



# Behavioral Health Services

PROVIDER OPERATIONS MANUAL

*Health plans we support*



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## **SECTION 1: OVERVIEW OF SERVICES**

Behavioral health services vary by plan design. To determine a member's eligibility for services, please call the phone number on the member's identification (ID) card to consult with a Member Service representative. Our Member Service representatives and clinicians are available to providers and members 24 hours a day, seven days a week.

We communicate with members in 170 languages through its own staff and language line. Language services are offered at no additional cost. (*See Section 11.9*)

## **SECTION 2: IMPORTANT CONTACTS**

### **2.1 Phone Directory and Contacts**

#### **Authorizations-Benefits-Eligibility-Interpreter Services**

844-966-0298

8 a.m.-5 p.m. Pacific Time (PT)

#### **Hospital or Facility Admissions**

844-966-0298

Available 24/7 for hospital or facility admissions and for crisis support

#### **Contracting**

Email: [DNBHC@healthnet.com](mailto:DNBHC@healthnet.com)

#### **Claims Status**

Individual & Family Plan – IFP (Ambetter HMO and PPO) or Medicare –  
[provider.healthnetcalifornia.com](http://provider.healthnetcalifornia.com)

Commercial (Employer Group HMO/POS and PPO) or Medi-Cal – 800-444-4281

#### **Claims inquiries or questions**

Behavioral Health Provider Services

Phone: 844-966-0298

#### **Appeals**

Urgent Appeals (Representing member) – Call:

888-426-0028

Post-Service Provider Appeals – Written process, submit to address shown below and see section 12.4 of this manual.

#### **Credentialing**

Health Net Credentialing Department

Email (for facilities): [HN\\_FacilitiesCredentialing@healthnet.com](mailto:HN_FacilitiesCredentialing@healthnet.com)

Email (for practitioners): [HNCredentialing\\_Practitioner\\_CA@Centene.com](mailto:HNCredentialing_Practitioner_CA@Centene.com)

## **Demographic Updates**

Health Net Provider Data Management Team

Email: [ProviderData@healthnet.com](mailto:ProviderData@healthnet.com)

Online: [Demographic Update Forms](#)

Include “Behavioral Health and PPG Name (if applicable)” to email subject line.

## **Technical provider portal support**

Health Net Technical Support Team

Phone: 866-458-1047

## **Important Mailing Addresses**

### **Claims Submission**

Submit paper claims with dates of service on and after January 1, 2024, to:

#### **Medicare:**

Health Net Medicare Claims

P.O. Box 9030

Farmington, MO 63640-9030

#### **IFP:**

Health Net Commercial Claims – IFP

P.O. Box 9040

Farmington, MO 63640-9040

#### **Commercial:**

Health Net Commercial Claims

P.O. Box 9040

Farmington, MO 63640-9040

#### **Medi-Cal:**

For claims with dates of service on and after September 1, 2024, submit paper claims to:

Health Net Medi-Cal Claims

P.O. Box 9020

Farmington, MO 63640-9020

#### **MHN Claims**

P.O. Box 14621

Lexington, KY 40512-4621

## **Credentialing Documentation Submission**

Health Net Credentialing Department  
20151 Nordhoff  
Chatsworth, CA 91311

Fax: 800-655-4128

## **Provider Dispute Resolutions**

For disputes on claims with dates of service on and after January 1, 2024, send to the following address:

### **Medicare**

P.O. Box 9030  
Farmington, MO 63640-9030

### **Commercial**

P.O. Box 989882  
West Sacramento, CA 95798-9882

### **IFP**

P.O. Box 9040  
Farmington, MO 63640-9040

### **Medi-Cal**

P.O. Box 989882  
West Sacramento, CA 95798-9882

For disputes on claims with dates of service prior to January 1, 2024, send to the following address:

### **MHN Provider Appeals/Disputes**

P.O. Box 989882  
West Sacramento, CA 95798-9882

## **SECTION 3: PRACTITIONER RESPONSIBILITIES**

### **3.1 Non-Discrimination**

#### **In Accordance with Section 1557 of the Affordable Care Act (ACA)**

Participating behavioral health providers must provide or arrange for the provision of covered services to members seeking behavioral health services. The quality of covered services must be no less than the quality of services provided to other patients. Providers must not discriminate against members on the grounds that the member files a complaint against the provider, or because of the member's race, color, national origin, ancestry, religion, sex, marital status, sexual orientation, age, income level, physical handicap, medical or mental health condition or on the basis of health maintenance organization membership.

Participating providers must notify Health Net immediately of a discrimination grievance submitted by a member and continue to follow Health Net's existing issue write-up procedures for detection and remediation of non-compliance.

Participating providers must comply with Health Net, regulatory or private litigation research, investigation and remediation requirements.

Participating providers must implement, enhance and reinforce prohibitions on discrimination on the basis of race, color, national origin, sex, age or disability. At a minimum, they must implement health program or activity changes to avoid discrimination where necessary.

Participating providers can consider implementing:

- An ability to capture gender identity;
- Mandatory provider and staff civil rights; or
- Cultural sensitivity training.

#### **Accessibility for Persons with Disabilities**

If necessary, participating providers must assess and enhance existing policies and procedures to ensure effective communication with members, including those with disabilities.

Participating providers must ensure their programs or activities provided through electronic or information technology such as websites or online versions of materials are accessible to individuals with disabilities. If necessary, participating providers must assess and enhance website compliance with Title II of the Americans with Disabilities Act (ADA).

### **3.2 Compliance with Requests for Provider Demographic Updates**

Participating providers (including individual practitioners, groups and facilities) must cooperate with Health Net's efforts to keep current and up-to-date provider directories. Providers must supply information within the timelines requested by Health Net, and as specified by Senate Bill (SB) 137.

Health Net actively outreaches to individual network providers, individual practitioners, practice groups and facilities quarterly. This outreach includes verification of the following:

- Provider name



- Provider address (mailing, billing and practice)
- Confirmation of contracted networks (i.e., products/lines of businesses)
- Group affiliations (if applicable)
- Admitting privileges (MD's only)
- Specialties
- NPI Number
- CA license number
- Board Certification (MDs only)
- Languages spoken by the provider
- Phone number(s)
- Fax number
- Email address
- Whether they are accepting new patients
- Office hours
- Handicap accessibility (handicap accessibility includes parking, exterior building, interior building and restroom)

### 3.3 Notification of Practice and Demographic Information Changes

All providers must provide Health Net with their credentialing information, as well as their specialty, gender, work address, work fax number, work phone number and work email address for each of their health care delivery sites. Providers must also indicate whether or not they are accepting new patients at each practice site. Providers must notify the Plan in writing or online through the provider portal at [healthnet.com](http://healthnet.com), **Error! Hyperlink reference not valid.** at least 30 calendar days prior to any change in their address, business phone number, office hours, tax identification number, bilingual language abilities, professional license number and, if applicable, Drug Enforcement Administration (DEA) or Controlled Dangerous Substances (CDS) registration number. Providers must also update Health Net whether or not they are accepting new patients at each of their practice sites.

Providers must update Health Net within five (5) business days when either of the following occurs:

- 1) The provider is not accepting new patients.
- 2) If the provider had previously not accepted new patients, they are now accepting new patients.

Providers can update their demographics and/or profile through the provider portal at [healthnet.com](http://healthnet.com), or send an email to [ProviderData@healthnet.com](mailto:ProviderData@healthnet.com).

### 3.4 Referrals

If a provider who is not accepting new patients is contacted by a member or potential member seeking to become a new patient, the practitioner must direct the member or potential member to both Health Net for additional assistance in finding a provider and, if applicable, to the Department of Managed Health Care (DMHC) and/or California Department of Insurance (CDI), to

report any inaccuracies with Health Net's directory.

### **3.5 Compliance with Credentialing Policies**

Health Net's *Participating Provider Agreement* requires that practitioners comply with Health Net's credentialing policies. Under this agreement, practitioners must maintain a clear, unrestricted license to practice and notify Health Net within five (5) days of any of the following:

- Licensing actions
- Malpractice claims or arbitration.
- Felony indictments
- Disciplinary actions before a state agency
- Cancellation or material modification of professional liability insurance
- Actions taken to modify participation in Medicare or Medi-Cal
- Enrollee complaints against practitioner
- Any situation that would impact the practitioner's ability to carry out the provisions of the contract.

### **3.6 Credentialing: Administrative Guidelines**

#### **Credentialing and Re-credentialing**

Practitioners in the Health Net network are selected and credentialed based on established criteria reflecting professional standards for education, training, and licensure. Eligible practitioners include psychiatrists, psychologists, clinical social workers, clinical nurse specialists and other Masters-level and independently licensed counselors. Credentials are verified upon initial application to the network and through the recredentialing process thereafter, as required by regulatory and accrediting agencies. Information supplied to comply with credentialing requirements cannot be more than 180 days old at the time of the Credentialing Committee review.

#### **Initial Credentialing**

**Physician-Level** practitioners must meet the following selection criteria:

1. Graduation from an accredited medical school.
2. Current, unrestricted\* medical license in the state in which practice is to occur.
3. Professional liability insurance coverage in the amount of \$1 million per occurrence/\$3 million aggregate or community standard as approved by Health Net.
4. Psychiatrists must have Board certification in psychiatry or completion of an Accreditation Council for Graduate Medical Education (ACGME)-accredited residency in psychiatry.
5. Current controlled substances registration (DEA certificate).
6. Addictionologists must have current certification from the American Society of Addiction Medicine.
7. Current resume or curriculum vitae that details five years of relevant work history and clinical training (work absences must be explained by the applicant).
8. Foreign medical school graduates must submit an Educational Commission for Foreign Medical Graduates (ECFMG) certification to demonstrate proficiency in the English language.

**Psychologist and Masters level** practitioners must meet the following selection criteria:

1. Must hold a degree from a professional school. Graduation from an accredited graduate degree program with a clinically related curriculum.
2. Independently licensed in the state where practice is to occur, at the highest level in the state where practice is to occur.
3. Current, unrestricted\* license in the state where practice is to occur.
4. Professional liability insurance in the amount of \$1 million per occurrence/\$1 million aggregate or community standard as approved by Health Net.
5. Current resume or curriculum vitae that details five years of relevant work history and clinical training (work absences must be explained by the applicant).
6. Registered nurses, nurse practitioners and clinical nurse specialists must have a state license that has language, or a designation related to a behavioral health specialty. If the state license does not have such language, or such language is not available, then a current American Nurses Credentialing Center (ANCC) certification in any of the following certification areas will meet these criteria:
  - a. Clinical Specialist in Adult Psychiatric and Mental Health Nursing.
  - b. Clinical Specialist in Child and Adolescent Psychiatric and Mental Health Nursing.
  - c. Adult Psychiatric and Mental Health Nurse Practitioner.
  - d. Family Psychiatric and Mental Health Nurse Practitioner.

*\*Unrestricted is defined as having no current disciplinary investigations, conditions, or restrictions of any kind, including probation for any reason, imposed by the state licensing or certifying agency. Practitioners cannot be practicing under supervision.*

**Registered Nurses, Nurse Practitioners and Clinical Nurse Specialists:** Must be able to provide psychotherapy and attest to having a minimum of:

1. Master's degree in nursing or behavioral health-related area.
2. 36 semester hours of graduate level coursework in behavioral health counseling related subjects.
3. 1500 hours of supervised behavioral health experience in an outpatient psychotherapy setting.

**Additional Practitioners Eligible for Admission into the Network Applied Behavioral Analysts (ABA)**

ABA providers must meet the following selection criteria:

1. Must hold a Bachelor's Degree (BCaBAs) or a Master's or higher (BCBA/BCBA-D) from an accredited school per requirements of the Behavioral Analyst Certification Board.
2. Must hold a clear, unrestricted Board Certification as either a BCaBA, BCBA, or BCBA-D through the Behavioral Analyst Certification Board. In states where an ABA license exists, Health Net requires an ABA license. All BCaBAs must deliver services under a group practice.
3. Must hold professional liability insurance in the amount of \$1 million per occurrence/\$1 million aggregate. A practitioner may have limits below these standards if the limits are consistent with the practitioner's community standard.
4. Must provide current resume or curriculum vitae detailing five years of relevant work history and clinical training (work absences of six months or more must be explained by the applicant). All practitioners must have documented relevant work history since initial licensure, or for five years, whichever is less.

In addition to the above, **all applicants** must report whether any of the following has occurred:

1. Felony conviction or misdemeanor conviction.
2. Pending felony allegation or misdemeanor allegation.
3. Sanctions by a federal or state payment program (e.g., Medicare, Medi-Cal).
4. Adverse professional review actions reported by any professional review board.
5. Denial, loss, suspension or limitation of medical license or narcotics license.
6. Malpractice claim, investigation or lawsuit filed.
7. Cancellation or material modifications of professional liability insurance.
8. Physical or mental condition or substance abuse problem which would impair ability to practice.

The following credentials are verified through primary sources:

1. Graduation from medical or other professional school appropriate to the state licensing requirement.
2. Current, valid license to practice independently.
3. Valid, unrestricted DEA or CDS certification, as applicable.
4. Board certification, as applicable.
5. Malpractice claims payment history from the National Practitioner Data Bank
6. Department of Health and Human Services (DHHS) Medicare/Medi-Cal Sanctions.

### **Re-credentialing**

Health Net re-credentials practitioners in its network every 36 months. Health Net conducts primary or secondary source verification on all credentials in the re-credentialing process. Documents must not be more than 180 days old at the time of review.

All applicants for re-credentialing must report whether any of the following has occurred:

1. A felony conviction or misdemeanor or conviction.
2. A pending felony allegation or misdemeanor or allegation.
3. Sanctions by a federal or state payment program (e.g., Medicare, Medi-Cal, CMS).
4. Adverse professional review actions reported by any professional review board.
5. Denial, loss, suspension or limitation of professional license or narcotics license
6. Malpractice claim, investigation or lawsuit filed.
7. Cancellation or material modifications of professional liability insurance.
8. Physical or mental condition or substance abuse problem which would impair ability to practice.

