August 31, 2009

TO: Interested Parties

FROM: Anthony Marple, Director, Office of MaineCare Services

SUBJECT: Emergency Rule: MaineCare Benefits Manual, Chapters II & III, Section 13, Allowances for Targeted Case Management Services

The Department has determined that the immediate adoption of these rules is necessary to comply with legislative requirements for budgeted savings in accordance with P.L. 2009, ch. 213, Part CC. Additionally, the Maine Legislature authorized the Department to do emergency rulemaking in connection with budget initiatives, without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare. P.L. 2009, ch. 213, Part RRRR.

The Department adopted emergency targeted case management rules with an effective date of August 1, 2009. After that date, the Department realized that the emergency rules excluded coverage for individuals receiving protective services, and that these individuals had a critical need of the TCM services. Accordingly, the Department determined that it needed to adopt this emergency rule to get services to this critical group of individuals.

This emergency rule contains the following changes to the August 1, 2009 emergency rule: (1) includes coverage to individuals who receive protective services; (2) changes billing for some TCM services from 15 minute increments to monthly billing; and (3) changes eligibility for homeless individuals so that these individuals are not required to have resided in a homeless shelter either currently or in the past 90 days.

The Department anticipates achieving a cost savings in the General Fund of $4,138,665 per State fiscal year 2010/2011. The Department expects an annual decrease in annual aggregate (state and federal) expenditures of $11,744,223.00 per State fiscal year 2010/2011.

Pursuant to 5 M.R.S.A. § 8054, the Department has determined that immediate adoption of this provision is necessary to avoid an immediate threat to public health, safety or general welfare because of the economic crisis facing the State of Maine. The U.S. economy is in a deep recession. Maine faces a deficit of approximately $780 million for the 2010-2011 biennium. The Department determined that changes to Targeted Case Management Services were necessary, along with the legislatively mandated budgeted savings, to assure that the financial crisis did not deepen.

These rules will remain in effect for 90 days while the Department proposes the rules through the regular Administrative Procedures Act (APA) process to permanently adopt the rules. A public hearing will be held as part of that process.

Other than providers of these specific services, this rule is not expected to fiscally impact or create new recording burdens for other small businesses and is not expected to yield new costs for municipal or county governments.

Rules and related rulemaking documents may be reviewed at and printed from the Office of MaineCare Services website at http://www.maine.gov/dhhs/oms/rules/provider_rules_policies.html or, for a fee, interested parties may request a paper copy of rules by calling 207-287-9368. For those who are deaf or hard of hearing and have a TTY machine, the TTY number is 1-800-423-4331.

If you have any questions regarding the policy, please contact your Provider Relations Specialist at 624-7539, option 8 or 1-800-321-5557, extension option 8 or TTY: (207)287-1828 or 1-800-423-4331.
Notice of Agency Rule-making Adoption

AGENCY: Department of Health and Human Services, Office of MaineCare Services

CHAPTER NUMBER AND TITLE: EMERGENCY RULE: MaineCare Benefits Manual,
Chapters II and III, Section 13, Allowances for Targeted Case Management Services

ADOPTED RULE NUMBER:

CONCISE SUMMARY: The Department has determined that the immediate adoption of these rules is necessary to comply with legislative requirements for budgeted savings in accordance with P.L. 2009, ch. 213, Part CC. Additionally, the Maine Legislature authorized the Department to do emergency rulemaking in connection with budget initiatives, without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare. P.L. 2009, ch. 213, Part RRRR.

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This emergency rule contains the following changes to the August 1, 2009 emergency rule: (1) Includes coverage to individuals who receive protective services; (2) changes billing for some TCM services from 15 minute increments to monthly billing; and (3) changes eligibility for homeless individuals so that these individuals are not required to have resided in a homeless shelter either currently or in the past 90 days.

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EFFECTIVE DATE: 8/31/09

AGENCY CONTACT PERSON: Steven R. Davis, Director of Policy and Performance

AGENCY NAME: Division of Policy and Performance Services

ADDRESS: 11 State House Station
Augusta, Maine 04333-0011

TELEPHONE: (207)-287-9371 FAX: (207) 287-9369
TTY: 1-800-423-4331 or 207-287-1828 (Deaf/Hard of Hearing)
The Department is seeking CMS approval of its state plan of this TCM rule.

TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>EMER EFF.</th>
<th>DEFINITIONS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>8-31-09</td>
<td>13.01-1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Abuse or neglect</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>13.01-2</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Adult</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>13.01-3</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Antibody</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Authorized Agent</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>13.01-4</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Authorized Agent</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>13.01-5</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Care</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>13.01-6</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Case Management Agencies or Facilities</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>13.01-7</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Case Management Services</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>13.01-8</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Child</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>13.01-9</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Child and Adolescent Functional Assessment Scale (CAFAS)</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>13.01-10</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Child and Family Team</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>13.01-11</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Children’s Habilitation Assessment Tool (CHAT)</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>13.01-12</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Collateral Contact</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>13.01-13</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Comprehensive Targeted Case Manager</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>13.01-14</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Contracted Services</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>13.01-15</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Custody</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>13.01-16</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Danger</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>13.01-17</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Department</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>13.01-18</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Dependent Adult</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>13.01-19</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Diagnostic Classification of Mental Health and Development Disorders of Infancy and Early Childhood</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>13.01-20</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Diagnostic and Statistical Manual of Mental Health Disorders</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>13.01-21</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Emergency Shelter</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>13.01-22</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Home Based Care</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>13.01-23</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Homeless Person</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>13.01-24</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Human Immunodeficiency Virus</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>13.01-25</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Informed Consent</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>13.01-26</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Member</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>13.01-27</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Post Adoption Services</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>13.01-28</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Primary Care Provider</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>13.01-29</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Prior Authorization</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>13.01-30</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Protective Services</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>13.01-31</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Utilization Review</td>
<td>5</td>
</tr>
</tbody>
</table>

13.02 COVERED SERVICES
A. Comprehensive Assessment and Periodic Reassessment | 5
B. Development and Periodic Revision of the Individual Plan of Care | 5
C. Referral and Related Activities | 6
D. Monitoring and Follow-Up | 6
E. Target Groups | 6

