

**ALL PLAN LETTER**

**DATE:** May 6, 2014

**TO:** All Full-Service and Specialized Behavioral Health Plans

**FROM:** Nancy Wong  
Deputy Director, Office of Legal Services

**SUBJECT: HEALTH AND SAFETY CODE SECTION 1317.4a COMPLIANCE**

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**NOTICE REQUIREMENTS FOR PSYCHIATRIC EMERGENCY ADMISSIONS**

On April 7, 2011, the Department of Managed Health Care (DMHC) issued Director's Letter No. 5-K to health care service plans (health plans) concerning the care and treatment of patients with psychiatric emergencies. The letter reminded health plans of a provider's duty to notify a patient's health plan or contracted medical provider of the need for a transfer for admission to a hospital psychiatric unit or acute psychiatric hospital for care or treatment solely necessary to relieve or eliminate a psychiatric emergency medical condition,<sup>1</sup> as required by Health and Safety Code section 1317.4a. The letter also discussed the separate emergency services requirements of Health and Safety Code section 1371.4, including a health plan's obligation to reimburse providers for emergency services and care provided to its enrollees, and the prohibition against requiring that a provider obtain authorization prior to the provision of emergency services and care necessary to stabilize an enrollee's emergency medical condition.

Despite Director's Letter 5-K, the DMHC has received reports that some health plans continue to require prior authorization for the treatment of psychiatric emergency medical conditions, often imposing this condition during a provider's section 1317.4a notice call. The purpose of this letter is to remind health plans that the section 1317.4a requirement that a provider notify the health plan of a transfer for admission to relieve or eliminate a psychiatric emergency medical condition is separate and distinct from the health plan's obligation to provide access for enrollees and providers to obtain timely authorization for post-stabilization emergency services under section 1371.4(a), if applicable. The provider notification provisions of section 1317.4a do not require providers to seek authorization, except as otherwise required by law, to provide necessary emergency services and care to a patient who has a psychiatric emergency medical condition. (Health & Saf. Code, § 1317.4a, subd. (f).) This is true even if the emergency services and care include a transfer for admission under section 1317.4a.

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<sup>1</sup> "Psychiatric emergency medical condition" is defined by Health & Saf. Code, § 1317.1, subd. (k). The definitions set forth in section 1371.1 control the construction of Health & Saf. Code 1371.4.

Health plans are also reminded that, in conjunction with the section 1317.4a provider notification requirement, a health plan is required to provide all non-contracting hospitals in the state to which one of its members would be transferred under section 1317.4a with specific contact information needed to make this notification. The contact information is to be updated as necessary, but no less than once a year. (Health & Saf. Code, § 1317.4a, subd. (c)(1).) The DMHC has become aware that some health plans have not provided this information.

Based on section 1317.4a and the Knox-Keene Act,<sup>2</sup> in order to assure compliance with psychiatric emergency medical treatment requirements health plans subject to section 1317.4a are directed to submit information to the DMHC via the Department's eFiling web portal by June 6, 2014. This information should include:

- An Exhibit E-1 summary in narrative format, which includes a confirmation of whether the plan requires prior authorization as a prerequisite for payment for necessary medical or psychiatric care following stabilization of an emergency medical condition or active labor pursuant to section 1371.4.
- An Exhibit I-10-a entitled "1317.4a Notice to Non-Contracted Providers," for the most recent notice(s) sent to non-contracting hospitals pursuant to section 1317.4a.
- An Exhibit I-10-b entitled "1317.4a Policy and Procedure," for the plan's policy and procedure or description of the process used for hospital contacts made pursuant to section 1317.4a, including the contact information for receipt of provider notifications.

If you have any questions regarding this letter, please contact the DMHC's Office of Legal Services at (916) 322-5393.

#### **Authority Cited**

**Health and Safety Code sections 1317.1, 1317.4a, 1341, 1343, 1344, 1367, 1371.4, and implementing regulations.**

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<sup>2</sup> Knox-Keene Health Care Service Plan Act of 1975, as amended, Health & Saf. Code, § 1340, et seq.