

**449 - BEHAVIORAL HEALTH SERVICES FOR CHILDREN IN DEPARTMENT OF CHILD SAFETY CUSTODY AND ADOPTED CHILDREN**

EFFECTIVE DATES: 03/24/16, 10/01/16, 03/15/17, 09/20/17, 10/01/18, [XX/XX/XX](#)<sup>1</sup>

~~REVISION D~~

APPROVAL DATES: 11/03/16, 01/05/17, 09/07/17, 11/02/17, [03/21/19](#)<sup>2</sup>

**I. PURPOSE**

This Policy applies to RBHA Contractors. The purpose of this Policy is to ensure the timely provision of medically necessary behavioral health services to children eligible for Title XIX and [Title XXI](#) services who are in out-of-home placement and in the legal custody of the Department of Child Safety (DCS) and to adopted children in accordance with A.R.S. §8-512.01.

**II. DEFINITIONS**

**ADOPTIVE PARENT**

Any adult or adults who are residents of Arizona, whether married, unmarried, or legally separated, who have adopted a child. For purposes of this policy, the Adoptive Parent is that of a child who is eligible under Title XIX or Title XXI of the [Social Security Act](#).

**[ARIZONA](#)  
DEPARTMENT OF CHILD  
SAFETY (DCS)**

The [Department](#) established pursuant to A.R.S. §8-451 to protect children and to perform the following:

1. Investigate reports of abuse and neglect.
2. Assess, promote and support the safety of a child in a safe and stable family or other appropriate placement in response to allegations of abuse or neglect.
3. Work cooperatively with law enforcement regarding reports that include criminal conduct allegations.
4. Without compromising child safety, coordinate services to achieve and maintain permanency on behalf of the child, strengthen the family and provide prevention, intervention and treatment services pursuant to this chapter.

**CRISIS**

An acute, unanticipated, or potentially dangerous behavioral health condition, [episode](#), or behavior.

<sup>1</sup> [Date changes are effective](#)

<sup>2</sup> [Date presented at APC meeting](#)

**CRISIS SERVICES**

Services provided to a person for the purpose of stabilizing or preventing a sudden, unanticipated, or potentially dangerous behavioral health condition, episode or behavior.

**OUT-OF-HOME PLACEMENT**

For the purposes of this Policy, out-of-home-placement means a foster home, kinship foster care, a shelter care provider, a receiving home, ~~or independent living program or,~~<sup>3</sup> group foster home.

**RAPID RESPONSE**

A process in which, a behavioral health service provider is dispatched within 72 hours, to assess a child's immediate behavioral health needs, and refer for further assessments through the behavioral health system when a child first enters into DCS custody. See AMPM Policy 541.<sup>4</sup>

**III. POLICY**

The Contractor shall ensure timely provision of all behavioral health services including, crisis services, ~~72-hour~~<sup>5</sup> Rapid Response, urgent need response, assessment, and ongoing behavioral services, including screening and evaluation, for ~~adopted children, and~~ children in out-of-home placement and in the legal custody of DCS and adopted children.<sup>6</sup> The Contractor shall provide coordinated care between the out-of-home placement or adoptive parent(s), all providers, and DCS, as appropriate.

**A. GENERAL REQUIREMENTS**

In order to meet the needs of ~~adopted children, and~~ children in out-of-home placement, and in the legal custody of DCS and adopted children<sup>7</sup>, the Contractor shall:

1. Ensure services are provided in accordance with ACOM Policy 417.~~7~~
2. Ensure the availability of a telephone line, with designated staff, that is responsible for handling incoming calls after business hours related to delivery of services, including failure of an assessment team ~~to~~ respond within two hours. Designated staff shall be adequately trained on the provisions of this Policy and the procedures in place to address calls prior to actively answering calls. There shall be processes in place for staff to:
  - a. Address barriers to care,
  - b. Directly contact the crisis services vendor and/or provider,

<sup>3</sup> Aligned with DCS definition of Out of Home Placement

<sup>4</sup> Taken from AMPM 541 definition- Rapid Response

<sup>5</sup> Removed specificity of time frame due to repetition of 'Rapid Response' definition above

<sup>6</sup> Added 'and in legal custody of DCS for consistency with purpose statement. Changed throughout policy

- c. Track and report calls as indicated in Section **H**<sup>8</sup> of this Policy, and
- d. Report the above information to the Children Services Liaison.

