessary post-stabilization care?			
1.7 If post stabilization request was denied, was the decision made within one half hour of the request?			
1.8 If the Plan does not respond to a post stabilization request within 30 minutes, does it pay any claims submitted by the provider for the post stabilization care rendered?			
1.9 Does the Plan provide all non-contracting hospitals with a contact number at which the hospital can obtain authorization from the Plan?			

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<b>Assessment Questions</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
1.10 Does the Plan respond to a transferring hospital after the first call such that the transferring hospital does not have to make more than one call before it gets an initial response from the Plan?			
1.11 Does the Plan ensure that a patient is not transferred to a contracting facility unless the provider determines no material deterioration of the patient is likely to occur upon transfer?			
1.12 Does the Plan ensure that prior authorization is not required for the provision of emergency services and care to a patient with a psychiatric emergency?			

### End of Requirement UM-012: Post Stabilization