Re-credentialing also includes a review of any prior quality issues and member complaint history.

### **Ongoing Monitoring of Sanctions**

Health Net performs ongoing monitoring of Medicare/Medi-Cal sanctions and exclusions, board sanctions or licensure actions, and member complaint history. When participating practitioners are identified as being subject to these actions, they are presented to Health Net's Credentialing Committee for review and appropriate action.

## **Practitioner Rights Related to Credentialing and Re-Credentialing**

Practitioners have a right to review information submitted in support of their credentialing and recredentialing applications (not including confidential evaluations or other confidential peer review documentation). In addition, if information obtained during the credentialing or recredentialing process varies substantially from information provided by the practitioner, Health Net will notify the practitioner in writing of any discrepancy. Practitioners have a right to correct erroneous information.

All information gathered in the credentialing and re-credentialing process is treated confidentially, except as otherwise provided by law. Credentialing and re-credentialing information is available to Health Net credentialing staff, peer and quality reviewers and credentialing committee members only on a need-to-know basis.

Practitioners are sent a written notification within 10 business days of the initial credentialing decision. Thereafter, practitioners are considered re-credentialed, unless otherwise notified by Health Net.

## **Delegated Credentialing**

Health Net will delegate credentialing to practitioner organizations that can demonstrate their credentialing program meets all the requirements of Health Net, National Committee for Quality Assurance (NCQA).

Provider groups requesting delegation must send Health Net the following:

- Practitioner application
- Credentialing policies and procedures
- Practitioner rosters and data on each individual clinician either electronically or paper based.

Health Net will review the application and policies and procedures for compliance with Health Net and NCQA standards. If there are any identified areas of program non-compliance, the group will be informed and given an opportunity to submit a corrective action plan for approval.

The following requirements must be met:

1. The group must have an established credentials committee that reviews the credentials of potential clinicians in conjunction with quality management and utilization review committees. The meeting minutes of all committees involved in practitioner credentialing must be available for review during a site audit.
2. Health Net's Quality Management staff must be permitted reasonable access to the credential files, for the purpose of auditing credentialing activities, which must occur at least annually.
3. The group must have the administrative, technical expertise and financial capacity to carry out the delegated credentialing review functions.
4. The group is required to take appropriate action, outlined in its policies and procedures, any time a problem with an applicant's or a network clinician's credentials is identified. The practitioner must notify Health Net of any concerns regarding the clinician's credentials. In addition, the practitioner must forward to Health Net a narrative regarding the conclusions, recommendations, actions and follow-up of all credentialing cases in which disciplinary action, including denial, suspension, restriction, or

termination of network participation has been taken.

If there is an accusation, suspension, restriction, sanction or termination of any license or privilege against a clinician who has been credentialed by a delegated group, Health Net will notify the group requesting complete credentialing information on the clinician.

The group will respond to all requests for credentialing information within the specified time in the written inquiry. If the practitioner fails to respond within the specified time frame, Health Net retains the right to suspend or terminate the clinician in question at its sole discretion.

Health Net shall retain the ultimate responsibility for the approval, termination and/or suspension of clinicians to ensure all clinicians contracting with the plan meets the credentialing requirements specified in Health Net's Credentialing Policies and Procedures.

Delegated groups may perform obligations related to primary source verification and other credentialing documentation through an agent, Credentialing Verification Organization (CVO), or subcontractor.

If there is substantial non-compliance with Health Net standards, Health Net will conduct an audit of the delegated group's credentialing files to ensure adherence to the practitioner's process using Health Net's Credentialing Delegation Individual File audit tool and NCQA's file selection rule of 8/30, at a minimum. Health Net will review no fewer than 20 files— 10 initial files and 10 re-credentialing files. Delegated groups must pass the audit with a 90% or greater score.

If the files meet Health Net standards, the group will enter into a Credentialing Delegation Agreement with Health Net.

A group can be offered a provisional delegation agreement with an approved corrective action plan, if the group agrees that the corrective action can be completed within six months. All corrective action plans and delegation agreements must be approved by the Health Net Credentialing Committee along with the practitioner's roster identifying those individual clinicians who have successfully completed the practitioner's credentialing program.

Provisionally delegated provider organizations are re-audited within six months by Health Net to review the status of the corrective action plan and assure compliance.

The group's clinicians become active in the Health Net network **only** after receiving approval from the Health Net Credentialing Committee. Health Net retains the right to accept, reduce participation, suspend and/or terminate any clinicians who are members of delegated groups.

## **Practitioner Office Standards**

1. General practitioner office standards
  - Office must be professional and secular.
  - Signs identifying office must be visible.
  - Office must be clean.
  - Office must be free of pets.
  - Office must have a separate waiting area with adequate seating.
  - Practitioners must see patients within 15 minutes of the scheduled appointment time.

- Clean restrooms must be available.
  - Office environment must be physically safe.
  - Practitioner must have a professional and fully confidential phone line and answering machine or voicemail greeting. Practitioners must ensure their voicemail boxes are routinely cleared and able to accept incoming messages.
  - Practitioner’s after-hours voicemail message must include emergency instructions advising members to contact 911 for medical emergencies.
2. Additional standards for practitioner home office:
- Office must have a separate entrance for clients/patients.
  - Office must be used only for business and may not be used as part of living area.
  - There must be a waiting area separate from living area.
  - There must be a restroom separate from living area.
  - Practitioner must have a separate phone line that is not accessible to other household residents or household staff.

### **Clinical Specialty Information**

Clinical specialty information is collected and used in Health Net’s referral process. Practitioners may update their clinical specialties online through their provider portal profile at [healthnet.com](http://healthnet.com).

### **Resignations and Network Terminations**

#### **Resignations**

If a practitioner wishes to resign from Health Net’s practitioner network, he or she must submit a written notice.

Please note that if you must resign from the Health Net network, you must notify Health Net within (90) days. It is your responsibility to work with Health Net to provide continuity of care for any member you are seeing; and you must be available to work with the member during that transition period. Facilitating an appropriate transition to another practitioner or service is good professional practice. We appreciate your cooperation.

#### **Termination of Network Participation**

Health Net can terminate a practitioner’s network participation for a variety of reasons, including those specified in the practitioner contract. Network participation will **not** be terminated on the grounds that the practitioner:

- Advocated on behalf of a member.
- Filed a complaint against Health Net.
- Appealed a decision of Health Net.
- Requested a review or challenged a termination decision.

Please refer to the Termination provisions contained in your *Participating Provider Agreement* for specific details.

### **Types of Terminations**

#### **Termination with Clinical Cause**

If Health Net considers terminating a practitioner from the network for clinical cause, Health Net will offer that practitioner the opportunity for a reconsideration or a hearing, as required by state

regulation. Health Net will notify the practitioner of the issues concerned and, where applicable, the reconsideration or hearing process. Practitioner termination will apply to all lines of business.

### **Termination without Clinical Cause**

Health Net may terminate practitioners without clinical cause in accordance with the practitioner contract, based on the recommendation of the Credentialing Committee. Practitioners terminated from the network without clinical cause are offered appeal rights per Health Net's Credentialing Policies and applicable state and federal regulations.

### **Notification to Members of Contract Termination**

The Plan must notify members at least 45 days prior to the termination date for contract terminations that involve a behavioral health provider. Also, the Plan must:

- Identify all members who are currently a patient of that behavioral health provider or who were a patient of that behavioral health provider within the past three years;
- Provide written notice to the identified members; and
- Make at least one attempt at telephonic notice to the identified members.

**PPG/IPA notification of members for behavioral health specialist terminations:** For Medicare HMO plans, capitated and shared-risk participating physician groups (PPGs) and independent practice associations (IPAs) must notify members in writing at least 30 days in advance of a specialist or ancillary provider termination effective date, and the template sent to members must be approved by CMS. The Plan's CMS-approved Medicare termination notification template (PDF) must be completed by the PPG/IPA and mailed to the member.

## **3.7 Confidentiality Standards**

Health Net expects mental health practitioners to maintain client confidentiality under applicable state and federal laws as applicable to client/therapist privilege, mandated child and elder abuse reporting requirements, and disclosure of records.

### **Standards for handling of confidential information at practitioner office sites:**

- Practitioners should release treatment records only in accordance with a court order, subpoena, or statute.
- Practitioners should assure that any such request for records be legally obtained.
- Practitioner office staff should be trained regarding the necessity for signed authorization for release of information prior to any disclosure of confidential information, aside from exceptions specified in state and federal laws.
- Practitioners should limit access to treatment records.
- Practitioners should have a policy/procedure for:
  - Assuring confidentiality where records are stored electronically.
  - Assuring confidentiality where records are transmitted electronically.
  - Assuring confidential transmission of patient information by fax.
  - Assuring confidentiality of records delivered through mail or delivery services.
- Practitioner office staff should sign a confidentiality agreement, which should be kept on file in the practitioner's office.
- Treatment records must be locked when not in use. Treatment record storage



locations must be secure and accessed only by approved personnel.

- Purging of treatment records must be done according to state statute, and in a manner, which maintains client confidentiality.

Health Net informs members that information shared with Plan staff or network clinicians is confidential. Health Net will not disclose member records or information concerning services and will not disclose the fact that a member accessed services without written consent or unless otherwise required or permitted by law.

## **Confidentiality of Medical Records**

### **Protected Individual**

“Protected Individual” means any adult subscriber or enrollee covered under a health plan or health insurance policy or a minor subscriber or enrollee who can consent to a health care service without the consent of a parent or legal guardian, pursuant to state or federal law. “Protected Individual” does not include an individual that lacks the capacity to give informed consent for health care pursuant to Section 813 of the Probate Code.”

Members are entitled to confidential treatment of member communications and records. Case discussion, consultation, examination, and treatment are confidential and must be conducted discreetly. A provider shall permit a Protected Individual to request, and shall accommodate requests for, confidential communication in the form and format requested by the Protected Individual, if it is readily producible in the requested form and format, or at alternative locations or addresses. The confidential communication request shall apply to all communications that disclose medical information or provider name and address related to receipt of medical services by the individual requesting the confidential communication. For Protected Individuals who have not designated an alternative mailing address, the Plan is required to send the communications to the address or phone number on file in the name of the Protected Individual. Written authorization from the member or authorized legal representative must be obtained before medical records are released to anyone not directly concerned with the member's care, except as permitted or as necessary for administration by the health plan.

Health Net requires participating providers to have a written policy in place that provides for the protection of confidential protected health information (PHI) in accordance with the Health Insurance Portability and Accountability Act (HIPAA). The policy must be kept in hard copy or electronic format and must include a functioning mechanism designed to safeguard records and information against loss, destruction, tampering, unauthorized access or use, and verbal discussions about member information to maintain confidentiality.

Provider agrees that all health information, including that related to patient conditions, medical utilization and pharmacy utilization, available through the portal or any other means, will be used exclusively for patient care and other related purposes as permitted by the HIPAA Privacy Rule.

PHI is considered confidential and encompasses any individual health information, including demographic information collected from a member, which is created or received by Health Net and relates to the past, present or future physical, mental health or condition of a member; the provision of health care to a member; or the past, present or future payment for the provision of health care to a member; and that identifies the member or there is a reasonable basis to

believe the information may be used to identify the member. Particular care must be taken, as confidential PHI may be disclosed intentionally or unintentionally through many means, such as conversation, computer screen data, faxes, or forms. Disclosure of PHI must have prior, written member authorization.

### **Confidentiality of Medical Information**

Sensitive services are defined as all health care services related to mental or behavioral health, sexual and reproductive health, sexually transmitted infections, substance use disorder, gender affirming care, and intimate partner violence, and includes services described in Sections 6924-6930 of the Family Code, and Sections 121020 and 124260 of the California Health and Safety Code, obtained by a patient at or above the minimum age specified for consenting to the services.

Effective July 1, 2022, Assembly Bill 1184, amends the Confidentiality of Medical Information Act to require health care plans to take additional steps to protect the confidentiality of a subscriber's or enrollee's medical information regardless of whether there is a situation involving sensitive services or a situation in which disclosure would endanger the individual.

These steps include:

- A Protected Individual is not required to obtain the primary subscriber or other enrollee's authorization to receive sensitive services or to submit a claim for sensitive services if the member has the right to consent to care.
- Not disclose a Protected Individual's medical information related to sensitive health care services to the primary subscriber or other enrollees, unless the member's authorization is present.
- Notify the subscriber and enrollees that they may request confidential communications and how to make the request. This information must be provided to "enrollees" at initial enrollment and annually.
- Respond to confidential communications requests within:
  - 7 calendar days of receipt via electronic or phone request; or
  - 14 calendar days of receipt by first-class mail
- Communications (written, verbal or electronic communications) regarding a Protected Individual's receipt of sensitive services should be directed to the member's designated mailing address, email address, or phone number. For Protected Individuals who may not have designated an alternative mailing address, the Plan is required to send the communications to the address or phone number on file in the name of the Protected Individual.
- Confidential communication includes:
  - Bills and attempts to collect payment.
  - A notice of adverse benefits determinations.
  - An explanation of benefits notice.
  - A plan's request for additional information regarding a claim.
  - A notice of a contested claim.
  - The name and address of a provider, description of services provided, and other information

related to a visit.

- Any written, oral, or electronic communication from a plan that contains protected health information.

### **Agencies Must be Authorized to Receive Medical Records**

The relationship and communication between a participating provider and member is privileged and the medical records containing information about the relationship is confidential. The participating provider's code of ethics, as well as California and federal law, protect against the disclosure of the contents of medical records and protected health information (PHI), whether written, oral or electronic, to individuals or agencies that are not properly authorized to receive such information.

### **Basic Principles**

Protected health information (PHI) may be shared with participating providers in the same facility only, on a need-to-know basis, and may be disclosed outside the facility only to the extent necessary such release is authorized.