13.03 ELIGIBILITY FOR SERVICES | 7
TABLE OF CONTENTS (cont)

13.03-1 General Eligibility Requirements ................................................................. 7
13.03-2 Specific Eligibility Requirements ................................................................. 7
13.03-3 Case Management Services for Children ...................................................... 9
  A. Eligibility Criteria for Involvement with Protective Services.............................. 9
  B. Eligibility Criteria for Behavioral Health .......................................................... 10
  C. Eligibility Criteria for Developmental Disabilities ............................................. 11
  D. Eligibility Criteria for Chronic Medical Conditions ......................................... 12
13.03-4 Case Management Services for Adults ......................................................... 13
  A. Eligibility Criteria for Involvement with Protective Services.............................. 13
  B. Eligibility Criteria for Developmental Disabilities ............................................. 13
  C. Eligibility Criteria for Substance Abuse Disorders ............................................ 13
  D. Eligibility Criteria for HIV .............................................................................. 14
  E. Eligibility Criteria for Long Term Care Needs .................................................. 14
13.03-5 Case Management Services for Members Experiencing Homelessness .... 14
13.03-6 Eligibility Procedures .................................................................................... 15
13.03-7 Quality Assurance ......................................................................................... 16

13.04 DURATION OF CARE ...................................................................................... 16

13.05 NON-COVERED SERVICES .......................................................................... 17

13.06 LIMITATIONS ................................................................................................. 17
  13.06-1 Multiple Case Managers .............................................................................. 17
  13.06-2 Prior Authorization and Utilization Review ................................................ 19

13.07 POLICIES AND PROCEDURES ...................................................................... 19
  13.07-1 Service Requirements ................................................................................. 19
  13.07-2 Provider Requirements ................................................................................. 19
    A. Agency Qualifications ....................................................................................... 20
    B. Staff Qualifications ......................................................................................... 21
  13.07-3 Provider Documentation Requirements ....................................................... 24
    A. Content of Member Case Records .................................................................... 24
    B. Records Entries ................................................................................................ 24
  13.07-4 Program Integrity ........................................................................................ 27
  13.07-5 Interpreter Services ..................................................................................... 27

13.08 ACCESS TO RECORDS AND CONFIDENTIALITY ....................................... 27

13.09 REIMBURSEMENT ............................................................................................ 27
  13.09-1 Rates .......................................................................................................... 27
  13.09-2 Reimbursement Allowances ......................................................................... 28
  13.09-3 Certified Public Expenditures ..................................................................... 28

13.10 BILLING ........................................................................................................... 28
10-144 Chapter 101
MAINECARE BENEFITS MANUAL
CHAPTER II

SECTION 13  TARGETED CASE MANAGEMENT SERVICES  ESTABLISHED 4-29-88
LAST UPDATED: August 31, 2009

13.01  DEFINITIONS
EMER EFF.  8-31-09

13.01-1  Abuse or neglect: a threat to a child's health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, by a person responsible for the child.

13.01-2  An adult is any person who is eighteen (18) years of age or older or who is a legally emancipated minor.

13.01-3  Antibody: a protein belonging to a class of proteins called immunoglobulins. Antibodies are produced by the body to counteract specific antigens as a response to the infection.

13.01-4  Authorized Agent: shall mean the organization authorized by the Department of Health and Human Services (DHHS) to perform specified functions pursuant to a signed contract or other approved signed agreement.

13.01-5  Care: A child is in the care of the Department pursuant to a written agreement with the child's parent or legal custodian pursuant to 22 M.R.S.A. §4022, the Department has assumed responsibility for short term emergency services pursuant to 22 M.R.S.A. §4023, or the Department has entered into a written agreement with a young adult up to age twenty-one (21), who was in the Department's custody, for extension of his/her care pursuant to 22 M.R.S.A. §3-A.

A child is in the care of an agency in another state when the child's parent or legal custodian has entered into a written agreement with that agency and the child has been placed in Maine through the Interstate Compact on Placement of Children.

13.01-6  Case Management Agencies: are a firm, partnership, association, corporation, or an organization approved to provide case management services by the Department or its Authorized Agent.

In order for these agencies to provide case management services they must execute a MaineCare Provider Agreement, and any other contract required by the Department of Health and Human Services. They must also be able to meet DHHS policy and contract requirements for case management services.

13.01-7  Case Management Services: are those covered services provided by a social services or health professional, or other qualified staff, to identify the medical, social, educational and other needs (including housing and transportation) of the eligible member, identify the services necessary to meet those needs, and facilitate access to those services. Case management consists of intake/assessment, plan of care development, coordination/advocacy, monitoring, and evaluation.

13.01-8  Child: a person between the ages of birth through twenty (20) years of age. Children aged eighteen (18) through twenty (20) years of age and children who are emancipated minors may choose to receive children’s behavioral health or
DEFINITIONS (continued)

developmental disabilities services or adult behavioral health or developmental disabilities services, whichever best meets their individual needs.

Child and Adolescent Functional Assessment Scale (CAFAS) is a multi-dimensional rating scale, which assesses a member’s degree of impairment in day-to-day functioning due to emotional, behavioral, psychological, psychiatric, or substance use problems.

Child and Family Team refers to a group of individuals who develop an Individualized Service Plan (ISP) for the eligible child. The team shall consist of the following persons:

a. The eligible child or adolescent, unless clinically contraindicated; and/or

b. The eligible child or adolescent's parent(s) or other legal or designated representative, such as guardian or advocate; and

c. The comprehensive case manager; and

d. at least one (1) of the following individuals:

i. A health/mental health care professional (physician, psychiatrist, psychologist, social worker, nurse, crisis intervention worker, according to the needs of the child or adolescent);

ii. Other key providers, deemed appropriate by the Child and Family Team to address the eligible child or adolescent's specific needs (e.g., child protection or substitute care worker, rehabilitation counselor, physical, speech, occupational or recreational therapist, child development worker, substance abuse counselor, criminal justice worker);

iii. Other persons identified and approved by the family, such as extended family members, neighbors, friends, and others who provide informal support;

iv. Optionally, a special education or other education professional.

Children’s Habilitation Assessment Tool (CHAT) assesses functioning in three domains: behavior, social skills, and life skills using interviews for individuals 6 to 18 years of age diagnosed with mental retardation or a pervasive developmental disorder.

Collateral Contact is a contact on behalf of a member by a comprehensive case manager to seek or share information about the member in order to achieve continuity of care, coordination of services, and the most appropriate mix of
services for the member. Discussions or meetings between staff of the same agency (or contracted agency) are considered to be collateral contacts only if such discussions are included in the development of the Care Plan. Collateral contacts occur as a component under covered services (13.02).

**Comprehensive Case Manager** is the one reimbursable case manager per member beginning 11/9/09. Comprehensive Case Managers must focus on coordinating and overseeing the effectiveness of all providers and benefits in responding to the member’s assessed needs. Comprehensive Case Managers ensure that the individual care plan is effectively implemented and adequately addresses the assessed needs of the member.

**Contracted Services** are Comprehensive Targeted Case Management Services provided by outside agencies as opposed to the Department of Health and Human Services (DHHS) or its authorized agent.

