



PBH Network Operations Communication Bulletin
FY-0910-NM-07

To: PBH Network Providers
Innovations Employers of Record

From: Andrea Misenheimer, Medicaid Project Manager
Charles Hill, Network Operations Cross Functional Team Chairman

Date: February 24, 2010

RE: Revision to Relative/Legal Guardian as Provider Process and Documentation

This communication provides important, updated information regarding changes to PBH's application, decision, and reconsideration procedure for the Relative/Legal Guardian as Provider Process. Additionally, the forms associated with the Relative/Legal Guardian as Provider Process have been revised to reflect these changes. Please note that Innovations waiver policy is based on federal requirements. The Relative/Legal Guardian as Provider option is intended to be used in exceptional situations and should not be used as the norm. Provider Agencies and Employers of Record should show due diligence that they have recruited the most qualified staff to provide the service. If during the recruitment process the provider is unable to locate staff then the use of this process may be appropriate.

As a result of ongoing review of PBH's Innovations Waiver and internal processes, a decision has been made to refine and simplify the Relative/Legal Guardian as Provider Process. Relatives/Legal Guardians who live in the same home as and are employed by a PBH Provider Agency to provide services to Innovations waiver participants should be held to the same qualification standard that any other employee of that Agency providing that service is held to.

Please note that it is mandatory that Provider Agencies identify back-up staff for each employee inclusive of employees under the Relatives/Legal Guardians as Provider process.

The Relative/Legal Guardian as Provider Process is a component of Innovations Waiver Policy and adherence to it is required for Provider Agencies to be in compliance with their PBH Provider Contract.

Clarifications/Definitions:

The Relative/Legal Guardian as Provider Process only applies to Relatives/Legal Guardians of **adult** Innovations Waiver participants who are currently or are requesting to be the paid employee providing Day Supports, Home Supports, Residential Supports, and/or Community Networking to that participant.

1. Relative – the North Carolina Division of Medical Assistance has defined a Relative as the Innovations Waiver participant’s mother, father, step-mother, step-father, sister, brother, aunt, uncle, grandmother, or grandfather.
2. Legal Guardian - A “guardian” is someone who is appointed by the Clerk of Superior Court to act on behalf of an incompetent adult. All forms of guardianship, Guardian of the Person, Guardian of the Estate, and General Guardian, are applicable to the Relative/Legal Guardian as Provider Process.
3. Adult – the North Carolina Division of Medical Assistance has defined an Adult Participant, for the purposes of the Relative/Legal Guardian as Provider Process, as a participant in the Innovations Waiver who is 18 years of age or older.

Process Changes:

1. The Network Cross Functional Team will conduct administrative reviews of the Verification of Relative/Legal Guardian as Provider applications (Part A and Part B Applications) to determine if the application meets the criteria for approval of relative as provider.
2. Denials of Part A or Part B Applications are based on the employee (Relative/Legal Guardian) meeting the required employment criteria and are not eligible for reconsideration.
3. Provider Agencies that have had their Part A or Part B Application denied for a Relative/Legal Guardian can resubmit the application with additional information that shows the employment criteria are met. Only **one** (1) resubmission will be allowed, subsequent resubmissions for the same Relative/Legal Guardian will be denied automatically.
4. The Network Cross Functional Team will also review and approve all Part C Requests to Exceed 40 hours. Denials of Part C Requests are eligible for reconsideration. The Request for Part C Reconsideration Form must be submitted to the Reconsideration Committee within seven (7) days of your receipt of the denial.
5. Approvals of Relative/Legal Guardian as Provider are Provider Agency and Services Specific. If there is a change in the type(s) of service provided by the Relative/Legal Guardian under this policy, a new Part B Application must be submitted by the Provider Agency. Likewise, if the Relative/Legal Guardian as Provider changes the waiver recipient’s services to a new Provider Agency, the new Provider Agency must submit a Part B Application to the Network Cross Functional Team.

6. The Relative/Legal Guardian as Provider is an administrative process. If a Provider Agency receives a denial for a Part A, B, or C may contact the Chair of the Network Cross Functional Team, Charles Hill, in regard to their concerns or for clarification of the reasons for the denial.
7. It is the responsibility of the Provider Agency/Employer of Record to explain to their employee the outcome of the review. PBH will not engage in conversations with Provider Agency/Employer of Record employees regarding the status of their employment. Provider Agencies/Employers of Record may direct Relatives/Legal Guardians who have questions about the process or concerns about how the denial impacts their family member to PBH's Office of Consumer Affairs. Relatives/Legal Guardians who contact the Network Operations Department or the Chair of the Network Operations Cross Functional Team will be re-directed back to the Provider Agency/Employer of Record and to PBH's Office of Consumer Affairs.
8. Provider Agencies that have been given a Part A or Part B approval must submit a new Part B application annually. Provider agencies that have been given a Part C approval must submit a new Part C application at the same time. Renewal Applications must be submitted at least four (4) weeks prior to the consumer's date of birth to ensure that services are approved and will be reimbursable. Renewal Applications are processed like all other Part B applications.
9. UM will no longer do a clinical review of the Verification of Relative/Legal Guardian as Provider application. The Clinical Justification section of the application has been removed from the Part A and Part B Applications.
10. UM will continue to review Treatment Authorization Requests through the normal UM process...both when a relative/guardian is provider and when unrelated person is provider. (This process is independent of Relative as Provider process/procedure).
11. UM may deny Treatment Authorization Requests for services or may authorize a lesser number of hours of service provided by relative as providers. A detailed description of the reason for the denial will be provided.
12. If a request for service is denied the provider/relative/legal guardian/consumer may utilize the appeals process.
13. UM will continue to clinically review ISPs to determine clinical appropriateness of care enumerated in the plan. (handed out at the meeting)
14. The Reconsideration Committee will review all recent requests for reconsideration that were submitted due to a denial issued by the Network Cross Functional Team based upon the Clinical Justification of the Verification of Relative/Legal Guardian as Provider application.

15. The Reconsideration Committee will reconsider requests that involve denials of providers who have relatives/legal guardians providing more than 40 hours and may recommend a step down in the number of hours a relative is to provide services above 40 hours
16. Quality Management will review providers who employ relatives as providers on an annual basis according to the procedure
17. Provider Paybacks may result from non compliance with the Relative/Legal Guardian as Provider policy
18. The internal PBH Relative/Legal Guardian as Provider Process has been amended to reflect the aforementioned changes.

Form Changes:

1. The Part A and Part B Applications have been revised to reflect the above changes. The Clinical Justification has been removed from these applications.
2. The revised Part A and Part B Forms will be posted to the Provider Page of PBH's website (www.pbhsolutions.org) prior to March 1, 2010. Additionally, they will be added in the Innovations Technical Manual on PBH's main website (www.pbhsolutions.org).
3. The Relative/Legal Guardian as Provider Reconsideration Form has also been revised and will be sent with Provider Agency Letters of Agreement for Part A or Part B applications that have had a Part C Request for Exceeding 40 Hours denied.

These changes will be effective March 1, 2010.