In accordance with the Health Insurance Portability and Accountability Act (HIPAA), PHI, whether it is written, oral or electronic, is protected at all times and in all settings. Disclosure of PHI must have prior written member authorization. Health Net participating providers only release PHI without authorization when:

- Needed for payment.
- Necessary for treatment or coordination of care.
- Used for health care operations (including, but not limited to, Healthcare Effectiveness Data and Information Set (HEDIS<sup>®</sup>) reporting, appeals and grievances, utilization management, quality improvement, and disease or care management programs).
- Where permitted or required by law.

Health Net and participating providers may transmit PHI to individuals or organizations, such as pharmacy or disease management vendors, who contract to provide covered services to members. PHI cannot be intentionally shared, sold or otherwise used by Health Net, its subsidiaries, participating providers, or affiliates for any purpose other than for payment, treatment or health care operations or where permitted or required by law without an authorization from the member.

AB 715 (ch. 562, 2003) supports compliance with HIPAA and applicable state laws relating to use of PHI for marketing. Marketing is defined as a communication about a product or service that encourages recipients to purchase or use the product or service. Health plans, providers, pharmaceutical benefit managers, and disease management entities are prohibited from using PHI to market a product or service unless the communication meets one of the exceptions described below:

- Written or oral communication whereby the communicator receives no compensation from a third party.
- Communications made to a current member solely for the purpose of describing a provider's participation in an existing health care provider network or health plan network to which the member subscribes.
- Communications made to a current member solely for the purpose of describing products, services, payment, or benefits for the health plan to which the member subscribes.
- Communication to describe a plan benefit or an enhancement or replacement to a benefit.
- Communications describing the availability of more cost-effective pharmaceuticals.

- Compensation communications tailored to a specific individual that educate or advise them about disease management or life-threatening, chronic or seriously debilitating conditions if:
  - The member receiving the communication is notified in writing that the provider, contractor or health plan has been compensated, and identifies the source of the compensation.
  - The communication must include information on how the member can opt out of receiving further communications by calling a toll-free number and must be written in 14-point font or larger. No communication can be made to a member who has opted out after 30 days from the date of the request.
- Special authorization is required for uses and disclosures involving sensitive conditions, such as psychotherapy notes, AIDS or substance abuse. To release PHI regarding sensitive conditions, Health Net and participating providers must obtain written authorization from the member (or authorized representative) stating that information specific to the sensitive condition may be disclosed.

In the event the member is unable to give authorization, Health Net or the participating provider accepts the authorization of the person holding power of attorney or any other authorized representative in order to release information or have access to information about the member. Refer to the Procedure discussion for more information regarding authorized representatives.

Members may obtain their own medical records upon request. Adult members have the right to provide a written addendum to the medical record if the member believes that the record is incomplete or inaccurate. Members may request that their PHI be limited or restricted from disclosure to outside parties or may request the confidential communication of their PHI to an alternate address. Members may file a grievance with respect to any concerns they have regarding confidentiality of data.

### **Procedure**

Participating providers, policies and procedures governing the confidentiality of medical records and the release of protected health information (PHI) must address levels of security of medical records, including:

- Assurance that the files are secure and not accessible to unauthorized users.
- Indication of who has access to the medical records.
- Identification of who may execute different database functions for computerized medical records.
- Assurance that staff is trained with respect to the Health Insurance Portability and Accountability Act (HIPAA), privacy requirements and related policies.
- Signed confidentiality agreements on file from staff who have access to medical records.
- Assurance that photocopies or printouts of the medical records are subject to the same control as the original record.
- Designation of a person to destroy the medical record when required.

Release of medical information guidelines must address:

- Requests for PHI via the phone.
- Demands made by subpoena duces tecum.
- Timely transfer of medical records to ensure continuity of care when a member chooses a new primary care physician (PCP).

- Availability and accessibility of member medical records to Health Net and to state and federal authorities or their delegates involved in assessing quality of care or investigating enrollee grievances or other complaints.
- Availability and accessibility of member medical records to the member in a timely manner in accordance with industry standards and best practices.
- Requirements for medical record information between providers of care:
  - A physician or licensed behavioral health care provider making a member referral must transmit necessary medical record information to the provider receiving the member referral.
  - A physician or licensed behavioral health care provider furnishing a referral service provides appropriate information back to the referring provider.
  - A physician or licensed behavioral health care provider requesting information from another treating provider as necessary to provide care. Treating physicians or licensed behavioral health care providers may include those from any organization with which the member may subsequently enroll.

An authorization form must be in plain language and contain the following to be HIPAA-compliant:

- A specific and meaningful description of the information to be used or disclosed.
- The name of the person or entity authorized to make the requested use or disclosure.
- The name of a person or entity to which the use or disclosure may be made.
- A description of each purpose or use for the information. If the individual requests the authorization for their own purposes, the description here may read simply "at the request of the individual".
- An expiration date or an expiration event that relates to the individual or the purpose of the use or disclosure.
- The signature of the individual and the date.
- If the personal representative signs for the individual, a description of such representative's authority to act for the individual must be provided.
- A statement about the individual's right to revoke the authorization at any time if the revocation is in writing, the exceptions to the revocation right, and a description of how the individual may revoke the authorization. Alternatively, the revocation statement may state the individual's right to revoke and instruct the individual to refer to the covered entity's Notice of Privacy Practices for instructions and limitations on revocation.
- A statement that treatment, payment, enrollment, or eligibility for benefits may not be conditioned on obtaining the authorization, unless a valid exception applies (such as, pre-enrollment underwriting or information needed for payment of a specific claim for benefits), but the authorization cannot require release of psychotherapy notes for either exception.
- The consequences to the individual of a refusal to sign when the plan can condition enrollment in the health plan, eligibility for benefits or payment on failure to obtain such authorization.
- A statement that the information used or disclosed pursuant to the authorization may be subject to redisclosure by the recipient and no longer protected by the privacy rule.

### **3.8 Untoward Events**

Practitioners are obligated to report to Health Net the occurrence of Untoward Events experienced by a member. Untoward events include but are not limited to 1) Completed or nearly lethal suicide or homicide; and 2) Fatal or nearly fatal medication or ECT complications.

Health Net will conduct a quality review of all Untoward Events brought to its attention. Practitioners should contact the Mental Health Benefits number listed on the back of the member's ID card if they become aware of such an event involving a member.

### **3.9 Treatment Records**

#### **Exchange of Information with Medical Delivery Systems**

Behavioral health care occurs in the context of a total health care delivery system. Contracted practitioners are expected to communicate with primary care physicians (PCPs) and other medical practitioners involved in treatment of certain shared patients. Practitioners should obtain authorization from their patients to exchange such information using their own release of information forms that meets state and federal requirements.

Health Net monitors coordination of care in two ways. Health Net assesses coordination of care in two ways. First, we annually survey primary care practitioners asking them if they found behavioral health coordination information to be timely and useful. Second, we conduct an annual evaluation of behavioral health outcome measures that are dependent on coordination of care, focused on removing barriers and improving outcomes.

Health Net considers it important to have communication among practitioners when a clinical situation merits such coordination. These clinical situations include:

- 1) A behavioral health practitioner begins prescribing psychotropic medications or makes significant changes to the regimen.
- 2) A new patient reports a concurrent medical condition, a substance use disorder, and/or a major mental illness (i.e., a condition other than an adjustment disorder), or when there is a change in one of these in an established patient.
- 3) A PCP or other medical practitioner refers a patient to a behavioral health practitioner.
- 4) A behavioral health practitioner finds out that a PCP is prescribing psychotropic medications.
- 5) A behavioral health practitioner terminates with a patient about whom there has previously been communication with a PCP.

## **SECTION 4: MEMBER RIGHTS AND RESPONSIBILITIES STATEMENT**

Health Net is committed to providing easily accessible, high-quality services to our members. This objective is best met by establishing a mutually respectful relationship with our members that promotes privacy, effective treatment and member satisfaction. The Member Rights and Responsibilities Statement is designed to clearly outline member rights and responsibilities in this partnership. The Plan's Member Rights and Responsibilities Statement is available at

providerlibrary.healthnetcalifornia.com in the Provider Library under *Provider Manual > Member Rights and Responsibilities*.

- [Member Rights and Responsibilities \(Medi-Cal\)](#)
- [Member Rights and Responsibilities \(Commercial\)](#)
- [Member Rights and Responsibilities \(Medicare\)](#)

Please take a moment to review this statement. We encourage you to review the statement with members who have questions about their rights and responsibilities.

## **SECTION 5: NETWORK ADEQUACY AND PRACTITIONER AVAILABILITY STANDARDS**

### **5.1 Individual Practitioners**

#### **Network Adequacy**

It is Health Net's policy to develop and maintain an adequate network in number and type of individual practitioners to ensure access to all needed specialties. The network is considered adequate if all of the following criteria are met:

- There is one behavioral health physician per 5,000 covered lives, one psychologist per 2,300 covered lives, and one master's level behavioral health clinician per 1,150 covered lives. This is measured quarterly. 95% of members will have at least one practitioner of each type (psychiatrist, psychologist, Master Level clinician) within a 10-mile radius in urban locations, 25 miles in suburban locations and 60 miles in rural locations.
- Standards for ABA providers are as follows:
  - 95% of members will have at least one Behavioral Analyst within 30 miles in urban and suburban locations and 60 miles in rural locations.
  - 95% of members will have at least two Behavioral Technicians within 30 miles in urban and suburban locations and 60 miles in rural locations.
- The adequacy of the network is assessed and monitored on a quarterly basis, and summaries are reported to Health Net's Quality Improvement/Health Equity Committees.

#### **Practitioner Availability**

Per contract with Health Net, practitioners should be available and accessible to members during reasonable hours of operation, with provision for after-hour services, if applicable. Practitioner information regarding hours of operation is collected every three years via Health Net's practitioner application for re-credentialing. Practitioners must notify Health Net of any changes in their hours of operation or lapses in their availability to see Health Net members. Health Net expects practitioners to return phone calls from members referred by Health Net (for routine referrals) within two (2) business days.

Health Net's standards for practitioner appointment accessibility are as follows:

- For Emergent appointments\* clients should be seen within 6 hours of referral.
- For Urgent situations, members should be seen within 48 hours of referral.

- For Routine situations, members should be seen within 10 business days of referral to a non-physician mental health provider or a substance use disorder provider, and within 15 business days of referral to a physician/psychiatrist.
- For Routine follow-up appointments with a non-physician mental health provider or a substance use disorder provider, members should be seen within 10 business days of the prior appointment for those undergoing a course of treatment for an ongoing mental health or substance use disorder condition. The waiting time for follow-up appointments may be extended if the practitioner has determined and noted in the medical record that a longer waiting time will not have a detrimental impact on the health of the member.

\*In the event of a non- life-threatening emergency, practitioners are also expected to refer members to the emergency department or a crisis center if the practitioner cannot see the member within six hours.

Members who cannot schedule a routine appointment within 10 business days are given a re-referral to another practitioner. Please see Section 6.2 of this manual for more information on re-referrals.

## 5.2 No New Referral Periods

Practitioners are required to notify Health Net when they are not available for appointments. Practitioners may place themselves in a "no referral" hold status for a set period of time without jeopardizing their overall network status. "No referral" is set up for practitioners for the following reasons:

- Vacation
- Personal leave
- Full practice
- Other personal reasons

Practitioners can contact Provider Services at 844-966-0298 to set up a "no referral" period. Practitioners must have a start and end date indicating when they will be available again for referrals. A "no referral" period will end automatically on the set end date.

## 5.3 Facility Providers

### Network Adequacy

It is Health Net's policy to develop and maintain an adequate network of facility providers to ensure access to all needed levels of care. The network is considered adequate if 95% of members have at least one facility providing inpatient levels of care for all age groups within 30 miles of each member in urban locations, 40 miles in suburban locations and 60 miles in rural locations. The adequacy of the network is assessed on a quarterly or bi-annual basis and reviewed by Health Net's Quality Improvement/Health Equity Committees.

### Facility Access and Availability

Per contract with Health Net, network facilities should be available and accessible to members during reasonable hours of operation. Emergency care, where applicable, should also be available and accessible 24 hours a day. Facility information regarding hours of operation is collected every two years via Health Net's facility application for re-credentialing. Facilities



must notify Health Net of any changes in their hours of operation or lapses in accessibility availability as needed.

## **SECTION 6: MEMBER ACCESS TO PRACTITIONERS**

### **6.1 Provider Searches**

Members can access a listing of practitioners in their area by using the *ProviderSearch* tool at [www.healthnet.com](http://www.healthnet.com) or calling our 24-hour access line to obtain assistance locating a practitioner. Health Net maintains a practitioner database with complete demographic information, licensure, practitioner self- ratings on clinical specialties, and geographical areas served.

### **6.2 Re-referrals**

A “re-referral” is an additional referral given at the request of a member who wishes to change practitioners. Health Net can issue a re-referral if service from the initial referral or former referral are not yet completed. Requests for re-referral may be administrative or clinical in nature. Re-referrals will be granted regardless of whether or not a patient has contacted or seen the formerly referred practitioner.

### **6.3 Urgent, Emergent and Routine Referrals**

**Life-threatening Emergent** refers to those referrals for service which require immediate evaluation.

**Emergent** refers to those referrals for service which require evaluation within six hours.

**Urgent** refers to those referrals for service which require evaluation by a licensed mental health professional within 48 hours.

**Routine** refers to those referrals for service requiring evaluation by a licensed mental professional within 10 business (14 calendar) days or a psychiatrist within 15 business days.

## **SECTION 7: MEMBER ELIGIBILITY**

Routine outpatient therapy and medication management sessions do not require pre-authorization. If the eligibility status cannot be determined during the initial call, Health Net personnel will not approve the service. Clinically emergent or urgent care may be arranged and delivered during the validation process; with the understanding that the member is responsible for all claims should eligibility be absent. Health Net will pay for one outpatient emergent or urgent session for patients if Health Net arranges the session and the service is delivered within 48 hours from the time of the initial call. Health Net will inform the member when his or her eligibility status is determined.

Eligibility status is subject to change for a variety of reasons (i.e., termination of employment, elective change of benefit plan). Practitioners should require that their patients advise them of any eligibility changes and monitor their patients’ eligibility as a good business practice.