**Custody**: A child is in legal custody of the Department of Health and Human Services when so ordered by a Maine Court. [Note this may be pursuant to several authorizing laws including Title 22, ch. 1071.]

A child is in the legal custody of an agency in another state when so ordered by a court in that state and the child is placed in Maine through the Interstate Compact on Placement of Children.

**Danger** is a situation or condition of abuse, neglect, or exploitation as defined in 22 M.R.S.A. §3472, or the inability to give informed consent when there is no responsible substitute decision-maker.

**Department** means the State of Maine, Department of Health and Human Services, also referred to as DHHS.

**A Dependent adult** is any adult who is wholly or partially dependent upon one (1) or more people for emotional or physical care or support and who would be in danger if that care or support were withdrawn.

**Diagnostic Classification of Mental Health and Development Disorders of Infancy and Early Childhood**: (also known as DC 0-3), formulates categories for the classification of mental health and development disorders manifested early in life. The DC: 0-3 is published by Zero To Three: National Center for Infants, Toddlers and Families.

**Diagnostic and Statistical Manual of Mental Health Disorders** (DSM) is published by the American Psychiatric Association. The manual is used to classify mental health diagnoses and provide standard categories for definition of mental health disorders grouped in five axes.
13.01 DEFINITIONS (continued)

13.01-21 Emergency Shelter means a facility in which the primary purpose is to provide a temporary place for homeless persons to sleep and which meets the criteria established by the Maine State Housing Authority for Emergency Shelter Funds.

13.01-16 Home Based Care is a benefit administered by the Office of Elder and Adult Services and supported by funds furnished through 22 M.R.S.A. §7301-7306 and §7321-7323 In-Home and Community Support Services for Adults with Long Term Care Needs.

13.01-22 Homeless Person means an individual who lacks a fixed, regular and adequate nighttime residence and whose primary nighttime residence is an emergency shelter or public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

13.01-23 Human Immunodeficiency Virus (HIV) is the virus which causes AIDS (Acquired Immune Deficiency Syndrome).

13.01-24 An incapacitated adult is any adult who is impaired by reason of mental illness, mental deficiency, physical illness or disability to the extent that he or she lacks sufficient understanding or capacity to make or communicate responsible decisions concerning him or herself or cannot effectively manage or apply his or her estate to necessary ends.

13.01-25 Informed consent is a decision made with all relevant information about the issue, with an understanding of the consequences of a decision, and in the absence of duress.

13.01-26 Member is a MaineCare member.

13.01-27 Post-adoption Services: A child is the recipient of post-adoption services when the child has been determined to have problems or conflicts within the child's adoptive family, related to the normative crises of adoption.

13.01-28 Primary Care Provider (PCP) is a provider who has contracted with the Department to provide primary care case management services.

13.01-29 Prior Authorization is the process of obtaining prior approval as to the medical necessity and eligibility for a service, see also Chapter I of the MaineCare Benefits Manual.

13.01-30 Protective services are services carried out by the Office of Child and Family Services for children who are abused and/or neglect or at risk of abuse and/or neglect. Protective services are also carried out by the Office of Elder and Adult Services for incapacitated or dependent adults who are at substantial risk of, or in danger who are under guardianship and/or conservatorship of the Department; or
13.01 DEFINITIONS (continued)

EMER EFF. 8-31-09

individuals who are allegedly incapacitated or dependent and who are under the investigative process by the Department.

13.01-2 Utilization Review is a formal assessment of the medical necessity, efficiency and appropriateness of services and treatment plans on a prospective, concurrent or retrospective basis.

13.02 COVERED SERVICES

A Covered Service is a MaineCare service for which payment can be made by the Department. The following services are covered when provided to an eligible member by an approved Targeted Case Management Agency and qualified staff:

A. Comprehensive Assessment and Periodic Re-assessment of an eligible member to determine service needs, including those activities that focus on needs identification, to determine the need for any medical, educational, social or other services. The comprehensive assessment and re-assessment must be conducted through face-to-face contact with the member and, where appropriate, consultation with other providers and with the member's family. A comprehensive assessment must be completed within the first thirty (30) days of initiation of services and reassessment must minimally occur on an annual basis (or as change in the member’s needs occurs). These activities are defined to include the following:

1. Taking client history;

2. Identifying the needs of the individual and completing related documentation; and

3. Gathering information from other sources (family members, medical providers, social workers, and educators) if necessary, to form a complete assessment.

B. Development and Periodic Revision of the Individual Plan of Care is based on information collected through a comprehensive assessment or re-assessment that:

1. Specifies the goals and actions to address the medical, social, educational, and other services needed by the eligible individual.

Because the assessment of the member’s needs must be comprehensive, the individual plan of care must also be comprehensive to address these needs. Re-evaluation of the individual plan of care must minimally occur every ninety (90) days or more frequently as change in the member’s needs occur. A member may decline to receive services that have been identified as needs in the individual care plan. If the member declines services listed in the individual care plan, this must be documented in the individual’s case record.
13.02 COVERED SERVICES (continued)

2. Development and periodic revision of the Individual Care Plan will, to the extent possible:
   a. Ensure the active participation of the member and as appropriate, the member's parent(s) or legal guardian;
   b. Work with the member (and others as appropriate) to develop goals; and
   c. Identify a course of action to respond to the member’s assessed needs. For a child, the plan of care must be developed with a Child and Family Team.

C. Referral and Related Activities help an eligible member obtain needed services. As part of the coordination function, the comprehensive case manager must avoid the duplication of services. The case management referral activity is completed once the referral and linkage has been made. (Referral and related activities do not include providing transportation to the service to which the member is referred, escorting the individual to the service, or providing child care so that an individual may access the service.) These activities are for the purpose of linking the member with medical, social, educational providers or other programs and services that are capable of providing needed services to address identified needs and achieve goals specified in the care plan.

These activities include:

1. Making referrals to providers for needed services, including documentation, and
2. Scheduling appointments for the member.

D. Monitoring and Follow-Up Activities include activities and contacts that are necessary to ensure that the individual care plan is effectively implemented and adequately addresses the needs of the eligible member. This includes contact with the member as needed to monitor the care plan objectives and, if appropriate, periodic contact with the member's family, providers, or other entities. Monitoring may involve either face-to-face or telephone contact. These activities may be conducted as frequently as necessary, but not less than annually, to help determine whether:

1. Services are being furnished in accordance with the individual care plan;
2. Services in the care plan are adequate to address the needs of the member; and
13.02 COVERED SERVICES (continued)

3. Needs or status of the member has changed which require necessary adjustments in the care plan and service arrangements with providers or service termination.

