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Revised Date: 5/31/2016
Review Date: 5/31/2016

North Sound Behavioral Health Organization

Section 1000 – Administrative: Notice Requirements

Authorizing Source: See references in North Sound BHO Policy 1001

Cancels:

See Also:

Providers must comply with this policy and may develop individualized implementation guidelines as needed

Responsible Staff: Operations Manager

Executive Director

Approved by: County Authorities Executive Committee (formerly known as the Board of Directors)

Motion #: 04-027

Signature:

Date: 6/29/2004

Date: 4/1/2016

POLICY# 1005.00

SUBJECT: NOTICE REQUIREMENTS

PURPOSE

To ensure notices regarding individuals' services are provided in a manner that gives timely, clear and easily understood information to individuals' seeking and receiving behavioral health services.

DEFINITIONS

See North Sound Behavioral Health Organization (North Sound BHO) Policy 1001 for definitions.

POLICY

North Sound BHO ensures Notices are sent to individuals to inform them of authorization of services or when North Sound BHO, or its formal designee, takes an Action per North Sound BHO Policy 1001, related to their requested or previously authorized services. Only North Sound BHO or its designee for Inpatient Utilization Management (UM) may issue Notices.

Any decision to deny a service authorization request or to authorize a service in an amount, duration, or scope that is less than requested must be determined by a professional who meets or exceeds the requirements of a Chemical Dependency Professional (CDP) or Mental Health Professional (MHP) with the appropriate clinical expertise to make that decision. A decision to deny inpatient care can only be made by a psychiatrist or doctoral-level clinical psychologist.

Notices outlined in this policy are sent or provided to the individual or his or her legal guardian, or authorized representative (see definition of "individual" in North Sound BHO Policy 1001). The requesting inpatient or outpatient provider will also be notified, verbally and/or in writing, by North Sound BHO (or its formal designee for inpatient utilization management).

Language and Format of Notices

Only Notice templates developed by North Sound BHO may be used. Notices will be provided in languages and format as outlined in North Sound BHO Policy 1515 Interpreter and Translation Services. Written Notices shall:

1. Be provided in the prevalent non-English languages when applicable.

Oral interpretation is available free of charge to the individual. This applies to all non-English languages, not just those identified as prevalent.

2. Use easily understood language and format.
3. Be available in alternative formats and in an appropriate manner that takes into consideration the special needs of those who, for example, are visually limited or have limited reading proficiency.

Notices of Service Authorization shall include:

1. A description of authorized services and timeframes.
2. Information about the availability of other services under Early and Periodic Screening, Diagnosis and Treatment (EPSDT) for individuals under 21 and their legal representative for individuals with Washington Apple Health coverage.

Notices of Action shall include a statement of:

1. The action North Sound BHO or its formal designee intends to take (see North Sound BHO Policy 1001 for a complete list of actions and definitions);
2. The reasons for the action and a citation of the rule(s) being implemented;
3. A description of alternative services, if applicable;
4. An explanation of the individual's right to request a second opinion, appeal, or expedited appeal including:
 - a. The timeframes and processes to request a second opinion, expedited appeal, or appeal;
 - b. The rights and processes to have services continue pending resolution of the appeal;
 - c. The circumstances under which the individual may be required to pay the costs of these services;
 - d. The circumstances when an individual can request a fair hearing;
 - e. The definitions of reduction, termination, suspension and denial.

PROCEDURE

Notice Types

Notice of Service Authorization

1. Notices of Service Authorization (NOSAs) shall be provided to all individuals when they are authorized for services by North Sound BHO or its formal designee. Notices of Service Authorization shall be issued by: North Sound BHO for outpatient services.
2. North Sound BHO's formal designee for Inpatient Utilization Management (UM) for inpatient psychiatric services.

Notices of Action

Notices of Action shall be provided to individuals when:

1. North Sound BHO denies access to an intake evaluation/assessment appointment requested by a financially eligible individual.
 - a. Individuals with Washington Apple Health with a BHO behavioral health benefit and those who meet funding priorities per North Sound BHO Policy 1574 State and Substance Abuse Block Grant (SABG) Funding Plan are considered financially eligible.
 - b. North Sound BHO's policy is that no financially eligible individual is denied an intake evaluation/assessment appointment. Should a circumstance arise where a financially eligible individual would be denied an intake/assessment appointment, only the BHO may make this determination.