Practitioners can call Member Services (listed on the back of the member’s ID card) if they have questions about eligibility status. Practitioners are responsible for reimbursing Health Net for payments made for services rendered to ineligible members.

## **SECTION 8: LEVEL OF CARE AND TREATMENT CRITERIA**

Health Net uses both externally and internally developed criteria for reviewing cases. These criteria sets create consistency in decision-making by evaluating patient- specific behaviors and symptoms to help make clinically appropriate decisions.

Health Net has implemented the use of the Level of Care Utilization System and Child and Adolescent Level of Care Utilization System (LOCUS/CALOCUS), and Early Childhood Service Intensity Instrument criteria for all mental health medical necessity determinations and level of care placement decisions. For substance use disorder utilization management Health Net uses American Society of Addiction Medicine (ASAM) criteria. When the requested service is not in scope for LOCUS/CALOCUS, or another nonprofit professional association for the relevant clinical specialty, Health Net utilizes internal criteria that have been developed according to generally accepted standards of mental health and substance use disorder care.

By using nationally recognized and evidence-based criteria, our care managers are applying objective, evidence-based standards to support their decisions regarding procedures, levels of care, and continued stay. Supporting appropriate care decisions can lead to better outcomes for our members.

Health Net evaluates each member’s plan of treatment for appropriateness and timeliness. It is Health Net’s policy to share specific level of care guidelines and utilization management review procedures in writing with providers, members, customers, and members of the general public who request them. Copies of criteria can be obtained by contacting:

**For providers:**

844-966-0298

**For members:**

Call the specific number listed on the back of the member’s ID card.

## **SECTION 9: UTILIZATION MANAGEMENT – OUTPATIENT SERVICES**

### **9.1 General Policies for Outpatient Services**

Outpatient treatment as defined by Health Net, is limited to office and outpatient clinic visits. Services such as partial hospitalization programs, day treatment, and intensive outpatient programs are categorized by Health Net as Higher Levels of Care (HLOC).

#### **Authorization**

Health Net does not require authorization for routine outpatient services. Covered routine outpatient services include, but are not limited to:

- Psychiatric diagnostic interview
- Individual therapy

- Family therapy
- Group therapy
- Medication management

Psychological and neuropsychological testing are covered services in some benefit plans. *Prior authorization is required for psychological and neuropsychological testing.* Authorization requests should be made by phone; requests are handled by Health Net care managers.

*Prior authorization is also required for Applied Behavioral Analyst (ABA) Services.*

Certain services for American Indian members **do not** require authorization, including:

- An American Indian member can obtain covered services from an out-of-network Indian health care provider without requiring a referral from a network primary care provider (PCP) or prior authorization.
- Indian health care providers, whether in the Plan’s network or out-of-network, can provide referrals directly to network providers without a referral from a network PCP or prior authorization. An American Indian member may receive services from an out-of-network Indian health care provider even if there are in-network Indian health care providers available.

## 9.2 Management of Outpatient Services

Health Net uses analytics to identify providers who may have practice patterns that are at significant variance to Health Net expected treatment norms.

“Exception” reports are regularly generated for Health Net management review. If the manager identifies practice patterns that suggest variance from clinically accepted guidelines, these practitioner/member combinations are assigned to a licensed clinical care manager for clinical review. The care manager does a full review of case notes and member history to better understand the clinical situation and history of treatment. If, based on the clinical aspects of the case, the care manager decides that no further intervention is required, they will consider the review complete. If further discussion is indicated, they will contact the practitioner for a discussion of the member’s clinical status, current signs and symptoms, the practitioner’s goals and milestones of treatment, and how the current treatment plan is designed to meet these goals.

Health Net has found that in most cases, the practitioners are very open to a collegial, collaborative discussion and often will accept the care manager’s offer of assistance; for instance, to arrange for a medication evaluation, or an adjustment in the treatment plan with an agreement to review again at a later, mutually established time. In those infrequent cases in which there are ongoing concerns after contacting the provider, the care manager will consult with a Health Net medical director to determine the next steps. Health Net has found that due to this collaborative process with practitioners, a need for further corrective action is rarely required. Overall, this process has been very well received by the provider community.

### **Minors and/or Adults Unable to Give Consent and Consent for Treatment; Consent For Release of Information**

Health Net and its contracted practitioners have a responsibility to recognize and help protect the rights of minors and adults unable to give consent. When consent for “Release of

Information” or treatment are necessary for members who are minors or adults unable to give consent, the practitioner should obtain written consent from a parent, legal guardian, or other appropriate individual or agency.

The completed consent for treatment or “Release of Information” form should be in the practitioner’s treatment record. When practitioner treatment records are audited against treatment record standards, consents should be present when records pertain to members who are minors or adults unable to give consent.

## **SECTION 10: UTILIZATION MANAGEMENT - HIGHER LEVELS OF CARE**

### **10.1 General Policies**

This section describes authorization for higher levels of care (inpatient psychiatric, residential treatment, partial hospitalization, structured outpatient, inpatient detoxification, substance abuse rehabilitation) using the Medical Necessity Guidelines for admissions outlined in this manual.

Health Net is committed to providing timely high-quality care, delivered by the right provider in the least restrictive treatment setting. Health Net achieves this goal through prior authorization requirements for certain treatment services. Prior authorization provides benefits to the member by ensuring that treatments are used appropriately and provides a safeguard against treatments that may be subject to misuse or abuse. Members may also realize reduced costs by first considering alternative treatments that are as safe and effective as those proposed.

Additional value is created by considering the member in their environment and bringing those issues together to create a comprehensive treatment plan, as well as coordination of the delivery of those services. This process allows the care manager to answer the question, “where and how can this member be treated safely and most effectively in an environment that will promote optimal functioning.”

#### **Precertification**

Health Net has licensed clinical staff available 24 hours a day, seven days a week for precertification of acute inpatient care. Patient care is pre-certified when a treating practitioner or facility provides initial clinical information and requests authorization PRIOR to admission. If authorization prior to admission cannot be obtained, Health Net requires that facilities submit requests for authorization to Health Net within 24 hours of admission to any higher level of care treatment service. These include mental health and substance use disorder inpatient/acute detox, residential treatment, partial hospitalization and intensive outpatient programs. Barring extenuating circumstances, failure to request authorization within 24 hours of admission will result in denial of authorization.

#### **Initial Authorization**

Health Net will authorize admission to higher levels of care based on medical necessity, appropriateness of treatment plan, and whether requested services are a covered benefit.

#### **Concurrent Review**

Concurrent review of Higher Levels of Care is conducted by a care manager to

determine if the proposed continued treatment or services are: (1) medically necessary, (2) appropriate to the particular patient, and (3) covered under the health plan.

### **Noncertification**

All requests for services that do not meet *Health Net Level of Care Criteria and Medical Necessity Guidelines*, as described herein, or where medical necessity is questionable or unclear, must be reviewed by a Health Net medical director.

## **10.2 Procedures**

### **Precertification**

1. Facility provider must call the Health Net number and request precertification.
2. Health Net care managers conduct precertification reviews according to the following guidelines:
  - The care managers assess the patient's clinical presentation according to the medical necessity guidelines for the specific care setting, plan type, and intensity of service that is being proposed. This assessment includes the patient's presenting problem, mental status, current diagnosis, previous psychiatric/substance abuse treatment and relevant psychosocial factors.
  - If medical necessity criteria for that level of care are met, then the facility provider of care is given the appropriate verbal authorization. If the precertification occurs during non-regular business hours, the authorization is given "pending eligibility verification" and the facility provider is instructed to admit the patient to the proposed care setting, but to then contact Health Net during regular business hours for eligibility verification.
  - If medical necessity criteria are not met, then the facility provider is notified verbally, and an alternative care plan or setting is discussed. If agreement is reached on an alternative care plan or setting, written confirmation of this agreement is provided. If the plan or setting cannot be agreed upon, the care manager explains the denial process to the provider and refers the case to a Health Net medical director for review.

### **Initial Authorization**

1. Facility providers initiate request for authorization for all higher levels of care by phone.
2. Health Net care managers review requests for medical necessity and decide upon the most appropriate level of care based on medical necessity criteria.
3. If the case does not appear to meet medical necessity criteria for the level of care requested, the care manager will refer the case for Health Net medical director review.
4. If the medical director denies authorization, refer to the non-certification procedure.
5. Once authorization is established, the care manager notifies the requesting facility of the decision and sets a date for the concurrent review.
6. The care manager generates an authorization verification letter to be mailed to provider and patient.

## **Concurrent Review**

1. The attending physician or facility utilization review staff calls the Health Net care manager on the agreed upon review date and provides and verifies the concurrent review information.
2. The care manager obtains all the following information required for concurrent review via phone with the utilization review staff or attending psychiatrist at the facility:
  - Diagnosis
  - Symptom progress/change in severity
  - Risk areas
  - Treatment goals/interventions
  - Medications
  - Indicators for continued treatment
  - Discharge planning (to begin at the time of admission)
  - Target discharge date

Providers must notify the Health Net Care Manager on the same day that the member was discharged and provide a detailed discharge summary within 24 hours. The discharge summary must include information about the member's status at discharge, such as current symptoms and medications, details about post-discharge appointment(s) scheduled for stepdown care, and member's updated contact information (i.e., address, phone number).

3. The care manager reviews clinical data and authorizes additional days if medical necessity criteria for continued stay are met.
  - If medical necessity criteria for continuing stay are not met for the level of care requested, the care manager will review the request with a Health Net medical director.
  - If the medical director denies authorization, refer to the non-certification procedure.
  - The care manager documents clinical appropriateness.
  - The care manager reviews with a clinical manager and/or a medical director when any aspect of the treatment plan is unclear and/or is in question.

## **Noncertification**

For most health plans, requesting facilities are notified by phone immediately of the review decision.

1. The Health Net care manager receives requests for authorization by phone from the clinical contact at the facility or program.
2. Administrative denials (based on exhaustion of benefits, lack of pre-authorization, etc.) do not require a Health Net medical director review.
3. When medical necessity criteria do not appear to be met, the care manager presents the case to the medical director for review. In the case of clinical denials, the facility is notified by the care manager that they can request a peer-to-peer discussion with the peer reviewer who originally denied the authorization. If the decision then remains unacceptable, the patient or patient's representative (often the facility) can request an appeal by a different peer reviewer if the patient is still in treatment.
4. Notification of denial of authorization is made by phone immediately. For urgent

concurrent requests, written confirmation is sent within 24 hours of receipt of request.

5. The original denial letter is sent to the patient and copies are sent to the facility, parent and/or guardian (if applicable) and attending physician. The denial letter will always include the rationale for the denial decision and a full description of the appeals procedure.

In the case of inpatient treatment services where the member is still hospitalized, a practitioner who would like to appeal a denial immediately on behalf of the member is verbally notified of the urgent/expedited appeals process in which the facility representative (e.g., attending physician) can speak with another peer reviewer to present the case.

### 10.3 Timeliness Standards for Utilization Management

#### Decision Making Definitions:

Non-Urgent, Pre-Service Decision: Any case or service that requires prior authorization by Health Net, in whole or in part, in advance of the member obtaining medical care or services that does not meet the criteria for an urgent decision listed below.

Post-Service Decision: Any review for care or services that have already been received and completed, but not previously reviewed and authorized.

Post-Stabilization Services: Medically necessary services that are related to an emergency medical condition provided after a member is stabilized; and provided to maintain the stabilized condition, or under certain circumstances, to improve or resolve the member's condition.

Psychiatric Emergency Medical Condition: A “psychiatric emergency medical condition is defined as a mental disorder manifested by acute symptoms that render the patient: 1) an immediate danger to himself, herself, or others; or 2) immediately unable to provide for, or utilize, food, shelter, or clothing. (H&S Code 1317.1 [k]) Psychiatric emergencies may present independently or concurrent with a physical emergency medical condition.

Urgent Decision: Any request with respect to which the application of the time periods for making non-urgent care determinations:

1. Could seriously jeopardize the life or health of the enrollee or the enrollee’s ability to regain the maximum function, based on a subjective standard that focuses on the belief of the existence of an Emergency Medical Condition or Psychiatric Emergency Medical Condition that requires immediate medical and/or psychiatric treatment; or
2. In the opinion of a practitioner with knowledge of the enrollee’s medical condition, would subject the enrollee to severe pain that cannot be adequately managed without the care or treatment that is the subject of the request.

**Urgent Concurrent Review Decision:** Any review for treatment which has already begun\*. This determination is always urgent with the following exception:

1. If the request is to extend a course of treatment beyond the period of time, or the number of treatments previously approved by Health Net, and the treatment involved does not meet the definition for Urgent Decision below, default to Non-Urgent Pre-Service category.

*\* For Medicare, treatment that has begun within one (1) business day can be considered Pre-Service Urgent.*

**Urgent Pre-Service Decision:** Any case or service that requires prior authorization by Health Net, in whole or in part, in advance of the member obtaining medical care or services that meets the criteria for an urgent decision listed above.

**For Cases Where All Required Information is Received at the Time of the Initial Decision**

Type of Request	Decision	Oral Notification of Approval and Denial to Practitioner and Member	Written/Electronic Notification of Denial to Practitioner and Member
<b>Urgent Pre- Service</b>	Within 24 hours of receipt of the request.	Within 24 hours of receipt of the request.	Within 72 hours of receipt of the request.
<b>Non-Urgent Pre-Service</b>	Within 5 business days of receipt of the request.	Within 24 hours of making the decision.	Within 2 business days of making the decision.
<b>Urgent Concurrent</b>	Within 24 hours of receipt of the request.	Within 24 hours of receipt of the request.	Within 24 hours of receipt of the request.
<b>Post- Service</b>	Within 30 calendar days of receipt of the request.	Not applicable	Within 30 calendar days of receipt of the request.

Note: Requests Received after business hours:

NCQA counts the time from the date when Health Net receives the request, whether or not it is during business hours. Non urgent requests may be processed during the next business day.