13.03 ELIGIBILITY FOR SERVICES

An individual may be found eligible to receive MaineCare Targeted Case Management services if the following requirements are met:

13.03-1 General Eligibility Requirements

Individuals must meet the eligibility criteria as set forth in the MaineCare Eligibility Manual, Chapter I, Section 1. Some members may have restrictions on the type and amount of services they are eligible to receive.

Designated case management agencies shall be responsible for confirming the member's eligibility for case management services. If the member is not currently receiving MaineCare, he or she will be referred to a district office of the Department of Health and Human Services, Office of Integrated Access and Support, to determine eligibility for MaineCare.

13.03-2 Specific Eligibility Requirements

In order to receive Targeted Case Management Services, members must:

A. Meet the eligibility criteria for one of the following targeted population groups:

1. Case Management Services for Members Involved with Protective/Social Welfare Services
13.03 ELIGIBILITY FOR SERVICES (continued)

EMER EFF. 8-31-09

24. Case Management Services for Children with one of the following:
   a. Behavioral Health Disorders,
   b. Developmental Disabilities, and/or
   c. Chronic Medical Conditions.

EMER EFF. 8-31-09

32. Case Management Services for Adults with one of the following:
   a. Developmental Disabilities,
   b. Substance Abuse Disorders,
   c. HIV, and/or
   d. Long Term Care Needs

EMER EFF. 8-31-09

43. Case Management Services for Members Experiencing Homelessness

B. If a diagnosis is a requirement of a Targeted Case Management Eligibility Group, the diagnosis must be rendered, within the scope of licensure of individual license, by a physician, a physician assistant or an independently licensed clinician (or as defined in state statute or rule). Functional limitations, as set forth below, must be identified, supported, and documented in assessments using accepted standardized instruments that are developmentally appropriate to the members being assessed.

Functional Limitations mean:

**Vocational**
Impairment in vocational functioning as manifested by (1) an inability to be consistently employed at a self-sustaining level or (2) an ability to be employed only with extensive supports (except a person who is able to earn sustaining income, but is recurrently unemployed because of acute episodes of mental illness or addictions).

**Education**
Impairment in educational functioning as manifested by an inability to establish and pursue educational goals within a normal time frame or without extensive supports.

**Instrumental Activities of Daily Living (IADL)**
Impairment in IADL functioning as manifested by an inability to consistently and independently accomplish home management tasks, including household meal preparation, washing clothes, grocery shopping and budgeting.
13.03 **ELIGIBILITY FOR SERVICES (continued)**

**Social or Interpersonal**

Impairment in social or interpersonal functioning as manifested by an inability to independently develop or maintain social relationships, or to independently participate in social or recreational activities. This may be evidenced by:

- Repeated inappropriate or inadequate social behavior (defined as an inability to behave appropriately or adequately without extensive or consistent support or coaching; or only in special contexts or situations such as social groups organized by the provider), or

- Consistent participation in activities only with extensive support or coaching, and when involvement is mostly limited to special activities established for persons with interpersonal impairments.

**Community**

Impairment in community functioning as manifested by a pattern of significant community disruption, including family disruption or social unacceptability or inappropriateness, which may not recur often but is of such magnitude that it results in severe consequences (including exclusion from the member's primary social group or incarceration) or in severe impediments to securing basic needs such as housing.

**Self-care, Independent Living or Activities of Daily Living**

Impairment in self-care or independent living as manifested by an inability to consistently perform the range of practical daily living tasks required for basic functioning in the community, including:

- Bed mobility, transfer, locomotion, eating, toilet use, bathing, and dressing
- Grooming, hygiene, and meeting nutritional needs
- Care of personal business affairs
- Transportation and care of residence
- Procurement of medical, legal, and housing services
- Recognition and avoidance of common dangers or hazards to self and possessions.

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**Case Management Services for Children**

**A. Eligibility Criteria for Children Involved with Protective Services**

1. A child is under the age of eighteen (18) and is abused or neglected, or is suspected to be at risk of abuse or neglect; AND

2. A request or referral for investigation of suspected child abuse or neglect is be submitted to the Office of Child and Family Services; OR:
13.03 Eligibility for Services (continued)

2. A child or young adult up to age twenty-one (21) if the individual is either in the custody of the Department of Health and Human Services or of an agency in another State pursuant to a court order, or is in voluntary care of the Department or an agency in another state pursuant to a written agreement or is a family receiving post-adoption services.

Ab. Eligibility Criteria for Children with Behavioral Health Disorders

Children must meet the following criteria listed below in 1. OR 2. In addition children must meet the criteria listed in 3. (13.03-3.A.1. OR 13.03-3.A.2. AND 13.03-1.A.3.) to be eligible for TCM Services.

1. A child with a completed multi-axial evaluation of an Axis I or Axis II mental health diagnosis(es) as described in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders (DSM), or a diagnosis described in the most recent version of the Diagnostic Classification of Mental Health and Developmental Disabilities of Infancy and Early Childhood (DC: 0-3). Axis I mental health diagnoses do not include the following: Learning Disabilities (LD) in reading, mathematics, written expression, Motor Skills Disorder, and LD NOS (Learning Disabilities Not Otherwise Specified); Communication Disorders (Expressive Language Disorders, Mixed Receptive Expressive Language Disorder, Phonological Disorder, Stuttering, and Communication Disorder NOS); OR

2. A child between birth and five (5) years of age who:

   a. is determined by a professional approved by the Department as being at risk of developing a mental health disorder due to known environmental or biological risks using DHHS adopted tools, AND

   b. has significant impairment or limitation in adaptive behavior or functioning according to criteria as established by the Department and determined by a qualified professional approved by the Department.

3. Level of Care Criteria for services assessed through the CAFAS-(defined in section 13.01-6):

   a. Case management service is authorized for up to thirty (30) days from the date of the first billed encounter if the eight (8) scale composite CAFAS score is fifty (50) or less.

   b. Case management services may continue beyond thirty (30) and up to ninety (90) days from the date of the first billed
13.03 ELIGIBILITY FOR SERVICES (continued)

encounter if the eight (8) scale composite CAFAS score is at least between fifty-one (51) and seventy (70).

c. Clinical information will be considered in addition to the composite CAFAS scores above as the scores are not the sole criteria for eligibility and review.

d. Case management services may continue if the 8 scale CAFAS score is above seventy (70). Service continuation will be dependent upon clinical information submitted.

CB. Eligibility Criteria for Children with Developmental Disabilities

Children must meet the following criteria listed below in 1. OR 2. OR 3. In addition children must meet the criteria listed in 4. (13.03-1.B.1. OR 13.03-1.B.2. OR 13.03-1.B.3. AND 13.03-1.B.4.) to be eligible for TCM Services.