Or

2. North Sound BHO determines services beyond an intake evaluation/assessment or previously authorized benefit are not medically necessary and no services are authorized by North Sound BHO.

Or

3. North Sound BHO, or its formal designee, does not authorize or provide access to a requested behavioral health program or service that requires the individual to meet additional admission criteria for the individual to be admitted to the program or receive the service (e.g., specialized outpatient programs, residential, or inpatient). It is not a denial if there is not current capacity in the program.

When the BHA determines that the individual does not meet the additional criteria for the programs/services identified below, the BHA with the program must complete the Denial Review Request for Intensive Service Programs form available on the North Sound BHO website, and submit any requested documentation to North Sound BHO within one (1) business day in order for BHO staff to review and issue a timely Notice as needed.

- a. Mental Health Services Provided in Residential Settings
- b. Substance Use Residential Treatment including Intensive Inpatient Residential, Long-Term Care Residential, Recovery House Residential
- c. Wraparound with Intensive Services (WISe)/Wraparound
- d. Geriatric Transitions Program (GTP)
- e. Adult Intensive Outpatient Program (IOP for mental health)
- f. Integrated Dual Disorder Treatment (IDDT)
- g. Program of Assertive Community Treatment (PACT)

Or

4. North Sound BHO reduces, suspends, or terminates previously authorized outpatient or residential services. North Sound BHO or its designee will not reduce, suspend, or terminate previously authorized inpatient psychiatric services.

Or

5. Service authorization decisions are not provided in a timely manner as defined by the State.

Or

6. North Sound BHO or its contracted BHA does not act within grievance system timeframes.

Or

7. North Sound BHO denies, in whole or in part, payment for services.

Timelines for Issuing Notices

Notices issued for inpatient psychiatric services

See North Sound BHO Policy 1571 Inpatient Certification and Authorization.

Notices issued by North Sound BHO for outpatient and residential services

BHAs shall submit any necessary documentation to North Sound BHO so that the determination and corresponding Notice may be issued per the following timelines:

1. ***All Notices (Notices of Service Authorization and Notices of Action)***
 - a. For standard service authorization and denial decisions, Notices shall be issued as expeditiously as the individual's behavioral health condition requires, not exceeding 14 calendar days following receipt of the request for authorization or denial. An extension of up to 14 calendar days is possible if the individual or the provider requests it, or North Sound BHO justifies, to the DSHS upon request, a need for additional information and how the extension is in the individual's interest.

If North Sound BHO extends the timeframes for issuing a Notice for standard decisions it must give the individual written notice of the reason for the decision to extend the timeframe and inform the individual of the right to file a grievance if he or she disagrees with that decision. North Sound BHO must carry out and issue its determination as expeditiously as the individual's health condition requires and no later than the date the extension expires.

- b. For expedited service authorization and denial decisions, Notices shall be issued as expeditiously as the individual's behavioral health condition requires, no later than three (3) business days after receipt of the request for authorization or denial.

2. **Notices of Action Only**

- a. For denial of payment, on the date of the action or adverse determination affecting the claim/payment.
- b. For termination, suspension, or reduction of previously authorized services, at least 10 calendar days before the effective date of the action except in the following circumstances, the Notice may be issued on the date of the action:
 - i. North Sound BHO or designee has factual information confirming the death of an individual.
 - ii. North Sound BHO or designee receives a clear written statement signed by an individual that he or she no longer wants services or gives information that requires termination or reduction of services and indicates that he or she understands that this must be the result of supplying that information.
 - iii. The individual has been admitted to an institution where he or she is ineligible under the plan for further services.
 - iv. The individual's whereabouts are unknown and the post office returns North Sound BHO or designee's mail directed to the individual indicating no forwarding address.
 - v. North Sound BHO establishes the fact that the individual has been accepted for services by another local jurisdiction, state, territory, or commonwealth.
 - vi. The individual's physician prescribes a change in the level of medical care.
 - vii. The notice involves an adverse determination made with regard to the pre-admission screening requirements (for Nursing Facilities admissions) from section 1919(e) (7) of the Social Security Act.
 - viii. The transfer or discharge from a facility will occur in an expedited fashion as described in Code of Federal Regulations (CFR) 42 Section 483.12 (a) (5) (ii) (Long Term Care Facilities).
- c. When North Sound BHO has verifiable information indicating that the action should be taken because of probable fraud by the individual, the Notice can be provided in as few as five (5) calendar days in advance of the action and the facts have been verified, if possible, through secondary services.

ATTACHMENTS

None