**For Cases Where All Required Information is Not Received at the Time of the Initial Decision**

Type of Request	Decision
<p><b>Urgent Pre-Service</b> – Notify member and practitioner within 24 hours of receipt of request and provide 48 hours for submission of requested information.</p>	<p>If additional information is received, complete or not, decision must be made within 24 hours of receipt of information.</p>
	<p>If no additional information is received within the 48 hours given to the practitioner and member to supply the information, decision must be made with the information that is available.</p>
<p><b>Non-Urgent Pre-Service</b></p>	<p>Determination of the extension must be made within 5 days from the initial request.</p>
	<p>If additional information is received, complete or not, decision must be made within 5 business days of receipt of information.</p>
	<p>If information is not received within the 45 calendar days, a decision must be made with the information that is available within an additional 15 calendar days.</p>
<p><b>Post-Service -</b> Notify member and provider within 30 calendar days of receipt of request &amp; provide at least 45 calendar days for submission of requested information.</p>	<p><i>Additional information received or incomplete</i> If additional information is received, complete or not, decision must be made within 15 calendar days of receipt of information</p>
	<p><i>Additional information not received</i> If no additional information is received within the 45 calendar days given to the practitioner and member to supply the information, decision must be made with the information that is available within an additional 15 calendar days.</p>

## For Cases Where Expert Consultation is Required to Make the Initial Decision

Type of Request	Notification
<b>Non-Urgent Pre-Service</b>	If a consultation is required by an expert reviewer, upon the expiration of the 5 business days or as soon as Health Net becomes aware that the 5 business day time frame will not be met, whichever occurs first, practitioner and member will be notified of the type of expert reviewer and the anticipated date on which a decision will be rendered (no more than 15 calendar days from the date of the delay notice to the practitioner and member).
<b>Post-Service</b>	If a consultation is required by an expert reviewer, upon the expiration of the 30 calendar days or as soon as Health Net becomes aware that we will not meet the 30 calendar day time frame, whichever occurs first, practitioner and member will be notified of the type of expert reviewer and the anticipated date on which a decision will be rendered (no more than 15 calendar days from the date of the delay notice to the practitioner and member).

## For Medicare Cases

Type of Request	Decision
<b>Medicare Standard (pre- service or concurrent)</b>	Within 14 calendar days of receipt of request
<b>Medicare Expedited (pre- service or concurrent)</b>	Within 72 hours of receipt of request
<b>Medicare Post Service</b>	N/A. Provider must submit a claim with records. Claims Department will handle with PSR

Health Net may extend the time frames for expedited requests up to 72 hours, and standard requests up to 14 calendar days, **only** if member requests or the provider/organization justifies a need for additional information and is able to demonstrate how the delay is in the interest of the member (for example, the receipt of additional medical evidence from non-contracted providers may change a decision to deny). Extensions **must not** be used to pend organization determinations while waiting for medical records from contracted providers.

## What requires approval

The prior authorization list of services is reviewed annually to determine the appropriateness for inclusion and potential deletions to the list. Our team of medical directors consists of medical and behavioral health clinical leadership.

When deciding what benefits will be subject to prior authorization, the team evaluates the current list of services using established factors. Based on the application of these factors (e.g., safety, clinical efficacy, length of treatment) authorization may be required for some behavioral health /substance use disorder benefits. These factors are backed by recognized medical literature and professional

standards. Prior authorization will apply for only those services/procedures which meet one or more of the factors identified by the team and for which the quality of care can be favorably influenced by medical necessity or appropriateness review.

### **Services currently requiring prior authorization (2023)**

#### Inpatient:

- Inpatient behavioral health
- Inpatient detox
- Electroconvulsive therapy (ECT)
- Residential treatment
- Inpatient rehabilitation
- ECT Professional (no authorization required, but requires facility authorization)
- Psychological testing
- Neuropsychological testing

#### Outpatient Other:

- Psychological testing
- Neuropsychological testing
- Outpatient ECT
- Transcranial magnetic stimulation (TMS)
- Applied behavioral analysis (ABA)
- Treatment plan/reports (tied to ABA)
- Partial hospital program or day hospital (PHP)
- Half-day partial
- Intensive outpatient program (IOP)

## **SECTION 11: QUALITY IMPROVEMENT**

### **11.1 Member Surveys**

To ensure understanding of members' ability to access services, efficiently navigate Health Net processes, and receive effective behavioral health service, Health Net administers a member survey instrument. This instrument also assesses members' level of satisfaction with Health Net, as well as identifying their perceived value of services and any improvements they identify from services they have obtained. The results from these surveys are used to both inform interventions to improve Health Net's processes and systems, as well as assess our network of providers to ensure optimal practitioner performance.

### **11.2 Provider Surveys**

Provider shall participate in and assist Health Net with any review conducted by a regulatory agency or any accreditation survey or study.

## 11.3 Focused Studies

Health Net has comprehensive programs for engaging in quality improvement projects. These projects use baseline performance data to identify opportunities for improvement that in turn undergo interventions to improve the area being studied. Re-measurement of performance data then occurs to ensure improvements have been made. When improvement is not readily detected, additional interventions and investigation into underlying causes of the lack of progress are then undertaken. The projects can target specific conditions (such as ADHD or depression) or service events that a multitude of different members may undergo (such as discharge or transition to/from practitioners). Each year, we include a number of focused studies in our work plan. Practitioners are invited to submit ideas for topics for focused studies; please direct suggestions to the Quality Management Department.

## 11.4 Member Complaints

### Member Complaints

A member may file a complaint about the Plan either verbally or in writing. Member complaints may be filed with any staff member. Complaints are taken very seriously, and all are investigated by Health Net. Investigation includes discussing the complaint with the member and with the practitioner. The outcome of complaint investigation varies, depending on the nature of the complaint. Our standard is that all formal complaints be resolved within 30 days.

If members should wish to submit a grievance online, they can go to the Health Net website at [https://www.healthnet.com/content/healthnet/en\\_us/members/appeals-and-grievances](https://www.healthnet.com/content/healthnet/en_us/members/appeals-and-grievances) to find information and forms. In addition, a member may find information and an Independent Medical Review (IMR) form in various languages on the website of the California Department of Managed Health Care (DMHC) at [www.dmhc.ca.gov](http://www.dmhc.ca.gov).

### California Department of Managed Health Care

The following is the DMHC notification to members that accompanies any adverse determination or complaint response:

The California Department of Managed Health Care is responsible for regulating health care service plans. If you have a grievance against your health plan, you should first telephone your health plan [**insert member-specific phone number**] and use your health plan's grievance process before contacting the department. Utilizing this grievance procedure does not prohibit any potential legal rights or remedies that may be available to you. If you need help with a grievance involving an emergency, a grievance that has not been satisfactorily resolved by your health plan, or a grievance that has remained unresolved for more than 30 days, you may call the department for assistance. You may also be eligible for an Independent Medical Review (IMR). If you are eligible for IMR, the IMR process will provide an impartial review of medical decisions made by a health plan related to the medical necessity of a proposed service or treatment, coverage decisions for treatments that are experimental or investigational in nature and payment disputes for emergency or urgent medical services. The department also has a toll-free telephone number (**888-466-2219**) and a **TDD line (877-688-9891)** for the hearing and speech impaired. The department's website at [www.dmhc.ca.gov](http://www.dmhc.ca.gov) has complaint forms, IMR application forms and instructions online.

*Emergency Grievances:* When Health Net has notice of a case involving imminent and serious threat to the health of the patient, including, but not limited to, severe pain, potential loss of life, limb or major bodily function, Health Net provides the following: (a) immediate notification to the member of their right to notify DMHC of the grievance, and (b) no later than three days from receipt of the notice of such grievance request, a written statement to the member and DMHC on the disposition or the pending status of the grievance.

## 11.5 Potential Quality Issues

A reported potential or suspected deviation from expected performance; clinical outcome which cannot be determined or justified without additional evaluation and review. A PQI is non-member generated. Health Net defines a PQI as an identified or discovered event by a Health Net associate and/or the plans' providers and practitioners that are confidentially reported through the plans' PQI referral process. PQIs are initially reviewed by a Clinician, and referred to a Medical Director. PQI's may also originate from the provider preventable conditions (PPC) reporting process, which includes health care acquired conditions (HACs) and other provider preventable conditions (OPPCs.)

## 11.6 Member Appeals and Provider Disputes Utilization Management Decisions

Health Net's appeals process has been established to offer members the opportunity to appeal decisions to deny coverage or payment. Health Net's Provider Dispute Resolution process has been established to also give practitioners and facility providers rights to appeal (aka dispute) utilization management decisions for both medical necessity or benefit coverage reasons. Medical necessity provider disputes are reviewed by a peer reviewer other than the Health Net reviewer who made the initial determination not to authorize the services. Please refer to the Section on Provider Dispute Resolution, section 12.4, for full details of the provider dispute process.

### Member Appeal Categories

**Urgent Member Appeal:** The member has a right to an urgent appeal whenever there is an imminent danger of grave injury or death or if the treating psychiatrist/clinician believes that a life-threatening urgency exists. In this case, the treating practitioner or attending physician is presumed to be requesting urgent appeal on behalf of a member. Such urgent appeals are completed as soon as possible but in no event later than 72 hours after the appeal request is received.

**Pre-Service Appeal:** The member has a right to a pre-service appeal whenever they are awaiting treatment or are in treatment and wish to continue. Practitioners/facility providers can, with the member's permission, appeal on their behalf. Pre-service appeals are resolved as expeditiously as the clinical circumstances warrant, (generally within 1-3 calendar days), but in no event more than 30 calendar days from the date of the appeal request. Members or providers have the right to submit, if they wish, any information or collateral material relevant to the appeal either by phone, fax or in writing. This member appeal is completed by a peer reviewer other than the one who made the initial decision not to authorize services.

**Post Service Member Appeal:** Member appeals that are received, either verbally or in writing, after services have been rendered are acknowledged in writing within five (5) calendar

days of receipt and are resolved within 30 calendar days. Members or providers have the right to submit, if they wish, any information or collateral material relevant to the appeal either by phone, fax or in writing. This member appeal is completed by a peer reviewer other than the one who made the initial decision not to authorize services.

Details about the availability of external independent medical review as well as submission directions are provided with all applicable denial and resolution letters.

**You can file an expedited or urgent appeal if your patient:**

- Is currently receiving or was prescribed to receive treatment; and
- Has an “urgent” situation. Urgent means a medical provider believes a delay in treatment could seriously jeopardize the patient’s life or overall health, affect the patient’s ability to regain maximum function, or subject the patient to severe and intolerable pain; OR
- Has an issue related to admission, availability of care, continued stay, or a health care service received on an emergency basis and has not been discharged.

**You cannot file an expedited or urgent appeal if your patient:**

- Already received the treatment and is disputing the denied claim; or
- The patient’s situation is not urgent.

**Who decides if the situation is urgent?**

- A medical provider with knowledge of the patient’s medical condition or Health Net’s medical director will decide if the situation is urgent or not.

**How do you file an expedited or urgent appeal?**

- You or your patient may file an expedited or urgent appeal verbally by calling 844-966-0298.

Health Net will respond as soon as possible, but no longer than 72 hours. Health Net will deliver our response verbally, and either Health Net or the Insurer will issue it in writing no later than 72 hours after the request.

The patient may even have the option to request an independent medical review before Health Net’s internal review is complete.

If you need to file an urgent appeal, we suggest the patient, the patient’s authorized representative, or the provider call 844-966-0298 immediately.

**How do you file a non-expedited or non-urgent appeal?**

You may file a non-expedited or non-urgent appeal through the provider dispute resolution process in writing to:

- **Medicare**  
P.O. Box 9030  
Farmington, MO 63640-9030
- **Commercial**  
P.O. Box 989882  
West Sacramento, CA 95798-9882

- **IFP**  
P.O. Box 9040  
Farmington, MO 63640-9040
- **Medi-Cal**  
P.O. Box 989882  
West Sacramento, CA 95798-9882

**Peer-to-Peer Consultation:** Practitioners and facility providers have the right to a direct conversation with the peer reviewer who made a denial determination, whether pre- or post-service, to discuss the reasons for the decision not to authorize services prior to filing a dispute/appeal.

**Provider Dispute:** Standard written dispute/appeal of a determination that occurs subsequent to treatment services being rendered. These disputes are to be sent in writing, along with all relevant records, for appeal review. Such requests will be acknowledged within fifteen (15) business days and resolved within forty- five (45) business days of receipt of a complete dispute. Clinical Appeals are conducted by a Health Net peer reviewer other than the one who made the initial determination not to authorize services. Peer reviewers include Health Net medical directors, physician advisors or licensed psychologists. Please reference our website at [provider.healthnet.com](http://provider.healthnet.com) for full details of the provider dispute process.

## 11.7 Quality Review

Health Net conducts peer review of cases where there has been a complaint or potential quality issue. In addition, we review practitioners whose profiles indicate potential problems. Clinical and Quality departments work collaboratively to make decisions on any corrective action to be taken regarding a practitioner.

## 11.8 Practitioner Satisfaction

Health Net seeks out information on practitioner satisfaction with our system. On an annual basis, we send out a Practitioner Satisfaction Survey to a sample of practitioners. The survey asks about satisfaction with specific types of staff and with processes.

## 11.9 Level of Care Criteria and Clinical Position Papers

Our clinical practice guideline committee considers a number of resources in this process, including our own research on the effectiveness of elements of the guidelines in our own system, reviewing the literature about treatment of disorders, and reviewing guidelines from professional organizations. Guidelines are drafted and then reviewed by the Clinical Leadership Committee (CLC). The CLC then submits the guideline to the Medical Affairs Committee (MAC) with a recommendation that it approve the guideline. The MAC makes the final decision to approve and adopt the guideline.