1. Must either meet the definition of developmental disabilities as defined in 34-B M.R.S.A. §5001 or must have an Axis II diagnosis of mental retardation as described in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders; OR

2. An Axis I diagnosis of pervasive developmental disorder as described in the most recent Diagnostic and Statistical Manual of Mental Disorders; OR

3. A child between birth and five (5) years of age who:

   a. is determined by a professional approved by the Department as being at risk of developing a Pervasive Developmental Disorder due to known environmental or biological risks using DHHS adopted tools, AND

   b. has significant impairment or limitation in adaptive behavior or functioning according to criteria as established by the Department and determined by a qualified professional approved by the Department.

4. Level of Care Criteria for services assessed through the CHAT-(defined in section 13.01-8):

   a. Case management service is authorized for up to thirty (30) days from the date of the first billed encounter if the CHAT score is twenty (25) or less.

   b. Case management services may continue beyond thirty (30) and up to ninety (90) days from the date of the first billed
13.03 **ELIGIBILITY FOR SERVICES (continued)**

encounter if the CHAT score is at least between twenty-six (26) and thirty-five (35).

c. Clinical information will be considered in addition to the CHAT scores above as the scores are not the sole criteria for eligibility and review.

d. Case management services may continue if the CHAT score is above 35. Service continuation will be dependent upon clinical information submitted.

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**Eligibility Criteria for Children with Chronic Medical Conditions**

1. A child who is infected with the human immunodeficiency virus (HIV), as determined by a positive HIV antibody or antigen test, or who has a diagnosis of HIV disease or AIDS; OR

2. A child who has:
   a. been diagnosed with an autoimmune disease, diabetes, respiratory disorder, a neurological disorder, brain injury or other chronic condition specifically recognized by the Department or its authorized agent; AND
   b. three (3) or more documented functional limitations as defined in 13.03-2(B) (Functional Limitations); OR

3. A child who has:
   a. a diagnosed physical condition or the presence of a documented history by a professional approved by the Department of prenatal, perinatal, neonatal, or early physical developmental events or conditions suggestive of damage to the central nervous system or of later atypical physical development, such as, but not limited to, cerebral palsy, meningitis, heart defects, or bronchiopulmonary dysplasia which, without intervention, has a high probability of resulting in physical developmental delay, AND
13.03 **ELIGIBILITY FOR SERVICES (continued)**

b. significant impairment or limitation in adaptive functioning according to criteria as established by the Department and determined by a qualified professional approved by the Department.

13.03-4 **Case Management Services for Adults**

Adults must meet the following criteria to be eligible for TCM Services.

**EMER EFF. 8-31-09**

A. **Eligibility Criteria for Adults Involved with Protective Services**

1. A request or referral for investigation of suspected adult abuse, neglect, or exploitation or a referral or nomination for guardianship or conservatorship shall be submitted to the Office of Elder and Adult Services in one of the five regional offices; AND

2. An adult is incapacitated or dependent, is at substantial risk, or in danger or; who are under guardianship and/or conservatorship of the Department; or individuals who are allegedly incapacitated or dependent and who are under the investigative process by the Department.

B. **Eligibility Criteria for Adults with Developmental Disabilities**

An individual is eligible for case management services if he or she is age eighteen (18) or older and meets the eligibility requirements of Title 34B M.R.S.A. §5001, which defines developmental disabilities, or Title 34B M.R.S.A. §6002, which defines autism. A person who has reached his or her eighteenth (18th) birthday and under age twenty-one (21) may choose to receive case management services as an adult.

**EMER EFF. 8-31-09**

C. **Eligibility Criteria for Adults with Substance Abuse Disorders**

1. An adult who has an Axis I diagnosis(es) of substance abuse disorder(s) described in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders (DSM) AND

2. Who is currently seeking substance abuse treatment services by a DHHS approved substance abuse treatment provider; AND

3. Who is pregnant, with children and/or an intravenous drug users, AND

4. Who is enrolled in a substance abuse program which receives funding by the Substance Abuse Prevention Treatment Block Grant as provided by 42 U.S.C. section 300x-22(b).
EMER EFF. 13.03
8-31-09

ELIGIBILITY FOR SERVICES (continued)

DC. Eligibility Criteria for Adults with HIV

1. An adult who is infected with the human immunodeficiency virus (HIV), as determined by a positive HIV antibody or antigen test, or who has a diagnosis of HIV disease or AIDS; AND

2. A designated case management agency shall be responsible for confirming the person's eligibility for case management services. Case management services for persons with HIV infection are covered services only when provided by approved staff of agencies designated by the Department’s Center for Disease Control, Division of Infectious Disease, HIV, STD and Viral Hepatitis Program Community Services Center HIV/AIDS Administrator.

EMER EFF. 8-31-09

ED. Eligibility Criteria for Adults with Long Term Care Needs

1. A person eighteen (18) years of age or older is eligible for case management services if he or she meets financial eligibility requirements for MaineCare and:

   Members must meet the following Eligibility Criteria to be eligible for TCM under this Section.

   1. A member who:

      a. Is eighteen (18) years of age or older and is receiving in-home services provided under Section 12, Consumer Directed Services by an agency under contract to the Office of Elder Services MaineCare; OR

      b. Is twenty-one (21) years of age or older and is applying for and or receiving Section 96, Private Duty Nursing/Personal Care Services under MaineCare.;

      e. Is twenty-one (21) years of age or older and has applied for MaineCare funded nursing facility level of care.

2. Case management services for adults with long term care needs will be provided by case management staff in the agencies with a contract with the Office of Elder Services and in accordance with the Office of Elder Services regulations for Home Based Care as defined in 13.01-14.

13.03-5 Case Management Services for Members Experiencing Homelessness

Members must meet the following Eligibility Criteria to be eligible for TCM under this Section.
13.03  ELIGIBILITY FOR SERVICES (continued)

1.  A member who

   a. currently resides or has in the past ninety (90) days resided in an emergency shelter in the State of Maine, AND

   b. does not otherwise have a permanent address, residence, or facility in which they could reside, AND

   c. requires treatment or services from a variety of agencies and providers to meet the individual’s medical, social, educational, and other needs, AND

   d. will access needed services only if assisted by a qualified targeted comprehensive case manager who, in accordance with the individual plan of care, locates, coordinates, and regularly monitors the services.

13.03-6 Eligibility Procedures

Eligibility for case management services will be determined by either a case manager of the Department or a comprehensive case manager of a designated provider. Eligibility procedures are specific to the targeted case management groups and/or program offices within the Department. The procedure for determining eligibility for case management services is as follows:

A. Individuals who may be eligible for case management services may be referred by any source, such as a physician, psychologist, other health or mental health provider, school, parent, guardian, or public and private community agency. (Written permission from the applicant or legal guardian is required whenever a referral is made by any person or agency acting on behalf of the applicant.)

