

Behavioral HealthCare, Inc.

155 Inverness Drive West • Suite 201 • Englewood, CO 80112

Utilization Management

Subject: Action Recommendation		Effective Date: 7/7/2011
Authorized by: Jennifer Conrad, MSW, LCSW Director of Utilization Management	Page: 1 of 3	Review Date:

Policy:

Behavioral Healthcare, Incorporated (BHI) maintains a process that allows Providers to notify the Behavioral Health Organization (BHO) of circumstances which may require a Notice of Action to a BHI Member [including legal guardians and Designated Client Representatives (DCRs)].

Purpose:

To have a Notice of Action process in place that supports Member rights to be informed about an Action. To ensure timely written notification to BHI Members (including legal guardians and DCRs) regarding Actions taken by BHI.

Definitions:

- An **Action** includes:
 - The denial or limited authorization of a requested service, including the type or level of service;
 - The reduction, suspension or termination of a previously authorized service;
 - The failure to provide services in a timely manner;
 - The failure to act within the required timeframes for the grievance and appeal processes; and/or
 - For Members in rural areas, the denial of a Member's request to exercise his or her right to obtain services outside the BHI network.

- An **Appeal** means a request for review of an Action.

- A **Designated Client Representative (DCR)** means any person, including a treating health care professional, authorized in writing by the Member (or the Member's legal guardian) to represent his/her interests related to grievances or Appeals about health care benefits and services.

- **Medically Necessary** describes a service that, in a manner in accordance with professionally accepted clinical guidelines and standards of practice in behavioral health care:
 - Is reasonably necessary for the diagnosis or treatment of a covered mental health disorder or to improve, stabilize or prevent deterioration of functioning resulting from such a disorder; and
 - Is clinically appropriate in terms of type, frequency, extent, site and duration;
 - Is furnished in the most appropriate and least restrictive setting where services can be safely provided; and

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- Cannot be omitted without adversely affecting the Member's mental health and/or physical health conditions associated with the Member's covered mental health diagnosis, or the quality of care rendered. (BHO Contract FY 2010, page 4)
- A **Notice of Action (Notice or NOA)** means the written Notice sent to the Member (or the Member's legal guardian or DCR) for each Action taken by BHI.
- A **State Fair Hearing** means the formal adjudication process for Appeals described in 10 CCR 2505-10 § 8.057.

Procedure:

1. The Provider determines his/her clinical recommendation (in consultation with his/her clinical supervisor, if necessary), discusses the recommendation with the Member, and advises the Member that the recommendation will be forwarded to the BHI Utilization Management (UM) Department. In emergency situations where the request for inpatient authorization is made but through the emergency clinical assessment is determined to not meet medical necessity, please refer to the Notice of Action – Emergency policy and procedure.
2. The Provider explains to the Member that the BHI Office of Member and Family Affairs (OMFA) can help him/her with any questions s/he may have about this process, and/or if the Member wants to provide additional information for the BHO to review.
3. The Provider may consult with the BHI OMFA for guidance regarding consumer rights.
4. The Provider completes and sends the "Action Recommendation" form to the community mental health center's (CMHC's) UM Department, or in the case of a Contract Provider Network (CPN) Provider, to the BHI UM Department. (Template attached.)
5. The CMHC UM Department staff or BHI UM Department reviews the recommendation from the Provider, and consults with the BHI OMFA regarding consumer rights and procedures, as needed.
6. The BHI UM staff may conduct a peer-to-peer review, either by telephone or in person, with the Provider, to clarify the Action Recommendation, as indicated.
7. If the Member and/or BHI request a Second Opinion, it is arranged through the UM Department.
 - a. If a Second Opinion is requested, the BHO must request an extension on the timeframe for the service determination process from the Member. (See Second Opinion policy and procedure.)

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Final service determination decisions are made using a review process approved by BHI, within the prescribed Notice of Action timeframes. (See Notice of Action – Routine policy and procedure).