**We currently have the following internally developed medical necessity criteria:**

### **11.6.1 ABA Services Medical Necessity Criteria**

**We currently have the following Clinical Position Papers:**

### **11.6.2 Position Statements**

- Medication Assisted Treatment Guidelines for Substance Use Disorders
- Criteria and Guidelines for Authorization of Psychological and Neuropsychological Testing
- Criteria and Standards for Utilizing Single Case Agreements
- Dialectical Behavior Therapy (DBT)
- Harm Reduction in Substance Use Disorder Treatment
- Rapid Opioid Detoxification (ROD)
- Special Considerations for the Child and Adolescent Population
- Treatment of Highly Specialized Populations
- Use of Multiple Levels of Substance Detoxification
- Utilization of Intranasal Spray of Spravato (esketamine) for Treatment of Treatment-Resistant Depression
- Wilderness Program Treatment

**We currently have the following Treatment Guidelines:**

### **11.6.3 Care Based Guidelines**

- Medical necessity
- When a therapist is seeing more than one family member at a time in outpatient treatment
- When a therapist is seeing a member more than once weekly in outpatient treatment
- Dual/multiple relationships with patients
- Outpatient care of children and adolescents
- CMS national and local coverage determinations

Hard copy of these documents may be obtained by calling 844-966-0298.

## **11.10 Language Assistance Program (LAP)**

The Health Care Language Assistance Act requires all California managed care health plans to provide language assistance and culturally sensitive services to members who are limited-English proficient (LEP).

To comply with this mandate, Health Net created the Language Assistance Program (LAP) to ensure that LEP members are able to obtain language assistance while accessing mental health care services.

Health Net maintains ongoing administrative and financial responsibility for implementing and operating the language assistance program for members and does not delegate its obligations under language assistance regulations to its participating providers.

The Language Assistance Program includes the following:



**11.6.4** Interpreter services for LEP members are available 24 hours a day, seven days a week by calling the number on the back of the member's ID card. This assistance includes **face-to-face, telephonic interpretation services and written translation services.**

**11.6.5** Health Net provides a notice of language assistance services with vital documents to all members. Health Net will provide translated documents in threshold languages and provide interpretation and translation services in many more languages, upon request. This notice is also available to contracted providers for distribution to members upon request.

#### Provider LAP Compliance Requirements

**11.6.6** Interpreter Services- Use qualified interpreters for LEP members. Interpreter services are provided by at no cost to the provider or the member. You may contact the Language Assistance Services Line or Member Service to arrange interpretation services.

**11.6.7** Member Complaint/Grievances Forms- Members wishing to file a grievance or complaint should call the number listed on the back of their member identification card, or access Health Net's website at [provider.healthnet.com](http://provider.healthnet.com) obtain complaint/grievance forms, also available in other languages.

**11.6.8** Independent Medical Review Application – Locate the DMHC's Independent Medical Review (IMR) application and provide it to members upon request. This application is available in other languages on the DMHC website at <http://www.dmhc.ca.gov/FileaComplaint.aspx>.

**11.6.9** Documentation of Language Preference – Document the member's language preference and the refusal or use of interpreter services in the member's medical record. Health Net strongly discourages the use of adult family or friends as interpreters, except in emergency situations. If, after being informed of the availability of interpreter services, the member prefers to use an adult family or friend as an interpreter, the provider must document this in the member's medical record. The use of a minor as an interpreter is only permitted in emergency situations.

**11.6.10** Engage Telephonic Referral if face-to face interpreter is late – If a scheduled face-to-face interpreter fails to attend appointment within an acceptable time frame, providers are encouraged to offer the patient the choice of using a telephonic interpreter. Providers can call the number on the back of the member's ID card and a customer service agent will conference in the telephone interpreter to expedite services.

**11.6.11** Notify Health Net of Language Capability Changes- Practitioners are contractually obligated to notify Health Net of any change to their practice, including changes in language abilities, 30 days prior to the effective date of such a change, by attesting to these changes via the provider portal at [healthnet.com](http://healthnet.com). Health Net does not track bilingual changes among office staff, however practitioners must notify us when there has been an addition/departure of a bilingual clinician from a group practice.

## **Additional Information**

If you have additional questions regarding translation or interpretation services available to our members, contact the phone number indicated on the back of the member identification card. If you have any other questions about your network participation, please contact Provider Services at 844-966-0298.

## **SECTION 12: BILLING AND REIMBURSEMENT**

### **12.1 General Policies**

- As a condition of payment, practitioners must bill for outpatient services within 180 days of the date of service.
- Practitioners must collect any copayments due from Health Net members and must accept payment from Health Net as payment-in-full for covered services.
- Practitioners should submit claims with their charges however, in no event shall the rates payable under the Practitioner's *Participating Provider Agreement* (Health Net contract) exceed the amounts billed by the practitioner.
- Practitioners may not balance bill members.
- Practitioners may bill for missed or cancelled managed care appointments **only** if the member has been advised of, and has agreed to in writing, the practitioner's no-show policy.
- Practitioners must advise members in writing prior to providing excluded services that services will not be covered by Health Net and the member will be responsible for paying the practitioner directly for these services.
- Please note that you may only bill 1 session using CPT code 90791 and/or 90792 (psychiatric diagnostic interview), per patient. Additional sessions billed with 90791 and/or 90792 for the same treatment episode will be denied.

#### **The following time requirements for payment are included in the Health Net Provider Agreement:**

- Health Net shall pay practitioners within 30 business days of receipt by Health Net of a completed "Clean" Claim for Covered Services (45 business days in the case of HMO claims).
- Health Net shall process all "unclean" claims within 30 business days of their being made "clean".
- A "Clean" Claim is one that is accurate, complete (i.e., inclusive of all information necessary to determine payor liability), not a claim on appeal, and not contested (i.e., not reasonably believed to be fraudulent and not subject to a necessary release, consent or assignment).

### **12.2 Outpatient Billing Procedures**

For outpatient treatment you must submit claims electronically or bill Health Net using the CMS (HCFA)- 1500. **Health Net will only accept paper claims submitted on CMS 1500 forms that are printed in Flint OCR Red, J6983, (or exact match) ink.**

**Health Net will not accept:**

- Claims that are handwritten (regardless of the color of the form).
- Claims that have been photocopied.
- Forms other than the CMS 1500.

**Claims submitted in the formats above will be rejected and returned to the biller.**

As a condition of payment, claims must be submitted within 90 calendar days of services rendered. Claims for the Medi-Cal line of business must be submitted within 180 calendar days in order for payment to be made.

Please log into our provider portal at [provider.healthnetcalifornia.com](http://provider.healthnetcalifornia.com) **Error! Hyperlink reference not valid.** to verify subscriber information and member eligibility before submitting claims. This will enable you to confirm that the correct information is being submitted and will help eliminate delays in processing your claim.

If you have a concern involving a claims payment issue, contact Provider Services at 844-966-0298.

**Electronic Claims Submission**

You can submit electronic claims directly to Health Net through **Ability (formerly MD On-Line) or Availity** using the Payer ID below:

Line of business	Payer ID	
	Date of Service On and After January 1, 2024	Date of Service Prior to January 1, 2024
Medicare	68069	22771
Individual & Family Plan – IFP (Ambetter HMO and PPO)	68069	
Commercial (Employer Group HMO/POS and PPO)	95567	
	Date of Service On and After September 1, 2024	Date of Service Prior to September 1, 2024
Medi-Cal	95567	22771

Health Net has partnered with Ability and Availity to allow you to submit claims at no cost (some restrictions apply). To set up an account, contact:

Ability:  
888-499-5465  
[www.mdon-line.com](http://www.mdon-line.com)

Availity:  
800-282-4548  
[www.Availity.com](http://www.Availity.com)

## **Paper Claims Submissions**

Paper claims must be submitted using a CMS (HCFA)-1500 **that is printed in Flint OCR Red, J6983, (or exact match) ink.** Claims that are not submitted on this form and/or do not include all of the required information will be returned to the biller.

For claims with dates of service on and after January 1, 2024, submit paper claims to:

### **Medicare:**

Health Net Medicare Claims  
P.O. Box 9030  
Farmington, MO 63640-9030

### **IFP:**

Health Net Commercial Claims – IFP  
P.O. Box 9040  
Farmington, MO 63640-9040

### **Commercial:**

Health Net Commercial Claims  
P.O. Box 9040  
Farmington, MO 63640-9040

### **Medi-Cal:**

For claims with dates of service on and after September 1, 2024, submit paper claims to:

Health Net Medi-Cal Claims  
P.O. Box 9020  
Farmington, MO 63640-9020

For claims with dates of service prior to September 1, 2024, submit paper claims to:

### **MHN Claims**

P.O. Box 14621  
Lexington, KY 40512-4621

## **A. Completion of CMS 1500 - Instructions**

Complete claim must include:

- Correct Subscriber/Insured ID number
- Subscriber/Insured name
- Subscriber/Insured address
- Patient Name
- Patient address
- Patient Date of Birth
- Practitioner Name
- Practitioner Tax Identification Number
- Practitioner's servicing address, ZIP code and phone number
- Billing Provider address, ZIP code and phone number

- Date(s) of Service
- Diagnoses Codes
- CPT Procedure Code(s)
- CMS Place of Service Code
- Number of days or units
- Billed Charges

## Definitions

- Insured: The primary holder of the insurance (typically the employee).
- Patient: The person accessing the service (may be the subscriber or a dependent of the subscriber).
- Insured ID Number: The number used by the insurance company to identify the insured person. It is printed on their insurance identification card.
- Place/Type of Service: A 2-digit code that designates where services were performed (e.g., home, hospital, office, clinic, etc.). For example, an office visit place of service code "11."
- Diagnosis Code: Represents why service is being sought.
- CPT Procedure Code: A code designating the type of service received.

The following are required fields:

- Box 1 – Indicate the type of insurance coverage applicable to this claim by checking the appropriate box. o Box 1a – Insert correct insured/ID number.
- Box 2 – Enter the patient’s name as it appears on the insurance card or benefit enrollment forms (i.e., last name, first name).
- Box 3 – Enter the patient’s date of birth in MM/DD/YYYY format. Check appropriate gender.
- Box 4 – Enter /insured name in last name, first name format (e.g., Doe, John).
- Box 5 – Enter the patient’s mailing address and phone number.
- Box 6 – Check the appropriate box for the patient’s relationship to the insured.
- Box 7 – Enter the insured’s mailing address and phone number.
- Boxes 9 through 9d –These are required if the patient is covered by more than one health plan/insurance policy.
- Box 9 – Enter the full name of the other person under whose insurance the patient is also covered. Box 9a – Enter the insured’s policy or group number.
- Box 9b – Enter the insured’s date of birth and gender.
- Box 9c – Enter the employer or school information for the subscriber. Box 9d – Enter the plan or program name for the insured’s health plan.
- Boxes 10a through 10c – Check “yes” or “no” to indicate whether employment, auto accident or other accident involvement applies to one or more of the services being billed.
- Box 12 – Enter the patient's signature to authorize release of medical information necessary to process the claim. If the patient is a minor child, a parent or legal guardian should sign. Signatures can be “signature on file” and/or computer-generated

signature.

- Box 13 – The patient's signature in this box indicates that reimbursement is to be sent to the provider of service at the address indicated in Box 33. This can be "signature on file" and/or computer-generated signature. If the insured is to be reimbursed, this box should be left BLANK. (Note: if Box 13 is left blank reimbursement will be sent to the insured, whether
- or not the insured is also the patient.) Do not put any text in this box other than the signature or "signature on file". Any text in this box may be interpreted as authorization of payment of benefits to the provider of service. If Box 29 indicates that the claim has been paid in full, the claim will be assigned to the member regardless if there is a signature in Box 13.
- Box 17 – If Box 17 is completed, the corresponding NPI # must be included in Box 17b.
- Box 21 – Enter the patient's diagnosis/condition code(s). Use the highest level of specificity of DSM-V or ICD-10-CM diagnosis codes. Enter up to four codes in priority order (primary, secondary, etc.).
- o Box 24 o Column A – Date(s) of service in MM DD YY format. One date of service per line. Maximum of six dates of service per claim form. O Column B – Enter the appropriate place of service code for each service performed (e.g., 11 = office visit) o Column D – Enter the procedure or services using the current CPT-4 procedure codes. o Column E – Enter the diagnosis code reference number (as shown in Box 21) to indicate the date of service and the procedures performed. O Column F – Enter the charge for each of the listed services. O Column G – Enter the number of units. O Column I – The shaded field is used to identify what type of number is placed in 24J. O Column J – The rendering provider's NPI # belongs in the white box of 24J. The shaded box is for other identifying number the provider is allowed to submit.
- Box 25 – Enter the federal tax identification number for the treating practitioner or group. The claim will be returned if the Tax ID Number is not provided.
- Box 27 – Check appropriate box to indicate if the provider of service accepts Medicare assignment.
- Box 31 – Enter the printed/typed name and signature of provider of service, including degree/credentials.
- Box 32 – If Box 32 is completed, the corresponding NPI # must be included in Box 32b.
- Box 33 – Enter the name, group name (if applicable), licensure, address and phone number for the pay-to (billing) information. If Box 33 is completed, the corresponding NPI # must be included in Box 33b.