B. Documentation of eligibility must be in a format approved by the Department or its Authorized Agent. Eligibility information from case management agencies may be used in planning, management and quality assurance activities.

C. If the individual is not currently receiving MaineCare, the comprehensive case manager will refer the individual to a district office of the Department of Health and Human Services, Office of Integrated Access and Support to determine eligibility for MaineCare.

D. All members who are eligible for case management will be assigned a comprehensive case manager with reasonable promptness after initial referral. For children ages birth through twenty (20) a comprehensive case
13.03 **ELIGIBILITY FOR SERVICES (continued)**

manager must be assigned within one hundred and eighty (180) days after initial referral.

E. If it is determined that the individual does not meet the established criteria for targeted case management services, the applicant shall be informed in writing and given notice of his or her right to appeal that decision. (For more information regarding Appeal Rights, refer to Chapter I of the MaineCare Benefits Manual.)

F. Additional requirements specific to the targeted case management groups and/or program offices within the Department, as applicable.

13.03-7 **Quality Assurance**

Providers must cooperate with the Department or its authorized agent in conducting quality assurance activities including, but not limited to the following:

Periodic review of cases to assure quality and appropriateness of care will be conducted in accordance with the quality assurance protocols specific to each target group.

Review of all records to assure that documentation is signed and dated by the reviewers, and included in the member’s record, or kept in a separate and distinct file parallel to the member’s record.

Providers are subject to all guidelines in MaineCare Benefits Manual, Chapter I.

13.04 **DURATION OF CARE**

Each eligible member may receive covered services that are medically necessary within the limitations of this section. The Department reserves the right to request additional information to evaluate medical necessity and review utilization of services. The Department will require prior authorization (PA) for some targeted case management services reimbursed under this section (refer to 13.07-2). The Department may require utilization review for all services reimbursed under this section. Providers must work with the Department or its Authorized Agent to provide this information.

Members may receive case management services for as long as they meet the general criteria for eligibility described above and the specific criteria in the appropriate sections, below.

Case management services will discontinue if:

1. The member or legal guardian no longer desires case management services; or
2. The member is no longer eligible to receive benefits pursuant to 13.03.
13.05 **NON-COVERED SERVICES**

1. Payment for Targeted Case Management Services must not duplicate payments made to public agencies or private entities under other program authorities for case management or service coordination services.

2. Case Management does not include the direct delivery of an underlying medical, educational, social or other service to which an eligible member has been referred.

3. Payments for case management services under this Section must not duplicate payments for similar services made under this Section, Section 17, Community Support Services, Section 65, Mental Health Services, Section 97, Private Non-Medical Institutions, Chapter V, Section 2, Prevention, Health Promotion, and Optional Treatment Services, Chapter VI, Section 1, Primary Care Case Management, Medical Care Case Management or services provided as described in any of the home and community-based waiver services authorized by Section 1915(c) of the Social Security Act that are described elsewhere in the MaineCare Benefits Manual including, but not limited to, services described in MaineCare Benefits Manual Sections 19, 21, 22, and 29.

4. As of November 1, 2009, only one Comprehensive Targeted Case Manager will be allowed.

5. Payments for the documentation of progress notes are not allowable under this Section.

13.06 **LIMITATIONS**

13.06-1 **Multiple Case Managers**

13.06-1.A **Transition from Multiple Case Managers to One Comprehensive Case Manager**

If, at the time these rules go into effect (8/1/2009), a member has multiple case managers the following applies:

1. Reimbursement will be made for all covered targeted case management services delivered to eligible members so long as:

   (a) that covered service is not duplicated by any other case manager for the same period of time, and

   (b) all case managers involved with the member coordinate with the member’s primary care provider as described below (13.06-1.A.2).

   (c) one (1) case manager per targeted case management group (see Section 13.03) is providing service at any given time.
13.06 LIMITATIONS (continued)

2. In a further effort to avoid duplication of services when multiple case managers are involved, all plans of care must identify all other service providers and the services currently provided by them.

3. Each member or their legal guardian must be provided information, by the providers with whom they are receiving services, about the availability of all State-Approved Targeted Case Management providers within reasonable proximity of their residence and their right to choose their provider.

4. Providers must then assist members in transitioning multiple case management services to case management services provided by one Comprehensive Targeted Case Manager. This transition must occur prior to November 1, 2009. Members must indicate the choice of Targeted Case Manager on the MaineCare Services approved “MaineCare Targeted Case Management Client Enrollment” form. As of November 1, 2009 only one case manager per member is covered.

5. If the member chooses to receive services under this section, it is the responsibility of the comprehensive case manager to contact and include the primary care provider in all planning and coordination issues relative to the health care needs of that member prior to services being rendered.

13.06-1.B. One Comprehensive Case Manager, STARTING August 1, 2009.

1. New members to this service must choose only one approved Comprehensive Targeted Case Management provider, and must indicate this choice on MaineCare Services approved “MaineCare Targeted Case Management Client Enrollment” form.

2. A signed copy of the “MaineCare Targeted Case Management Client Enrollment” form. Documentation of the member’s choice of comprehensive case management services must be retained in the member’s record and will serve as an enrollment, dis-enrollment, or reenrollment of the member with the provider.

3. MaineCare Services will reimburse only for Targeted Case Management Services provided by the approved provider chosen by the member new to the service and only for one Comprehensive Targeted Case Manager.

4. A member may choose a new Comprehensive Targeted Case Management provider at any time. The effective date of the change of providers for the purpose of billing MaineCare will be the first day of the month following the change.

5. In specific circumstances and through prior authorization, members may be eligible to receive a 30 (thirty) day transition period in which two (2)
13.06  LIMITATIONS (continued)

comprehensive case managers may provide services concurrently. This applies only when members are transitioning from one eligibility category to another (eg. child to adult).

13.06-2  Prior Authorization and Utilization Review

A. Section 13 (TCM) services provided to children with behavioral health needs and/or developmental disabilities require prior authorization.

B. The providers of Targeted Case Management are required to submit a Prior Authorization request to APS Healthcare-Maine ASO (http://www.qualitycareforme.com). The provider and recipient will receive prior authorization with a description of the type, duration and costs of the services authorized. The provider is responsible for providing services in accordance with the prior authorization letter. The prior authorization number is required on the CMS 1500 claim form. All extensions or amendment of services beyond the original authorization must be prior authorized by this same procedure.

C. DHHS or its Authorized Agent reserves the right to approve continuation of any covered services as described in this Section, applying the standards established by this Section for eligibility and for continuation of services. All case management services may require utilization review.