**B. REQUEST FOR BEHAVIORAL HEALTH OUT-OF-HOME TREATMENT**

The Contractor shall ensure a determination is made, as expeditiously as the member's health condition warrants but no later than, 72 hours after a request is made by the out-of-home placement or adoptive parent for placement of the member in a behavioral health out-of-home treatment setting due to the ~~member~~<sup>9</sup> displaying dangerous or threatening behaviors. These settings include, but are not limited to Behavioral Health Residential Facilities and Behavioral Health Therapeutic Homes. In the event the Contractor determines there is insufficient information to make a determination, the Contractor shall document all concerted efforts to obtain required information within the 72-hour timeframe.

1. If the member is hospitalized prior to a determination on the request for behavioral health out-of-home treatment setting the Contractor shall coordinate with the hospital to ensure an appropriate and safe discharge plan. The discharge plan shall include recommended follow-up services, including recommendations made by the Child and Family Team. For additional requirements regarding discharge planning refer to AMPM Policy 1020.
2. The Contractor shall collaborate with DCS to ensure an appropriate alternative placement for the member to be discharged when:
  - a. It is unsafe for the member to return to the out-of-home placement or adoptive family, and/or
  - b. It is unsafe for the out-of-home placement or adoptive family for the member to return.
3. The Contractor ~~must~~<sup>9</sup> shall issue a Notice of Adverse Benefit Determination (NOA) in accordance with ACOM Policy 414 for any adverse action related to the request for placement of the member in a behavioral health out-of-home treatment setting.
4. The Contractor is responsible for reimbursement to the inpatient psychiatric hospital for all medically necessary care including days where inpatient criteria was not met but there was not a safe discharge plan in effect to meet the needs and safety of the member and the out-of-home placement or adoptive family. In these cases the Contractor is responsible for payment regardless of principal diagnosis on the claim and may negotiate with the hospital for an appropriate rate.

<sup>8</sup> Revised to align with policy changes.

<sup>9</sup> Changed to the term 'member' to keep consistent with the policy when referring to services provided

5. In the event the request for a behavioral health out-of-home treatment setting is denied, the Contractor shall ensure medically necessary alternative services are provided.

### **C. BEHAVIORAL HEALTH APPOINTMENT STANDARD**

1. The Contractor shall ensure services are provided in accordance with ACOM Policy 417.
2. Upon notification from an out-of-home placement or adoptive parent that a recommended behavioral health service is not provided to a member per the ACOM Policy 417 behavioral health appointment standards for children in DCS custody, the Contractor shall:
  - a. Notify the caller of the requirement to also report the failure to receive the approved behavioral health services to ~~the~~ [AHCCCS Clinical Resolution Customer Service line Unit](#) at 602-364-4558 ~~or~~ [1-800-867-5808](#). ~~Contact information is available on the AHCCCS website at:~~ [www.azahcccs.gov/shared/AHCCCScontacts](http://www.azahcccs.gov/shared/AHCCCScontacts).
  - b. ~~Or~~ email at [DCS@azahcccs.gov](mailto:DCS@azahcccs.gov). ~~Contact information is available on the AHCCCS website at:~~ [www.azahcccs.gov/Members/AlreadyCovered/MemberResources/Foster](http://www.azahcccs.gov/Members/AlreadyCovered/MemberResources/Foster).<sup>10</sup>
  - ~~a.c.~~ Notify the caller that the member may receive services directly from any AHCCCS-registered provider, regardless of whether the provider is contracted with the Contractor,
  - ~~b.d.~~ Obtain the name and contact information of the identified non-contracted provider of service, if applicable to verify their AHCCCS registration, and
  - ~~e.e.~~ Obtain information needed to determine medical necessity of requested services not received.
3. For services provided by a non-contracted provider, the Contractor shall:
  - a. Not deny claims submitted based solely on the billing provider being out of the Contractor's network, and
  - b. Reimburse clean claims at the lesser of 130% of the AHCCCS FFS Rate or the provider's standard rate and in accordance with ACOM Policy 203.
4. The member may continue to receive services from the non-contracted provider regardless of the availability of an in-network provider.