**Claims that do not include the above information will be contested by Health Net. A remittance advice will be returned requesting completion and resubmission.**

**Reference guide for commonly submitted items**

<b>Form fields</b>	<b>Electronic</b>	<b>CMS-1500</b>	<b>UB-04</b>
Billing provider tax ID	Loop 2010AA REF segment with TJ qualifier	Box 25	Box 5
Billing provider name, address and NPI	Loop NM109 with XX qualifier	Box 33	Box 1
Subscriber (name, address, DOB, sex, and member ID required)	2000B and 2010BA	Subscriber box 1a, 4, 7, 11	Box 58 and 60
Provider taxonomy		Box 33B and Box 24	Box 57
Patient (name, address, DOB, sex, relationship to subscriber, status, and member ID)	2000C and 2010CA	Patient box 2, 3, 5, 6, 8	Box 8, 9, 10, 11
Principal diagnosis and additional diagnoses	Loop 2300 HI segment qualifier BK (ICD9) or ABK (ICD10)	Box 21	Box 66
Diagnosis pointers (up to 4)	Loop 2410 SV107	Box 24E (A-L)	N/A

**Reference guide for commonly submitted items**

<b>Form fields</b>	<b>Electronic</b>	<b>CMS-1500</b>	<b>UB-04</b>
Referring provider with NPI	Loop 2300 NM1 with DN qualifier	Box 17	N/A
Attending provider with NPI	Loop 2300 NM1 with DN qualifier	N/A	Box 76
Rendering provider	Loop 2300 NM1 with 82 qualifier (if differs from billing provider)	NPI in Box 24J	N/A
Service facility information	Loop 2310C or 2310E NM1 with 77 qualifier (if differs from billing provider)	Box 32	N/A
Procedure code	Loop 2400 SV segment	Box 24D	Box 44 if applicable
NDC code	Loop 2410 LIN segment with N4 qualifier. Must include mandatory CTP segment.	Box 24D shaded	Box 43
UPN	Loop 2410 LIN segment with appropriate UP, UK, UN qualifier. Must include mandatory CTP segment.	Box 24D shaded	Box 43



<b>Reference guide for commonly submitted items</b>			
<b>Form fields</b>	<b>Electronic</b>	<b>CMS-1500</b>	<b>UB-04</b>
Value codes (for accommodation codes, share of cost, etc.)	Loop 2300 HI segment with qualifier BE	N/A	Box 39, 40, 41
Condition codes	Loop 2300 HI segment with qualifier BG	N/A	Box 18-28
COB-other subscriber or third party liability	Loop 2320, 2330A and 2330 B	Box 9, if applicable (requires paper EOB from other payer), 10, 11	Box 50-62 (requires paper EOB from other payer)
Claim DOS	Loop 2400 DTP segment with 472 qualifier	Box 24A	Box 45 for outpatient when required
Claim statement date	Loop 2300 with 434 qualifier	N/A	Box 6 from and through

### **12.3 "No-Show" Policy for Outpatient Sessions**

*All urgent/emergent cases:* Health Net will reimburse practitioners for "No Shows" at their contracted rates when we have called the practitioner to request that an urgent/emergent appointment be set up.

*Routine cases (for non-Medi-Cal members):* Practitioners are advised to inform members of their cancellation policy at the time of the first session. A practitioner may bill the member for their service rates for any "No Shows" beyond the first session if the member was educated about the practitioner's cancellation policy.

## Missed Appointments for Medi-Cal Members

Appointments may be missed due to member cancellations or no-shows. As an Medi-Cal participating provider (practitioner), it is your responsibility to provide the best care for our valued members. It is our members' responsibility to keep their scheduled appointments. If you are experiencing a pattern of missed appointments with a member, we remind you that a Medi-Cal beneficiary may not be billed for missed or last-minute canceled appointments, regardless of your practice policy.

For members that have exhibited a pattern of missing scheduled appointments or canceling last minute, we advise you to direct the member to Member Services for assistance locating a new provider who might have more convenient appointment times and a better match. A pattern can be identified as soon as two scheduled appointments are missed or canceled at the last minute. If you direct the member to the Plan for help finding a new provider, please do not cease treatment until a new provider is confirmed. This will ensure the member has access to care in the event there is an urgent need before their first appointment with a new provider.

*(Note that some benefit plans limit the amount that can be billed. You may direct questions about these plans to Member Services at the toll-free phone number printed on the patient's ID card.)*

## 12.4 Provider Dispute Resolution

Health Net has established a provider dispute resolution process for both individual practitioners and facility providers, to ensure consistent, timely, and effective de novo review of an issue that has not been satisfactorily resolved through our regular provider customer service channels. This process is available to both contracted and non-contracted providers.

The first steps towards resolving a dispute are outlined below.

NOTE: The majority of issues with authorizations, claims can be resolved through Provider Services.

1. If you have a concern involving or regarding any of the following, please call Provider Services at 844-966-0298.
  - Claims payment issue.
  - Authorizations or access to care for a member (the member's employer group number can be requested, or can be found on the back of the member's ID card)
  - Contracting status.
2. For cases where authorization has been denied because the case does not meet medical necessity criteria, please follow the dispute resolution process below.
3. If you suspect fraud or abuse in the provision of services or submission of claims, please contact our Fraud & Abuse Hotline at 866-685-8664.

## Dispute Resolution Process

If the steps outlined above do not fully resolve your concern, please use the Provider Dispute Resolution Request Form. If the dispute is for multiple, substantially similar claims, complete the spreadsheet on page 2 of the Provider Dispute Resolution Request Form.

## **A. Dispute Resolution Process for Contracted Providers**

### **Definition of Contracted Provider Dispute**

A contracted provider dispute is a provider's written notice to Health Net challenging, appealing or requesting reconsideration of a claim (or a bundled group of substantially similar claims that are individually numbered) that has been denied, adjusted or contested or seeking resolution of a billing determination or other contract dispute (or bundled group of substantially similar multiple billing or other contractual disputes that are individually numbered) or disputing a request for reimbursement of an overpayment of a claim.

Each contracted provider dispute must contain, at a minimum, the following information: provider's name, billing provider's tax ID number or Health Net's provider ID number, provider's contact information, and:

- If the contracted provider dispute concerns a claim or a request for reimbursement of an overpayment of a claim from Health Net to a contracted provider, the following must be provided:
  - Original claim form number (located on the RA),
  - A clear identification of the disputed item,
  - The Date of Service and a clear explanation of the basis upon which the provider believes the payment amount, request for additional information, request for reimbursement for the overpayment of a claim, contest, denial, adjustment or other action is incorrect.
  - If the contracted provider dispute is not about a claim, a clear explanation of the issue and the provider's position on such issue; and
- If the contracted provider dispute involves an enrollee or group of enrollees:
  - The name and identification number(s) of the enrollee or enrollees;
  - A clear explanation of the disputed item, including the date of service;
  - Provider's position on the dispute; and
  - An enrollee's written authorization for provider to represent said enrollees.

## **B. Submitting a Contracted Provider Dispute**

Contracted provider disputes submitted to Health Net must include the information listed in Section III.A., above, for each contracted provider dispute. To facilitate resolution, providers should use the Provider Dispute Resolution Request Form to submit the required information.

All contracted provider disputes must be sent to the attention of Provider Disputes. For disputes on claims with dates of service on and after January 1, 2024, send to the following address:

### **Medicare**

P.O. Box 9030  
Farmington, MO 63640-9030

### **Commercial**

P.O. Box 989882  
West Sacramento, CA 95798-9882

**IFP**

P.O. Box 9040  
Farmington, MO 63640-9040

**Medi-Cal**

P.O. Box 989882  
West Sacramento, CA 95798-9882

For disputes on claims with dates of service prior to January 1, 2024, send to the following address:

**MHN Provider Appeals/Disputes**

P.O. Box 989882  
West Sacramento, CA 95798-9882

**Time Period for Submission of Provider Disputes**

Contracted provider disputes must be received by Health Net within 365 calendar days from Health Net's action that led to the dispute or the most recent action if there are multiple actions that led to the dispute, or in the case of inaction, contracted provider disputes must be received by Health Net within 365 calendar days after Health Net's time for contesting or denying a claim (or most recent claim if there are multiple claims) has expired.

Contracted provider disputes that do not include all required information as set forth above may be returned to the submitter for completion. An amended contracted provider dispute, which includes the missing information, may be submitted to Health Net within thirty (30) working days of your receipt of a returned contracted provider dispute.

**Acknowledgment of Contracted Provider Disputes**

Health Net will acknowledge receipt of all contracted provider disputes within fifteen (15) working days of the date of receipt by Health Net.

**Status of Contracted Provider Dispute**

All inquiries regarding the status of a contracted provider dispute or about filing a contracted provider dispute or other inquiries must be directed to Provider Services at 844-966-0298.

**Instructions for Filing Substantially Similar Contracted Provider Disputes**

Substantially similar multiple claims, billing or contractual disputes, should be filed in batches as a single dispute, and should be submitted using the Provider Dispute Resolution Request Form.

**Time Period for Resolution and Written Determination of Contracted Provider Dispute**

Health Net will issue a written determination stating the pertinent facts and explaining the reasons for its determination within forty-five (45) working days after the date of receipt of the contracted provider dispute or the amended contracted provider dispute.

**Past Due Payments**

If the contracted provider dispute or amended contracted provider dispute involves a claim and is determined in whole or in part in favor of the provider, Health Net will pay any outstanding monies determined to be due, and all interest and penalties required by law or regulation, within five (5) working days of the issuance of the written determination.

## **Billing**

Do not bill members for days denied by Health Net. Your contract does not permit it. Instead, please submit the Provider Dispute Resolution Request Form with the required information to the address listed above.

## **C. Non-Contracted Provider Dispute**

### **Definition of Non-Contracted Provider Dispute**

A non-contracted provider dispute is a non-contracted provider's written notice to Health Net challenging, appealing or requesting reconsideration of a claim (or a bundled group of substantially similar claims that are individually numbered) that has been denied, adjusted or contested or disputing a request for reimbursement of an overpayment of a claim. Each non-contracted provider dispute must contain, at a minimum, the following information: provider's name, billing provider's tax ID, contact information, and:

- If the non-contracted provider dispute concerns a claim or a request for reimbursement of an overpayment of a claim from Health Net to provider the following must be provided: original claim form number (located on the RA), a clear identification of the disputed item, the date of service and a clear explanation of the basis upon which the provider believes the payment amount, request for additional information, contest, denial, request for reimbursement for the overpayment of a claim, or other action is incorrect; and
- If the non-contracted provider dispute involves an enrollee or group of enrollees, the name and identification number(s) of the enrollee or enrollees, a clear explanation of the disputed item, including the date of service, provider's position on the dispute, and an enrollee's written authorization for provider to represent said enrollees.

### **Dispute Resolution Process for Non-Contracted Providers**

The dispute resolution process for non-contracted providers is the same as the process for contracted providers as set forth above, **except if the case involves payment for services provided to a Medicare Advantage member. In those cases, non-contracted providers must submit their dispute within 120 days (as opposed to 365 days) and Health Net will issue a determination within 30 days (as opposed to 45 working days).**

## **D. Claim Overpayment**

### **Notice of Overpayment of a Claim**

If Health Net determines that it has overpaid a claim, we will notify the provider in writing through a separate notice clearly identifying the claim, the name of the patient, the Date of Service(s) and a clear explanation of the basis upon which Health Net believes the amount paid on the claim was in excess of the amount due, including interest and penalties on the claim.

### **Contested Notice**

If the provider contests Health Net's notice of overpayment of a claim, the provider, within 30 working days of the receipt of the notice of overpayment of a claim, must send written notice to Health Net stating the basis upon which the provider believes that the claim was not overpaid. We will process the contested notice in accordance with our contracted provider dispute

resolution process described in Section III above.

### **No Contest**

If the provider does not contest Health Net’s notice of overpayment of a claim, the provider must reimburse Health Net within thirty (30) working days of the provider's receipt of the notice of overpayment of a claim.

## **SECTION 13: STATE-SPECIFIC INFORMATION AND IMPORTANT REGULATIONS**

### **13.1 LEGISLATION AND REGULATIONS IMPACTING BEHAVIORAL HEALTH PRACTITIONERS**

The following are highlights of California legislation and regulations impacting behavioral health practitioners. For additional information regarding these bills, as well as full details of all California legislation impacting behavioral health practitioners, please consult the **Official California Legislative Information** website at <http://leginfo.legislature.ca.gov>.

#### **SB 345: Legally Protected Health Care Activities - Reproductive Rights**

The Reproductive Privacy Act guarantees individuals a fundamental right to privacy regarding their reproductive choices, preventing the state from denying or interfering with a person's right to choose or obtain an abortion before the fetus is viable or when the abortion is necessary to protect the person's life or health.<sup>1</sup>

Certain businesses handling medical information on sensitive services must develop security policies for data related to gender-affirming care, abortion, abortion-related services, and contraception. California law also prohibits health care providers, plans, contractors, or employers from sharing medical information for investigations or inquiries from other states or federal agencies regarding lawful abortions unless authorized by existing law.

**Data for gender-affirming and abortion-related services must be omitted from data exchanged via health information exchanges (HIEs) and not be transmitted to California HIEs.**

State law specifically states:<sup>1</sup>

- **A business that electronically stores or maintains medical information on the provision of sensitive services**, including, but not limited to, on an electronic health record system or electronic medical record system, on behalf of a provider of health care, health care service plan, pharmaceutical company, contractor, or employer, must have capabilities, policies, and procedures, on **or before July 1, 2024**, that enable all of the following:
  - (A) **Limit user access privileges** to information systems that contain medical information related to gender affirming care, abortion and abortion-related services, and contraception only to those persons who are authorized to access specified medical information.
  - (B) **Prevent the disclosure, access, transfer, transmission, or processing of medical information** related to gender-affirming care, abortion and abortion-related services, and contraception to persons and entities outside of the state of California.

(C) **Segregate medical information** related to gender-affirming care, abortion and abortion-related services, and contraception from the rest of the patient's record.

(D) **Provide the ability to automatically disable access** to segregated medical information related to gender-affirming care, abortion and abortion-related services, and contraception by individuals and entities in another state.

Additionally, regulations that apply primarily for Medi-Cal and Commercial lines of business prohibit the collection or disclosure of information outside California for operational claims payment purposes. State law includes requirements for provider licensing, enhanced protections for individuals and providers in sensitive services and "legally protected health care activity," including preventing the disclosure of medical information related to sensitive services outside the state, segregating such information from the patient's record, and enabling automatic disabling of access by entities outside the state.

**Legally protected health care activity** includes but is not limited to:

- Reproductive health care services,
- Gender-affirming health care services, and
- Gender-affirming mental health care services.

**Sensitive services** include but are not limited to:

- Services related to mental/behavioral health,
- Sexual and reproductive health,
- Sexually transmitted infections,
- Substance use disorder,
- Gender-affirming care, and
- Intimate partner violence.