13.07  POLICIES AND PROCEDURES

13.07-1  Service Requirements

A. The member must be given the option of whether or not to utilize Targeted Case Management Services.

B. If the member chooses Targeted Case Management Services, he/she must also be given a choice of providers approved by the Department.

C. Services must be provided in settings accessible to the member.

D. Each member must have an Individual Care Plan based on a Comprehensive Assessment or Re-Assessment. The Individual Care Plan and Comprehensive Assessment and Re-Assessment must contain all of the necessary components as stated in 13.07-3.

13.07-2  Provider Requirements

Targeted Case Management services must be provided by agencies and providers that meet all of the following criteria:
13.07 POLICIES AND PROCEDURES (continued)

13.07-2.A. Agency Qualifications:

1. Execute a MaineCare Provider Agreement

2. Targeted Case Management agencies must complete the “MaineCare Targeted Case Management Provider Enrollment” form.

3. Targeted Case Management agencies must promote effective operation of the various programs and agencies in a manner consistent with applicable State and Federal laws, regulations, and procedures.

4. Agencies must maintain clear policy guidelines for decision making, program operations, and provision for monitoring the same.

5. Targeted Case Management providers must have:
   a. Orientation, continuing education, and on-going communication with all applicable governing boards;
   b. Policies and procedures to protect the rights of members of service;
   c. A comprehensive set of personnel policies and procedures;
   d. Job descriptions and qualifications, including licensure, for all staff employed either directly or by contract with the provider; and
   e. Ensure that staff or contractors possess the skills, attitudes, and knowledge needed to perform job functions, and provisions for performing regular staff evaluations. Written definitions and procedures for use of all volunteers must be maintained.

6. Targeted Case Management providers must exhibit effective inter-agency coordination that demonstrates a working knowledge of other community agencies. This means the provider and its contracting agencies must be aware of information regarding the types of services offered and limitations on these services. Similarly, providers must ensure that other human service agencies are provided with accurate, up-to-date information regarding the provider's services, service limitations, and priorities within those services.
13.07 POLICIES AND PROCEDURES (continued)

7. Providers must meet and comply with any and all additional agency requirements as defined in contract and/or MaineCare provider agreements between the Department and the designated case management agency, as applicable.

13.07-2.B. Staff Qualifications


a. Staff must have a minimum of a:

1. Bachelor’s Degree from an accredited four (4) year institution of higher learning with a specialization in psychology, mental health and human services, behavioral health, behavioral sciences, social work, human development, special education, counseling, rehabilitation, sociology, nursing or closely related field, OR

2. Graduate of an accredited graduate school with a Master’s Degree in social work, education, psychology, counseling, nursing or closely related field, OR

3. Bachelor’s Degree from an accredited four (4) year institution of higher learning in an unrelated field and at least one (2) years of full-time equivalent relevant human services experience, OR

4. Staff who were employed at the time this rule goes into effect (8/1/2009) as a case manager providing services under the former subsections of Section 13 will be considered qualified for the purposes of this section.

b. Additional staff qualifications as defined in contract agreements between the Department and the designated case management agency, as applicable.

13.07-2.B.2. Case Management Supervisor Qualifications

a. Supervision of comprehensive case managers must be provided by a:
13.07 POLICIES AND PROCEDURES (continued)

1. Licensed physician, licensed physician assistant, licensed psychologist, licensed clinical social worker, licensed clinical professional counselor, licensed marriage and family therapists, advanced practice nurse, psychiatric nurse, registered nurse or a licensed social worker as defined below in Section 13.07-2 B.3., Professional Staff, OR

2. Supervisors of case managers providing services to members with developmental disabilities must have a Bachelor’s Degree plus a minimum of four years experience in the field. The supervisor must also have experience supervising staff providing these services, knowledge of the public education system in Maine, and training in flexible funding and family focused service provision, OR

3. Staff who were employed at the time this rule goes into effect (8/1/2009) as a case management supervisor providing supervision under the former subsections of Section 13 will be considered qualified for the purposes of this section.

   b. Additional case management supervisor qualifications as defined in contract agreements between the Department and the designated case management agency, as applicable.

13.07-2 B.3. Professional Staff Qualifications

All professional staff must be conditionally, temporarily, or fully licensed in the State or Province in which services are provided and approved to practice as documented by written evidence from the appropriate governing body. All professional staff must provide services only to the extent permitted by Qualified Professional Staff licensure and approval to practice. Services provided by the following staff are reimbursable under this Section:

a. Physician

b. Physician Assistant

c. Psychologist
13.07 POLICIES AND PROCEDURES (continued)

d. Social Worker
A social worker must: (a) hold a Master's degree from a school of social work accredited by the Council of Social Work Education, and (b) be either licensed or certified in accordance with 32 M.R.S.A., Chapter 83, §7001 or be eligible for examination by the Maine Board of Social Worker Registration, which eligibility is documented by written evidence from such Board.

e. Licensed Clinical Professional Counselor

f. Licensed Marriage and Family Therapist

g. Registered Nurse

h. Psychiatric Nurse
A psychiatric nurse must be licensed as a registered professional nurse and certified as a psychiatric nurse by the American Nursing Credentialing Center or other acceptable national certifying body for this specialty.

i. Advanced Practice Registered Nurse
An advanced practice nurse must be licensed as a registered professional nurse and approved to practice as an advanced practice registered nurse by the Maine State Board of Nursing, or other and certified by an acceptable national certifying body acceptable by the Maine State Board of Nursing.

j. Advanced Practice Psychiatric Nurse
An advanced practice nurse must be licensed as a registered professional nurse, certified as a psychiatric nurse practitioner or psychiatric and mental health clinical nurse specialist by the American Nurses Credentialing Center or national certifying body acceptable by the Maine State Board of Nursing and approved licensed to practice as an advanced practice registered nurse by the Maine State Board of Nursing or other acceptable national certifying body for this specialty within the specialty of psychiatric nursing.


Comprehensive Targeted Case Management providers must:
13.07 POLICIES AND PROCEDURES (continued)

a. Maintain documentation of staff qualifications in staff personnel files. Documented evidence includes, but is not limited to: transcripts, licenses, and certificates.

b. Have a review process to ensure that employees providing Targeted Case Management Services possess the minimum qualifications outlined above. The review process must occur upon hiring new employees and on an annual basis to assure that credentials remain valid.

c. Plan staff development and continuing education activities for its employees and contractors that broaden their existing knowledge in the field of developmental disabilities, mental health, substance abuse, long term care, chronic medical conditions and related areas, as applicable.

d. Provide staff orientation specific to Targeted Case Management prior to the staff assuming their Targeted Case Management duties.

e. Maintain documentation of staff continuing education, staff development, and Targeted Case Management Training in staff personnel files.

