

OMHSAS Bulletin Suspension Continuation (Including Signatures) and Documentation Compliance until 4/1/23, and Telehealth Technology Funding Opportunity

All HealthChoices Networks

Scope: This Provider Alert applies to all HealthChoices contracted providers including agencies, independent practitioners, and group practices.

Purpose: Community Care's Fraud, Waste & Abuse (FWA) Special Investigations Unit (SIU) is issuing this alert to inform providers of recent communications from the Office of Mental Health & Substance Abuse Services (OMHSAS) Executive Committee & Bureau of Policy, Planning and Program Development (BPPPD).

Telehealth Technology

OMHSAS emailed LISTSERV Stakeholders on January 17, 2023, regarding Bulletin Suspension Information. In this email, OMHSAS discussed the telehealth platforms that providers were required to have in place by 01/01/2023. OMHSAS noted that telehealth behavioral health was specifically included in the definition of "telehealth behavioral technology" in Act 76 of 2022:

- (i) Real-time interactive audio and video communication using technology that conforms to industry-wide standards and is in compliance with Federal and State privacy and security laws.
- (ii) Real-time interactive audio-only telecommunication, provided that the use of audio-only telecommunication technology is consistent with Federal and State laws, guidance, and requirements.

The term does not include technology solely using voicemail, electronic mail messages, facsimile transmissions or instant messaging, or a combination thereof.

Signatures on Consent to Treat, Encounter Form & Treatment/Service & Other Required Plan

Providers were also reminded that OMHSAS Memorandum dated February 18, 2021, [OMHSAS-Temporary-Suspension-of-portions-bulletins-and-guidance \(pa.gov\)](#), temporarily

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suspended portions of bulletins and other guidance documents, including those related to signatures, but requires providers to obtain verbal consent to treatment, treatment planning, in lieu of signing an encounter form and that providers are strongly encouraged to obtain electronic signatures when possible.

OMHSAS has extended the bulletin suspension specific to consent to treat, service verifications and treatment plans until 3/31/23.

Effective on April 1, 2023, providers are expected to capture consent to treat, service verifications and approval of treatment plans in a manner that creates an auditable file and in accordance with the timelines outlined in regulation.

Question and concerns may be emailed to RA-PWTBHS@pa.gov.

Per Community Care [Provider Alert #26: Fraud, Waste, and Abuse \(FWA\) Updates to Documentation Signature Requirements During COVID-19, Revised 11/05/2020 \(ccbh.com\)](#), until signature requirements are reinstated, currently targeted for 4/1/23, in lieu of obtaining a members signature, documentation is required as follows:

- **Consent to treatment:** verbal consent of the member (parent/guardian for a child under 14 years of age) must be documented in the medical record prior to service delivery. (Verbal consent must reflect that the member has been informed of the following: equipment/technology used, all persons who will be present at each end of the transmission and their role(s) in the service, their ability to refuse services via telehealth and that such refusal will not be used as a basis to limit their access to other available services, alternatives to telehealth services and possible delays in service, need to travel, or risks associated with not having the services provided by telehealth.

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- **Encounter forms:** documentation must be included in the medical record that indicates the service was provided through telehealth and a signature could not be obtained for service verification purposes.
- **Treatment, service rehabilitation or other required plan:** documentation must reflect that the plan has been developed in collaboration with the member, and others as required, and the member's agreement with the plan.

In the January 17, 2023, correspondence, OMHSAS further stated: it "remains imperative for all entities delivering MA funded behavioral health services to have policies in place to capture consent in a way that creates an auditable trail."

OMHSAS noted, that for telehealth, this may include:

- messages typed into the chat box of an audiovisual platform
- email
- text messaging
- USPS mail
- two-person verification of a verbal consent secured over the phone

Funding Opportunity

OMHSAS announced that it will provide an opportunity for behavioral health telehealth providers to request funding to invest in technology and training. The funding opportunity is posted at: <https://www.dhs.pa.gov/Services/Mental-Health-In-PA/Pages/OMHSAS-Information.aspx>.