

Blue Cross & Blue Shield of Rhode Island (BCBSRI) Plan of Correction (POC)

In Re: Examination of Health Insurance Carrier Compliance with Mental Health and Substance Abuse Disorder Laws and Regulations

This POC outlines BCBSRI’s specific actions in response to the recommendations in the report. In addition, in May 2018, BCBSRI proactively announced its decision to remove barriers to high-quality, affordable behavioral healthcare. As of August 1, 2018, prior approval is no longer needed for in-network mental health or substance use disorder services. BCBSRI also made the copay/coverage for outpatient behavioral visits equal to copay/coverage for primary care visits, effective January 1, 2019. While not responsive to specific findings within the report, we note these actions in demonstration of BCBSRI’s recognition of and commitment to meeting the needs of Rhode Islanders for improved access to high quality, affordably behavioral health and substance use disorder services.

Rec. #	Response	Implementation Date
20 a.	On November 1, 2019, Blue Cross & Blue Shield of Rhode Island’s (BCBSRI) Utilization Review Agent for behavioral health services, Beacon Health Options (Beacon), selected InterQual to provide a nationally recognized criteria set.	1/1/2020
20 b.	Adopted workflow that outlines the authorization of care process and includes the clinical management process as it relates to documentation, review of clinical information, the treating provider’s request and Beacon’s determination.	1/15/2019
20 c.	Adopted workflow that outlines the authorization of care process and includes the clinical management process as it relates to documentation, review of clinical information, the treating provider’s request and Beacon’s determination.	1/15/2019
20 d.	Adopted workflow that outlines the authorization of care process and includes the clinical management process as it relates to documentation, review of clinical information, the treating provider’s request and Beacon’s determination.	1/15/2019
	Submitted workflow that confirms that continued stay is not denied when another level of care is not available.	1/15/2019
	Beacon’s workflow outlines coordination with providers to ensure appropriate transitions of care and program availability when recommending alternative levels of care during the clinical management process.	1/15/2019
20e.	Confirmed policy that outlines the definition of Medical Necessity and how medical necessity determinations are made.	1/15/2019
	Beacon adopted a policy related to medical necessity that outlines any RI-specific components, including the prohibition of frequent, short duration concurrent reviews unrelated to the clinical condition of the patient. (Note BCBSRI no longer conducts utilization review for any in-network behavioral health or substance use disorder treatment.)	1/15/2019
20 f.	BCBSRI policy – BH 3.01 BH UM Criteria and References	1/15/2019
	Adopted workflow that outlines Beacon’s processes related to decision making and documentation for physician advisors.	1/15/2019
20 g.	BCBSRI policy provides that vendors need to demonstrate compliance with state and federal regulations, maintain a record of practitioner comments and/or recommendations on the criteria and responses to these insights.	4/2020

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	On November 1, 2019, Blue Cross & Blue Shield of Rhode Island's (BCBSRI) Utilization Review Agent for behavioral health services, Beacon Health Options (Beacon), selected InterQual to provide a nationally recognized criteria set. (Note BCBSRI no longer conducts utilization review for any in-network behavioral health or substance use disorder treatment. The criteria set will be applied to out of network BH and SUD services in accordance with applicable plan design.)	1/1/2020
21.	BCBSRI adopted a process for BH vendor oversight.	2/14/2019
	BCBSRI adopted an audit tool that will be utilized to audit cases and ensure compliance with all of the policies and procedures outlined in this response.	2/14/2019
21	Training: Beacon created and implemented a training guide to comply with OHIC recommendations. Each Beacon employee attested they reviewed and understand the policies and procedures unique to BCBSRI and the OHIC recommendations.	1/15/2019
21 a.	Submitted Beacon's local policy related to medical necessity that outlines any RI-specific components, including the necessity of documented and clinically based rationale to recommend discharge to a lower level of care prior to the estimated length of stay. (Note BCBSRI no longer conducts utilization review for any in-network behavioral health or substance use disorder treatment.)	1/15/2019
	Beacon adopted a workflow outlining the procedures that take place when a provider agrees to recommendations for a lower level of care. (Note BCBSRI no longer conducts utilization review for any in-network behavioral health or substance use disorder treatment.)	1/15/2019
21 b.	Beacon has a national policy that outlines the process for making medical necessity determinations. (Note BCBSRI no longer conducts utilization review for any in-network behavioral health or substance use disorder treatment.)	1/15/2019
	Beacon adopted a Rhode Island specific addendum to ensure compliance with RIGL §27-18.9.	1/15/2019
	Beacon adopted a local policy regarding adverse determinations and corresponding documentation.	1/15/2019
	Beacon has a national policy that outlines the content of a written notification to a provider when there is not enough clinical information to make a medical necessity determination.	1/15/2019
	Adopted a workflow that outlines the authorization of care process and includes the clinical management process as it relates to documentation, review of clinical information, the treating provider's request and Beacon's determination.	1/15/2019
21 c.	Beacon adopted a policy related to medical necessity that outlines any RI-specific components, including a definition for an "unreasonable" request. (Note BCBSRI no longer conducts utilization review for any in-network behavioral health or substance use disorder treatment.)	1/15/2019
	Beacon adopted a local policy regarding adverse determinations and corresponding documentation.	1/15/2019