13.07-3 Provider Documentation Requirements

The provider must complete and maintain all documentation requirements as set forth below:

A. Content of Member Case Record

The provider must maintain a specific record for each member, which must include but not be limited to:

1. A comprehensive assessment that must be completed within the first thirty (30) days of initiation of services and reassessment must minimally occur on an annual basis (or as change in the member’s needs occur). Assessments and re-assessments must be conducted on a face-to-face basis. The Comprehensive assessment must minimally include:

   a. The member's name, address, and birth date;

   b. The member's history (including physical and social environment) including: past service use, health/medical status, determination of chronic or severe medical problems;
13.07 POLICIES AND PROCEDURES (continued)

   a. a social and family history; determination of educational
      status, developmental status, substance abuse problems;
      assessment of social, daily living and other habilitative
      skills; and
   
   c. The member’s needs, strengths and preferences including:
      current functional level, level of risk, individual needs,
      existing strengths and supports, and available family
      support/social networks; and
   
   d. Documentation of an evaluation by a psychiatrist, physician,
      physician assistant, psychologist, advanced practice
      psychiatric nurse, advanced practice registered nurse,
      LCSW, LMSW or an LCPC, which includes appropriate
      diagnosis.

2. An Individual Plan of Care based on the Comprehensive Assessment
   including:

   a. The amount, frequency, and duration of each service to be
      provided, a record of service delivery, target dates for
      completion, and person responsible;
   
   b. The procedures and instruments to be used in evaluating the
      member’s progress with re-evaluation minimally occurring
      every ninety (90) days (or as change in the member’s needs
      occur);
   
   c. Documentation of member and/or family involvement in the
      development of the plan/plan of care must include their
      signatures;
   
   d. The problems to be resolved, measurable goals and
      objectives to be attained and/or outcomes to be realized
      through provision of identified services;
   
   e. Documentation if the member declines services listed in the
      individual care plan;
   
   f. The psychiatric, medical, social, educational and family
      support and other services and resources identified to
      address each identified problem or need and how and by
      whom the services and resources may be most appropriately
      delivered;
13.07 **POLICIES AND PROCEDURES (continued)**

h. Referrals to appropriate providers of services and follow up documentation;

i. Plans for coordination with other agencies and providers, as appropriate; and

j. Identification of any other case management providers and what services they are currently providing.

3. Other Documentation requirements including:

a. Written progress notes and status reports, including dates of service; and

b. Accountability as evidenced by signature and date; and

c. Relevant assessment and evaluation reports and correspondence from and to other providers; and

d. Release of information statements as necessary, signed by member or when necessary, by guardian as required by law.

**B. Record Entries**

Entries are required for each case management service provided and must include:

1. The name of the individual.

2. The dates of the case management services.

3. The name of the provider agency (if relevant) and the person providing the case management service and the place of service delivery.

4. The nature, content, units of the case management services received, progress toward goals specified in the care plan and/or if the goals have been achieved or modified.

5. Whether the individual has declined services in the care plan.

6. A timeline for obtaining needed services.

7. A timeline for reevaluation of the plan.
13.07 POLICIES AND PROCEDURES (continued)

13.07-4 Program Integrity Unit

Please refer to Chapter I, General Administrative Policies and Procedures of the MaineCare Benefits Manual for a definition and description of Program Integrity.

13.07-5 Interpreter Services

Please refer to Chapter I, General Administrative Policies and Procedures of the MaineCare Benefits Manual for a definition and description of interpreter Services.

13.08 ACCESS TO RECORDS AND CONFIDENTIALITY

A. Records

Members’ records compiled under this policy shall be kept current. Records shall be retained for a period of not less than five (5) years from the date of service provision. If an audit is initiated within the five (5) year retention period, the records must be retained until the audit is completed and a cost settlement has been made.

B. Confidentiality and Disclosure of Confidential Documents

The disclosure of information regarding individuals participating in the MaineCare program is strictly limited to purposes directly connected with the administration of the MaineCare program. Providers shall maintain the confidentiality of information regarding these individuals in accordance with 42 CFR §431 et seq. and other applicable sections of state and federal law and regulation.

Any release of medical records containing information on HIV infection status shall be done in compliance with 5 M.R.S.A. §19201 et seq. and other applicable sections of state and federal law and regulation.

13.09 REIMBURSEMENT

13.09-1 Rates

Reimbursement is specified in Chapter III, Section 13, Allowances for Targeted Case Management Services.

EFF 8-31-09

Providers of services reimbursed on a quarter hour basis under this Section will be reimbursed for any substantive contact at a minimum of fifteen (15) minutes. After the initial fifteen (15) minutes, providers are subject to the rounding requirements in Chapter I of the MaineCare Benefits Manual (Provider Participation).
13.09 REIMBURSEMENT (continued)

13.09-2 Reimbursement Allowances

In accordance with Chapter I of the MaineCare Benefits Manual, it is the responsibility of the provider to seek payment from every other source that is available for payment of a rendered service before billing MaineCare.

MaineCare will pay the lowest of the following:

A. The fee established by MaineCare;
B. The lowest payment allowed by Medicare; or
C. The provider’s usual and customary charge.

Payment will be made under this Section of the MaineCare Benefits Manual for case management services provided to an eligible member at any given point in time so long as the service provided is not duplicative.

13.09-3 Certified Public Expenditure (‘Certified Seed’)

All agencies that provide case management services must follow all state and federal requirements as set forth in Chapter I of the MaineCare Benefits Manual.

13.10 BILLING

The documentation must demonstrate only one staff person's time is billed for any specific activity provided to the member. Billing must be accomplished in accordance with the Department's “Billing Instructions for Targeted Case Management Services” provided by the Office of MaineCare Services, Division of Customer Service (http://www.maine.gov/dhhs/oms/providerfiles/billing_instructions.html).
### ALLOWANCES FOR TARGETED CASE MANAGEMENT SERVICES

<table>
<thead>
<tr>
<th>PROC CODE</th>
<th>MOD</th>
<th>DESCRIPTION</th>
<th>UNIT OF SERVICE</th>
<th>MAXIMUM ALLOWANCE</th>
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<tr>
<td>Z9415</td>
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<td>CASE MANAGEMENT SERVICES FOR CHILDREN INVOLVED WITH PROTECTIVE SERVICES</td>
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<td>$433.82</td>
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<td>CASE MANAGEMENT SERVICES FOR MEMBERS CHILDREN WITH BEHAVIORAL HEALTH DISORDERS</td>
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<td>CASE MANAGEMENT SERVICES FOR MEMBERS EXPERIENCING HOMELESSNESS</td>
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