### **D. CONTINUITY OF SERVICES**

<sup>10</sup> [Added information to align with what the AHCCCS website states](#)

The Contractor is responsible for continuation and coordination of services the member is currently receiving. If a member moves into a different county because of the location of the out-of-home placement, the Contractor shall allow the member to continue any current treatment in the previous county and/or seek any new or additional treatment in the out-of-home placement's county of residence regardless of the Contractor's provider network.

#### **E. CHILDREN SERVICES LIAISON**

1. The Contractor shall designate a ~~key~~ staff person whose ~~primary~~<sup>11</sup> role is to:
  - a. Serve as the member's single point of contact,
  - b. Accept and respond to:
    - i. Inquiries from the out-of-home placement, adoptive parent, or providers,
    - ii. Issues and concerns related to the delivery of and access to behavioral health services for members in out-of-home placements in the legal custody of DCS<sup>12</sup> or with adoptive parents.<sup>13</sup>
  - c. Collaborate with the out-of-home placement and adoptive parents address barriers to services, including nonresponsive crisis providers, and
  - d. Resolve concerns received in accordance with grievance system requirements.
2. The Children Services Liaison shall:
  - a. Provide the number for crisis services and after hour's telephone line in their outgoing voicemail message and email,
  - b. Provide an expected timeframe for return calls in their outgoing voicemail message and email,
  - c. Respond to all inquiries as indicated by need or safety but no later than one business day, and
  - d. Follow up on all calls received by the after hour telephone line.
3. The Contractor shall ensure the Children Services Liaison's contact information is:
  - a. Provided to DCS for distribution,
  - b. Prominently placed on the member page of the Contractor's website, and
  - c. Included in the Contractor's Member Handbook.
4. The Contractor shall ensure calls received by the Children Services Liaison that meet the definition of a grievance are reported in accordance with the Grievance System Reporting requirements as outlined in Contract.

#### **F. MEMBER ADVISORY COUNCIL**

<sup>11</sup> Allows for plans to decide if they want these responsibility within another position

1. To promote a collaborative effort to enhance the service delivery system for members in out-of-home placement in the legal custody of DCS<sup>13</sup> and adoptive care, the Contractor shall establish a Member Advisory Council to provide input and feedback on policy and programs focused on addressing the needs of members in out-of-home placement and in the legal custody of DCS and adopted children.  
~~<sup>14</sup>and adopted members.~~
2. The Council membership shall:
  - a. Be chaired by the Contractor's Administrator/CEO or designee,
  - b. Include a cross representation of out-of-home placement, adoptive, and kinship families, who reflect the population and community served and shall make up at least 50% of the membership,
  - c. Include advocacy groups and providers,
  - d. Consist of at least 10 Council members, and
  - e. Meet at least quarterly.
3. The Contractor shall provide Council members with orientation and ongoing training that includes sufficient information and ensures understanding of Council member responsibilities.
4. The Contractor shall develop goals and objectives to include timelines for implementation of approved action items.