Rec. #	Response	Implementation Date
	Beacon adopted a workflow that outlines the authorization of care process and includes the clinical management process as it relates to documentation, review of clinical information, the treating provider's request and Beacon's determination.	1/15/2019
21 d.	Beacon adopted a workflow that outlines the processes related to decision making and documentation for physician advisors.	1/15/2019
	Beacon adopted a workflow that outlines the authorization of care process and includes the clinical management process as it relates to documentation, review of clinical information, the treating provider's request and Beacon's determination. (Note BCBSRI no longer conducts utilization review for any in-network behavioral health or substance use disorder treatment.)	1/15/2019
	Beacon's workflow outlines the procedures that take place when a provider agrees to recommendations for a lower level of care.	1/15/2019
21 e.	Beacon adopted a policy related to medical necessity that outlines any RI-specific components, including that a practitioner with the same licensure status as the ordering/treating provider or a licensed physician will make prospective, concurrent or retrospective adverse determinations. (Note BCBSRI no longer conducts utilization review for any in-network behavioral health or substance use disorder treatment.)	1/15/2019
	Beacon adopted a local policy regarding adverse determinations and corresponding documentation.	1/15/2019
	Beacon adopted a Rhode Island specific addendum to ensure compliance with RIGL §27-18.9.	1/15/2019
	Beacon's local policy explicitly states that only a practitioner with the same licensure status as the ordering/treating provider or a licensed physician will make prospective, concurrent or retrospective adverse determinations.	1/15/2019
	Beacon adopted a workflow that outlines the authorization of care process and includes the clinical management process as it relates to documentation, review of clinical information, the treating provider's request and Beacon's determination.	1/15/2019
	Beacon's workflow outlines the work done with providers to ensure appropriate transitions of care and program availability when recommending alternative levels of care during the clinical management process.	1/15/2019
	Beacon's workflow outlines the processes related to decision making and documentation for physician advisors.	1/15/2019
	Beacon's workflow outlines the process the clinician must follow to prepare a review for a physician advisor review.	1/15/2019
21 f.	Beacon's national policy outlines the definition of Medical Necessity and how medical necessity determinations are made. (Note BCBSRI no longer conducts utilization review for any in-network behavioral health or substance use disorder treatment.) Also outlines process whereby a clinician forwards concerns regarding potential safety concerns to the Quality Management Department.	1/15/2019

