

Meeting: Regional Compliance Committee

Meeting Date: January 22, 2021

Attendees:

BABH, CEI, CMHCM, GIHN, Huron, LifeWays, MCN, Newaygo, Saginaw, Shiawassee and Tuscola

MSHN Staff: Kim Z.

Not Present: The Right Door

*This meeting was held by zoom only

KEY DISCUSSION TOPICS

- Agenda Review
- Annual Compliance Summary Report
- MEV Site Review Findings
 - Use of credentials with signature
- Data Mining
- Open Discussion
 - Consumers recording sessions
 - MDHHS consent form
- Updates to Federal and State Laws

✓ **KEY DECISIONS**

- Additions to Agenda
 - ✓ No additions or revisions
- Annual Compliance Summary Report
 - ✓ Recommendations section: includes findings from site reviews (internal, external, MDHHS), and contractual requirements; focused on higher risk & repeat findings, credentialing of staff.
 - 1) DMC Review: Added note in area regarding use of MDHHS Self-Direction Technical Implementation Guide is part of a contract technical requirement that is still in negotiations with MDHHS.
 - 2) MDHHS audits: concerns in multiple areas of repeat citations (BT Plans & Reviews, waiver plan development, provider qualifications) and concerns of possible monetary sanctions. MSHN looking at how to monitor differently & needed education and training.
 - 3) HSAG: did not fully meet requirements on PIP; data error was identified; implement ongoing data validation.
 - Compliance: MSHN continues work with OIG on the many open cases yet with them.
 - SUD: some concerns in the area of residential providers adherence to standards.
 - MEV: numbers still strong across region. Report also gives details on results of numerous 2020 audits/reviews and trends over time (noted COVID pandemic as having affected the completion of some regular audits), and details on Data Mining activities, activity on subpoenas, and security breaches.
 - ✓ Provide additional feedback to Kim by 1/27 for Kim to finalize for Ops Council.
- MEV Site Review Findings
 - ✓ Use of credentials with signature on documents
 - One issue that arises for CMHs and SUD providers as a common finding is the absence of use of credentials when signing documents. Some are errors with EHR system and were corrected; some is a lack of practice of general practice at some providers. In past, has been a rule/requirement, but unable to identify where that rule lies anymore.
 - Council agreed that use of credentials is best practice; future audits: if credentials are evident on the signature, then that is good. If not there, will ask for additional evidence that they are properly credentialed AND will not be a finding, but rather a recommendation to have credentials added.
- .Data Mining
 - ✓ Regional IT council was unable to assist with identifying data mining activities.

	<ul style="list-style-type: none"> ✓ Death Data will be reported for FYQ1. ✓ Any ideas for high or low utilization of services? Kim will check with Todd and Skye on this ✓ Council asked to submit what they are reviewing internally...anomalies or errors • Open Discussion <ul style="list-style-type: none"> ✓ Consumers recording sessions <ul style="list-style-type: none"> ○ Michael asked what policies exist regarding consumers recording treatment sessions. His research is that Michigan Laws have stated that only 1 person has to give consent to that, but recently a district court says all parties have to consent to the recording. There are different interpretations. ○ Discussion: concerns for consumers sharing recordings on social media; saving PHI data on devices that are not secure; possible agency risk; if recipient does it, or someone else in a session with them does it, we don't have control of that information; has to be a way to satisfy their need to do it other than putting it on a device that includes their PHI; assess/ask consumer why they want to record—maybe can meet their need in another way. ○ Initial general ideas: <ul style="list-style-type: none"> ▪ 1) Put policy in place you have to get permission from everyone in order to video tape. OR ▪ 2) Create policy not allowing videotaping of sessions by consumer (agency only allowed per current policy/rules/allowances.): won't affect clinician/client relations (it's an agency rule, not clinician rule). May not know if they are taping or not, but if there is policy to prohibit, it also protects the agency. ○ Levi may have policy example to share. ○ Noted Zoom requires host to approve recording, which would control this issue; not sure on other formats. ✓ MDHHS 5515 Consent Form <ul style="list-style-type: none"> ○ MDHHS Consent Form does not seem to be compliant with 42CFR (Ken Berger). In Altarum materials it says for SUD services, use MDHHS consent form 5515 "or an equivalent." Question: Do we need to have 5515 as well as another consent form that is an "equivalent" but compliant with 42CFR as well; SUD providers would prefer it? ANSWER: MDHHS requires we use the 5515 form but can add a supplement to 5515 (so could use a cover page, or something.) ○ Current consent form - State workgroup is no longer meeting at this time, and this question has been an issue of concern from the beginning. • Federal and State Updates <ul style="list-style-type: none"> ✓ Changes to the Stark Law: <ul style="list-style-type: none"> ○ There were changes to the law. Kim provided a condensed version of changes to the law. Primarily changes allow for participation in value-based arrangements; also makes it easier for providers to comply with the law/reduces administrative requirements. ✓ Changes to Anti-Kickback: <ul style="list-style-type: none"> ○ Some changes related to safe harbor. Changes decreases burdens in complying. ✓ Medicaid final rule: MSHN is aware of changes; a number are in place already and in FY2021 contract with MDHHS. Some have to do with customer services and changes to grievances and appeals, and other customer service-related changes. MSHN has a timeline to work on these things; Kim and Dan will get together on this and update us on it at the next meeting.
<ul style="list-style-type: none"> ✓ KEY DATA POINTS/DATES 	<ul style="list-style-type: none"> • Next Meeting: February 19, 2021 (3rd Friday of every other month from 10:00am – 12:00pm)