#### **G. EDUCATION**

The Contractor shall be responsible for ongoing education to providers, members, families, and other parties involved with the member's care, including but not limited to the following:

1. Rights and responsibilities as delineated in A.R.S. §8-512.01~~;~~
2. Trauma-informed care~~;~~
3. Navigating the behavioral health system~~;~~
4. Coordination of Care as outlined in Section E of this Policy~~;~~
5. Covered services~~;~~
6. Referral process~~;~~
7. The role of the Contractor~~;~~

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<sup>14</sup> Aligned throughout policy

8. The role of DCS, and
9. Additional trainings identified by the Member Advisory Council.

All Contractor member information ~~must~~ shall be in accordance with ACOM Policy 404.

AHCCCS reserves the right to verify education programs when performing operational reviews of the Contractor.

#### **H. TRACKING AND REPORTING**

~~1. The Contractor shall m~~Monitor on a monthly basis, and submit quarterly, or upon request by AHCCCS, as specified in Contract, ~~15the Contractor shall submit an~~ Access to Services Report using Attachment A, which includes information regarding the following:

1. Access to Services, and a list of providers that were formerly contracted with the Contractor but terminated their contract and provided services at the lesser of -130% of the AHCCCS FFS Rate or the Provider's standard service- rate, and the amount spent on those services<sup>16</sup>.

~~and as specified in the reporting template<sup>17</sup>;~~

~~a. Provider Terminations:~~

~~i. List of providers that were formerly contracted with the Contractor but terminated their contract and provided services at the lesser of -130% of the AHCCCS FFS Rate or the Provider's standard service- rate, and the amount spent on those services.~~

2. The Contractor shall submit<sup>18</sup> as part of the Calls and Emails Report (Attachment B) and ~~On a monthly basis,~~ as specified in Contract, ~~the Contractor shall submit a report using Attachment B on the 30<sup>th</sup> day after the reporting month as specified in the reporting template~~ the Calls received by the Children's Service Liaison and the After Hours Line related to children in out-of-home placement and in the legal custody of DCS and adopted children.<sup>19 20</sup>

<sup>15</sup> Updated to use name of Attachment A

<sup>16</sup> Moved paragraph up to align better with Attachment A content

<sup>17</sup> Removed to align with specifications of Attachment A

<sup>18</sup> Replaced 'submit report' with 'calls and emails,' to align with the changes made to Attachment B

<sup>19</sup> Specified that the phone call counts include foster and adopted children communications to the health plan and after hours lines

<sup>20</sup> Clarified section and removed Reconciliation as this is no longer in the deliverable

~~3.~~ DCS will provide a monthly listing to the ~~Contractor~~ Contractor of ~~children members~~<sup>21</sup> placed in out-of-home placement and in the legal custody of DCS and adopted children. ~~DCS custody. The Contractor shall report to AHCCCS information on a monthly basis regarding members in DCS custody who have not received rapid response services~~<sup>22</sup>. The ~~Contractor~~ RBHA Contractor shall perform a ~~reconciliation report~~ of members placed within DCS custody against those who have received a Rapid Response service. For any identified members in DCS custody who have not been engaged in behavioral health services, the Contractor ~~/RBHA~~ shall ensure a Rapid Response service is delivered. ~~DCS Rapid Response Monthly Reconciliation Report as specified in – the reporting template~~<sup>23</sup>

~~4.3.~~ On an annual basis, as specified in Contract, the Contractor shall submit a Member Advisory Council Plan to AHCCCS, Division of Health Care Management. ~~The Plan shall outline the schedule of Council meetings, membership, trainings, goals, and objectives, including an evaluation of the previous year.~~<sup>24</sup>

<sup>21</sup> Replaced with ‘member’ for consistency

<sup>22</sup> Removed requirement for reconciliation reporting, but plans will continue to receive files and ensure members were referred for Rapid Response

<sup>23</sup> Removed the deliverable requirement for Reconciliation. Rapid Response performance is reported quarterly in the Behavioral Health and Utilizations Timeframes deliverable

<sup>24</sup> Removed requirement from this policy and will add to the Behavioral Health Utilization and Timeframes RBHA deliverable