Rec. #	Response	Implementation Date
	Beacon adopted a policy related to medical necessity that outlines any RI-specific components, including clarifying language regarding the Quality of Care process and how the UM process should not be utilized to address quality of care concerns.	1/15/2019
	Beacon adopted a BCBSRI-specific workflow that establishes guidelines for reporting Quality of Care concerns and Adverse Incidents.	1/15/2019
21 g.	Beacon adopted a local policy regarding adverse determinations and corresponding documentation.	1/15/2019
	Beacon adopted a Rhode Island specific addendum to ensure compliance with RIGL §27-18.9.	1/15/2019
	Beacon's workflow outlines the processes related to decision making and documentation for physician advisors.	1/15/2019
	Beacon's workflow outlines the work done with providers to ensure appropriate transitions of care and program availability when recommending alternative levels of care during the clinical management process.	1/15/2019
21 h.	Beacon's adopted a Rhode Island specific addendum to comply with RI Gen. Laws §27-18.9	1/15/2019
21 i.	Beacon adopted a local policy regarding adverse determinations and corresponding documentation.	1/15/2019
	Beacon's workflow outlines the process the clinician must follow to prepare a review for a physician advisor review.	1/15/2019
	Beacon's workflow outlines the work done with providers to ensure appropriate transitions of care and program availability when recommending alternative levels of care during the clinical management process.	1/15/2019
	Beacon adopted a workflow that outlines the authorization of care process and includes the clinical management process as it relates to documentation, review of clinical information, the treating provider's request and Beacon's determination.	1/15/2019
21 j.	Beacon's adopted a local policy that explicitly states that denial notifications should avoid language that could adversely affect the member.	1/15/2019
21 k.	Beacon adopted a local policy that explicitly states that when a patient assigns to the provider his or her appeal rights, the utilization review program should prohibit the waiver of the patient's right to pursue a higher level of appeal if the provider declines to pursue the appeal.	1/15/2019
	Beacon's workflow was updated to outline the level one appeals process.	1/15/2019
22 a.	Beacon automates this within their system as reflected in the case record.	6/1/2019
22 b.	Beacon adopted a national policy that outlines documentation guidelines.	1/15/2019
	Beacon adopted a workflow that outlines the authorization of care process and includes the clinical management process as it relates to documentation, review of clinical information, the treating provider's request and Beacon's determination.	1/15/2019

Rec. #	Response	Implementation Date
22 c.	Beacon adopted a national policy that outlines documentation guidelines.	1/15/2019
	Beacon adopted a workflow that outlines the authorization of care process and includes the clinical management process as it relates to documentation, review of clinical information, the treating provider's request and Beacon's determination.	1/15/2019
22 d.	Beacon automates this within their system as reflected in the case record.	6/1/2019
22 e.	Beacon adopted a Rhode Island specific addendum to ensure compliance with RIGL §27-18.9 that includes explicit language requiring independently prepared documentation by the UR Agent's physician reviewer.	1/15/2019
	Beacon's workflow outlines the processes related to decision making and documentation for physician advisors.	1/15/2019
22 f.	Beacon adopted a local policy regarding adverse determinations and corresponding documentation.	1/15/2019
	Beacon's workflow outlines the processes related to decision making and documentation for physician advisors.	1/15/2019
22 g.	Beacon adopted a Rhode Island specific addendum to ensure compliance with RIGL §27-18.9 that contains explicit language regarding the peer reviewer recommending modifications to the treating provider's request.	1/15/2019
	Beacon's adopted workflow outlines the authorization of care process and includes the clinical management process as it relates to documentation, review of clinical information, the treating provider's request and Beacon's determination.	1/15/2019
22 h.	Beacon's adopted workflow outlines the authorization of care process and includes the clinical management process as it relates to documentation, review of clinical information, the treating provider's request and Beacon's determination.	1/15/2019
	Beacon's workflow outlines the procedures that take place when a provider agrees to recommendations for a lower level of care.	1/15/2019
22 i.	Beacon's case record demonstrates how elements are met.	6/1/2019

Documents corresponding to the NOA/D and Case Management Programs:

Rec. #	Description of the Document	Submission date
Order para. B: BCBSRI shall file with the Commissioner such policies and procedures it intends to use to eliminate utilization review for in-network behavioral health	<ul style="list-style-type: none"> • BCBSRI provided an overview of Beacon's national case management program and Beacon's policy describing its intensive case management program. Other documents included: <ul style="list-style-type: none"> ○ Beacon's policy describing the procedures for case management discharges. ○ A BCBSRI-specific addendum adopted by Beacon that specifies that the Beacon Case Manager will not be involved in the utilization management process. 	Generally, 9/28/2018 with a few items being completed in January 2019.