**How reproductive privacy affects providers and others<sup>1</sup>**

Note these requirements:

- Specified businesses that store or maintain medical information regarding sensitive services must develop specific policies, procedures and capabilities that protects sensitive information.
- Health care service plans, providers and others may not cooperate with any inquiry or investigation from any individual, outside state, or federal agency that would identify an individual who is seeking, obtaining, or has obtained an abortion or related services that are lawful in California. Exceptions may be authorized if the individual has provided authorization for the disclosure.
- The exchange of health information related to abortion and abortion-related services is excluded from automatically being shared on the California Health and Human Services Data Exchange Framework.

**Impacts of regulations on business, business partners, or members**

- **Regulations prohibit healing arts boards** from denying an application for a license, or from imposing discipline on a licensee, on the basis of a civil judgment, criminal conviction or disciplinary action in another state if that judgment is based solely on the application of another state's law that interferes with a person right to receive sensitive

services.

- **The practice of nurse-midwifery** includes care for common gynecologic conditions and (when certified by a physician or surgeon) to furnish or order Schedule II and III controlled substances as specified.
- **Regulations prohibit a person or business** from collecting, using, disclosing, or retaining the personal information of a person who is physically located at or within a precise geolocation of a family planning center.
- **Regulations repeal current state provisions that:**
  - Prohibit an abortion from being performed upon an unemancipated minor unless they have first given written consent to the abortion and also has obtained the written consent of one parent or legal guardian.
  - Provide specified judicial procedures when consent of a parent or guardian cannot be obtained by the pregnant unemancipated minor.

<sup>4</sup>Information taken or derived from Assembly Bill 352, Senate Bill 345, or information found at [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB352](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB352) or [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240SB345](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB345).

### **SB 189: Health Care Coverage Grievances Independent Medical Review Grievances/Appeals**

- Requirement for DMHC-Approved System for Resolution of Grievances
- Time Frame for Grievance Resolution
- Expedited Review for cases involving Imminent and Serious Threat to the Health of the Patient

SB 189 requires California health plans to have a system for resolving Grievances that is approved by the California Department of Managed Health Care. Health plans are required to resolve all grievances within thirty days and to allow for expedited plan review (within 72 hours) for cases involving ".an imminent and serious threat to the health of the patient, including, but not limited to, severe pain, the potential loss of life, limb, or major bodily function..." Health plans must notify enrollees in writing of their right to file a grievance with the California Department of Managed Health Care, and must also provide information about how to contact the Department. Enrollees are directed to participate in the Plan's grievance process following the time frames outlined above prior to submitting a grievance to the California Department of Managed Health Care for review.

#### **Enrollee Notification**

- Time frames and right to contact California Department of Managed Health Care
- Medical Necessity reasons and criteria for denial of authorization
- Specific Information regarding Lack of Coverage for requested authorization.

Health plans are required to provide enrollees and the California Department of Managed Health Care with a written statement on the disposition or pending status of an expedited grievance no later than three days after receipt of the grievance.

Under SB 189, health plan members are to receive responses to grievances with clear and concise explanations of reasons for the Health Plan's responses to the grievance. Further, if the health plan denies payment for services on the basis that the services are not medically necessary, the Plan must provide the clinical reasons related to medical necessity, and a copy of



the level of care criteria used. Similarly, if the plan denies payment for services on the basis that they are not covered benefits, the Plan is required to specify the contract provisions that exclude coverage.

### **Denial of Coverage for Experimental or Investigative Therapy**

In appeals/grievances cases involving the denial of coverage for an experimental or investigational therapy, the Enrollee must be informed of his/her right to an immediate external, independent review with an entity under contract with the California Department of Managed HealthCare.

The member must meet the following criteria:

- The member must have a life-threatening or seriously debilitating condition. (*Life-threatening* means either a disease or condition where the likelihood of death is high unless the course of the disease is interrupted, or diseases or conditions with potentially fatal outcomes, where the end point of clinical intervention is survival. *Seriously Debilitating* refers to diseases or conditions that cause major irreversible morbidity.)
- The member's provider must certify that the member has a condition, as defined in paragraph (1), for which:
  - i. standard therapies have not been effective in improving the condition of the member, ii. standard therapies would not be medically appropriate for the member, iii. there is no more beneficial standard therapy covered by the health plan than the therapy proposed. Either
    - a* the member's network provider *or*
    - b* the member's provider who is not under contract with the health plan but is appropriately licensed and qualified to treat the member's condition, or
    - c* the member requests a therapy that, based upon two (2) documents from the medical and scientific evidence, is likely to be more beneficial than standard therapies.

Specific drug, device, procedure or other therapy recommended would be a covered service except for the health plan's determination that the therapy is experimental or investigational.

The health plan's external, independent review must meet the following criteria:

- The health plan must provide written notification to enrollees of their right to request independent review within five business days of the decision to deny coverage for experimental or investigational therapies for conditions that meet the criteria above.
- The Independent Review Organization will be an entity accredited by and under contract with the Department. This entity will arrange for the review of coverage decisions by selecting an independent panel of at least three providers who are experts in the treatment of the enrollee's condition and knowledgeable about the recommended therapy (number of providers on the panel can be less than three under certain prescribed circumstances).
- Within five business days of receipt of the enrollee's request for independent review, Health Net will provide the Independent Review Organization with the documentation described above. The Independent Review Organization must render a decision within 30 days of receipt of the enrollee's request for review, unless a

seven-day expedited review is required.

- If a majority of the experts on the Independent Review panel recommend the proposed therapy, the recommendation shall be binding on the Health Plan. If the panel members are evenly divided on coverage, the panel's decision is deemed to be in favor of coverage; if less than a majority of the experts recommend coverage, then the Health Plan is not required to provide coverage for the requested service.

Costs associated with the reviews described above will be paid by the health plan.

### **Compliance**

Health Net established procedures to comply with the regulations outlined above and will continue to process authorization denials and appeals for those denials within the standards of the California Department of Managed Health Care to ensure that health plan members are notified of their rights according to state regulations. The Health Net appeals system assures that a member entity can submit the grievance to the Department for review when (1) the case involves imminent or serious threat to the health of the patient as defined, or (2) after participating in the Plan's process for 30 days. The Health Net process also assures independent medical review (IMR) for a member who has a life-threatening or seriously debilitating condition when denial of authorization is made on the basis that the service is experimental or investigational.

Health Net will include the IMR Notification and Request Form (located on the DMHC website at [www.dmhc.ca.gov](http://www.dmhc.ca.gov)) with all letters for denial of authorization for experimental and/or investigational therapy.

*Please note that practitioners should carefully document all such cases.*

### **SB 349: Emergency Services and Care**

This bill amends California Health and Safety Code to expand the definition of Emergency Services and Care to include:

1. Screenings, examinations and evaluations for the purpose of determining whether a psychiatric emergency medical condition exists; and
2. Treatment necessary to relieve or eliminate the psychiatric emergency medical condition. The intent of the bill is to assure that enrollees who have non-medical, mental health emergencies receive proper access to and continuity of care.

Emergency Services and Care also means 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.

Psychiatric Emergency Medical Condition means a psychiatric medical condition whose onset is sudden and manifests itself by symptoms of sufficient severity (including severe pain) such that a prudent lay-person possessing an average knowledge of medicine and health, could reasonably expect the absence of immediate medical attention to result in any of the following:

1. Placing the health of the afflicted person, or others, in serious jeopardy.

2. Serious impairment to bodily functions; or
3. Serious dysfunction of any bodily organ or part. In cases of the provision of Emergency Services and Care, provider agrees to notify Health Net as soon as possible, but no later than 24 hours after it could be reasonably determined that the patient is an enrollee.

### **Compliance**

Health Net has established claims and care management policies and procedures to assure compliance with SB 349.

### **SB 1903 Medical Information Request for Disclosure Partial Summary**

Existing law (Section 123110) provides that an adult patient shall be entitled to inspect his or her patient records upon written request to the health care provider. SB1903 would authorize an adult patient to prepare a specified addendum to his or her patient records and require the health care provider to attach that addendum to the patient's records. The bill would also specify that the health care provider shall not be liable for the receipt and inclusion, in and of itself, of the contents of a patient's addendum in the patient's records, as specified.

### **Compliance**

Health Net network practitioners should note this addendum and modify procedures for patient inspection of treatment records accordingly.

### **Drug Utilization Review Requirements**

The health plan and entities delegated to fill prescriptions for outpatient drugs (“applicable entities”) must:

- Operate a drug utilization review (DUR) program.<sup>1</sup>
- Submit the following to the Department of Health Care Services (DHCS):
  - Updated policies and procedures that address each of the requirements detailed below.
  - Annual DUR Report.

### **Claims review requirements**

The requirements include the topics listed below.

Concurrent utilization alerts:

- Describe the process for claims review (retrospective) that monitors when the member is concurrently prescribed opioids and benzodiazepines or opioids and antipsychotics. The Plan and applicable entities are provided claims data, including for antipsychotic medications. The Plan and applicable entities are expected to perform, retrospectively, regular care management activities, including a review of concurrent use of opioid and antipsychotic medications, and take action accordingly on issues of concern to them.

What’s excluded from the program:

The above described claims review requirements do not apply to the Plan members who are receiving hospice or palliative care; receiving treatment for cancer; residents of a long-term care facility, a facility described in section 1905(d) of the Act, or of another facility for which frequently abused drugs are dispensed for residents

through a contact with a single pharmacy; Plan members who are receiving opioid agonist medications for treatment of substance use disorder; or other individuals the state elects to treat as exempted from such requirements.

### **Monitoring of antipsychotic medications used by children**

The Plan and applicable entities are required to have a process to monitor and manage appropriate use of all psychiatric drugs to include antipsychotics, mood stabilizers and antidepressant medications for all children under age 18 and all foster children. Based on the DUR program monitoring findings, the DUR program must have a process to address and improve concerning findings.

### **Identification of fraud, waste and abuse**

Describe the process for identifying and addressing fraud and abuse of controlled substances by members, health care providers who are prescribing drugs to members, and pharmacies dispensing drugs to members. Also describe the actions that will be taken based on issues identified through program-monitoring findings.

<sup>1</sup>The DUR program must comply with Medicaid-related DUR provisions contained in section 1004 of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act (H.R. 6, the SUPPORT Act, P.L. 115-271).

### **AB 665 Minors: Consent to Mental Health Services**

(g) This section shall become inoperative on July 1, 2024, and, as of January 1, 2025, is repealed.

**SEC. 3.** Section 6924 is added to the Family Code, to read:

**6924.** (a) As used in this section:

(1) “Mental health treatment or counseling services” means the provision of mental health treatment or counseling on an outpatient basis by any of the following:

(A) A governmental agency.

(B) A person or agency having a contract with a governmental agency to provide the services.

(C) An agency that receives funding from community united funds.

(D) A runaway house or crisis resolution center.

(E) A professional person, as defined in paragraph (2).

(2) “Professional person” means either of the following:

(A) A professional person as defined in Section 124260 of the Health and Safety Code.

(B) The chief administrator of an agency referred to in paragraph (1) or (3).

(3) “Residential shelter services” means any of the following:

(A) The provision of residential and other support services to minors on a temporary or emergency basis in a facility that services only minors by a

governmental agency, a person or agency having a contract with a governmental agency to provide these services, an agency that receives funding from community funds, or a licensed community care facility or crisis resolution center.

(B) The provision of other support services on a temporary or emergency basis by any professional person as defined in paragraph (2).

(b) A minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services, if the minor, in the opinion of the attending professional person, is mature enough to participate intelligently in the outpatient services or residential shelter services.

(c) A professional person offering residential shelter services, whether as an individual or as a representative of an entity specified in paragraph (3) of subdivision (a), shall make their best efforts to notify the parent or guardian of the provision of services.

(d) The mental health treatment or counseling of a minor authorized by this section shall include involvement of the minor's parent or guardian unless the professional person who is treating or counseling the minor, after consulting with the minor, determines that the involvement would be inappropriate. The professional person who is treating or counseling the minor shall state in the client record whether and when the person attempted to contact the minor's parent or guardian, and whether the attempt to contact was successful or unsuccessful, or the reason why, in the professional person's opinion, it would be inappropriate to contact the minor's parent or guardian.

(e) The minor's parents or guardian are not liable for payment for mental health treatment or counseling services provided pursuant to this section unless the parent or guardian participates in the mental health treatment or counseling, and then only for services rendered with the participation of the parent or guardian. The minor's parents or guardian are not liable for payment for any residential shelter services provided pursuant to this section unless the parent or guardian consented to the provision of those services.

(f) This section does not authorize a minor to receive convulsive therapy or psychosurgery as defined in subdivisions (f) and (g) of Section 5325 of the Welfare and Institutions Code, or psychotropic drugs without the consent of the minor's parent or guardian.

(g) This section shall become operative on July 1, 2024.

## **DEFINITIONS:**

New definitions have been amended as part of the **California Medical Information Act (CMIA)**, a state of California regulation, these definitions would be applied across all lines of business.

1. **“Medical information”** means any individually identifiable information, in electronic or physical form, in possession of or derived from a provider of health care, health care service plan, pharmaceutical company, or contractor regarding a patient's medical history, mental health application information, reproductive or sexual health application information, mental or physical condition, or treatment. **“Individually identifiable”** means that the medical information includes or

contains any element of personal identifying information sufficient to allow identification of the individual, such as the patient's name, address, electronic mail address, telephone number, or social security number, or other information that, alone or in combination with other publicly available information, reveals the identity of the individual.

2. **“Mental health application information”** means information related to a consumer's inferred or diagnosed mental health or substance use disorder, as defined in Section 1374.72 of the Health and Safety Code, collected by a mental health digital service.
3. **“Mental health digital service”** means a mobile-based application or internet website that collects mental health application information from a consumer, markets itself as facilitating mental health services to a consumer, and uses the information to facilitate mental health services to a consumer.
4. **“Sensitive services”** means all health care services related to mental or behavioral health, sexual and reproductive health, sexually transmitted infections, substance use disorder, gender affirming care, and intimate partner violence, and includes services described in Sections 6924, 6925, 6926, 6927, 6928, 6929, and 6930 of the Family Code, and Sections 121020 and 124260 of the Health and Safety Code, obtained by a patient at or above the minimum age specified for consenting to the service specified in the section.