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<p>services, and to adopt a Notice of Admission and Discharge Program (NOA/D Program) and a Case Management Program (collectively "Programs").</p>	<ul style="list-style-type: none"> ○ Beacon revised its workflow describing the case management program. ● BCBSRI adopted policies which outline the NOA/D process for in-network services and describes the following levels of care: <ul style="list-style-type: none"> ○ ABA level of care ○ AIS/CFIT level of care ○ inpatient and intermediate levels of care ○ TMS services ● Beacon created a document to inform providers how to contact them for NOA/D for various levels of care at different times during the admission. ● Beacon created training documents that were presented to BCBSRI providers on how to use the Beacon Portal to enter NOA/D information. <ul style="list-style-type: none"> ○ Beacon created a Frequently Asked Questions document to answer questions raised by providers during Provider Connect trainings. This document was created based on feedback received from the provider community. ● BCBSRI's internal administrative appeals policy was also provided. ● BCBSRI shared Beacon's policy describing the initial and ongoing training for case managers. ● BCBSRI updated its Provider Manual for 2019 to include details of the NOA/D process. Available to providers 1/1/19. 	
	<p>BCBSRI submitted additional information to support the NOA/D process including:</p> <ul style="list-style-type: none"> ● Provider Letter ● Provider Update Excerpts June 2018 ● Provider Meeting dates ● Provider training materials ● Test Auth Screenshot showing the provider experience ● 2018 Behavioral Health Inpatient and Intermediate Levels of Care policy updates to remove medical necessity review for in-network services ● Unable to Reach Letter ● Policy for Intensive Case Management Care Plan Goals. ● Policy for Discharge Criteria for the Intensive Case Management Program. 	<p>Generally, 1/4/2019</p>

Pharmacy related documents

Rec. #	Description of the Document	Date of submission
36.a, b, c, d; Clarification 17(j); 37.b, d, e, f, h	Submitted revised criteria, forms, user guide and Cover My Meds physician portal screen short for requesting and reviewing requests for BH drugs with step therapy: Atypical antipsychotics, brand antidepressants, Invega Trinza, and Vraylar. The documents reflect update to “risk to change” protocol, leading to auto approval.	1/31/2019
37.a, c, g 38.e	BCBSRI submitted documentation to demonstrate: <ul style="list-style-type: none"> • BCBSRI’s oversight of the PBM on a monthly basis; • Inter Rater Reliability (IRR) committee process and enhanced oversight. • Updates to the MRIOA User Guide to reflect the approval or denial enhanced guidelines for reviewers. • Updates to outreach documents utilized by the PBM to gather missing information • Updates to BCBSRI’s Compliance Policy to reflect the requirements that must be met to ensure delegated functions are compliant. 	1/31/2019
37.e(v)	<ul style="list-style-type: none"> • BCBSRI published information in Provider Update from July-August 2018 and re-published in Q1 2019. • BCBSRI communicated to providers regarding electronic prescribing via the portal • BCBSRI and its PBM adopted a review process for annual review of BH drug fax forms posted on the BCBSRI.com website. 	1/31/2019
38.	BCBSRI submitted a case file example showing documentation of: <ul style="list-style-type: none"> • Date/time of activities • Communications with member/prescriber • Clinical information offered by prescriber • Complete, unabridged rationale for the prescriber’s requests. 	1/31/2019

Data Reporting

Rec. #	Description of the Document	Date of submission
Order, section C	Submitted data for dates of service of August 1, 2018 to December 31, 2018, relating to: (i) the number of admissions and discharges under the NOA/D Program, (ii) the number of administrative appeals resulting from the NOA/D Program and the disposition of such appeals,	2/14/2019

	(iii) the number of members in Case Management, (iv) and the number of out of network behavioral health services that were subject to each level of utilization review and the disposition of such reviews.	
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