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Network Communication Bulletin #054

To: All Providers

From: Khristine Brewington, VP of Network Management, MS, LPC, LCAS, CCS, CCJP

Date: December 23, 2019

Subject: Credentialing News, JCB 349: Executive Order No. 97: Protecting Minors from Conversion Therapy, JCB 351: Payment for Interpreter Services

Credentialing News!

In order to assist providers in the Credentialing process, we have added helpful information to our Credentialing webpage.

<https://www.trilliumhealthresources.org/for-providers/credentialing>

Executive Order No. 97: Protecting Minors from Conversion Therapy (JCB 349)

This communication informs providers of a change to the following NC Medicaid Behavioral Health Clinical Coverage Policies and Division of MH/DD/SAS state funded service definitions:

Medicaid Clinical Coverage Polices:

- 8A. Enhanced Mental Health and Substance Abuse Services
- 8A-1. Assertive Community Treatment (ACT) Program
- 8A-2. Facility-Based Crisis Service for Children and Adolescents
- 8A-6. Community Support Team
- 8B. Inpatient Behavioral Health Services
- 8C. Outpatient Behavioral Health Services Provided by Direct-Enrolled Providers
- 8D-1. Psychiatric Residential Treatment Facilities for Children Under the Age of 21
- 8D-2 Residential Treatment Services

Division of MH/DD/SAS State-Funded Service Definitions:

- 2019 State-Funded Enhanced Mental Health and Substance Abuse Services
- State-Funded Assertive Community Treatment (ACT) Policy
- State-Funded Facility-Based Crisis-Child
- State-Funded Community Support Team (CST)
- State-Funded DMH/DD/SAS Service Definitions 2003-2019
- State-Funded Peer Support Services

- State-Funded Inpatient Behavioral Health
- State-Funded IPS-Supported Employment
- State-Funded Transition Management Services
- State-Funded Critical Time Intervention (CTI)
- State-Funded Developmental Therapy Services

Executive Order No. 97: Protecting Minors from Conversion Therapy was issued by Governor Roy Cooper on August 2nd, 2019. The following language was added to the aforementioned CCPs and state-funded service definitions as due diligence in ensuring provider education and compliance:

Note: "North Carolina Medicaid and North Carolina Health Choice will not reimburse for conversion therapy."

AND

"The Division of MH/DD/SAS will not reimburse for conversion therapy"

The updated CCPs and state-funded service definitions were posted on December 16, 2019.

If you have any questions regarding this information, contact Chameka Jackson at 919-527-7663 or Chameka.L.Jackson@dhhs.nc.gov or Eric Harbour at 919-715-2774 or Eric.Harbour@dhhs.nc.gov.

Executive Order No. 97 can be accessed at:

https://files.nc.gov/governor/documents/files/EO_97_Protecting_Minors_from_Conversion_Therapy.pdf

Payment for Interpreter Services

Americans with Disabilities Act:

The Americans with Disabilities Act (ADA), and other federal laws, prohibit discrimination and seek to ensure equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation.

In certain circumstances, providers are required to provide reasonable accommodations to qualified individuals with disabilities to ensure access to services. Accommodations could include a variety of things, including but not limited to the provision of auxiliary aids and availability of interpreters.

For individuals who are deaf, blind, deaf-blind, or hard of hearing, effective communication is paramount to achieving equal access to services. "Effective communication" is information that is equally clear and understandable to all parties. In a healthcare setting the lack of effective communication can lead to misdiagnoses and improper medical treatment, among other detrimental outcomes. All providers are expected and legally required to ensure that individuals with disabilities are provided with the resources reasonably necessary to ensure effective communication.

Communication aids could include: American Sign Language (ASL), written English, or Braille. Providers should cooperate with individuals to determine the best way to ensure effective communication for both the individual and the healthcare provider. As an example, if the most effective means of communication is through the use of ASL, the provider should utilize a qualified sign language interpreter which allows both parties to communicate in their preferred and natural language. Chapter 90D of the North Carolina General Statutes requires sign language interpreters to be licensed in order to provide services for a fee.

Expenses associated with hiring a translator or providing any other reasonably necessary communication aid are accounted for in Medicaid reimbursement rates. Failure to provide reasonably necessary accommodations to ensure effective communication is a direct violation of federal law and regulation as well as the Provider Administrative Participation Agreement (“Provider Agreement”) entered into by all Medicaid providers.

There are no circumstances under which the cost of providing reasonable accommodations may be passed on to the individual seeking services. The Department is authorized to withhold payment and/or terminate the Provider Agreement of a Medicaid provider that fails to comply with any applicable federal laws including the ADA.

Staff members from the NC Division of Services for the Deaf and Hard of Hearing (DSDHH) are available to provide consultation, guidance, and training to healthcare providers at no charge for purposes of ensuring effective communication for all individuals. Contact information the DSDHH regional centers can be found at www.ncdhhs.gov/dsdhh/where.htm.

The following is a list of licensed sign language interpreters in North Carolina by region. DSDHH Statewide Licensed Interpreter Area Directories:

DSDHH Statewide Licensed Interpreter Directories:

- Asheville Area:

https://files.nc.gov/ncdhhs/documents/files/Asheville%20Area%20Licensed%20Interpreter%20Directory_14.pdf

- Charlotte Area:

https://files.nc.gov/ncdhhs/documents/files/Charlotte%20Area%20Licensed%20Interpreter%20Directory_13.pdf

- Greensboro Area:

https://files.nc.gov/ncdhhs/documents/files/Greensboro%20Area%20Licensed%20Interpreter%20Directory_13.pdf

- Morganton Area:

https://files.nc.gov/ncdhhs/documents/files/Morganton%20Area%20Licensed%20Interpreter%20Directory_19.pdf

- Raleigh Area:

https://files.nc.gov/ncdhhs/documents/files/Raleigh%20Area%20Licensed%20Interpreter%20Directory_17.pdf

- Wilmington Area:

https://files.nc.gov/ncdhhs/documents/files/Wilmington%20Area%20Licensed%20Interpreter%20Directory_13.pdf

- Wilson Area:

https://files.nc.gov/ncdhhs/documents/files/Wilson%20Area%20Licensed%20Interpreter%20Directory_12.pdf

- Cued Language Transliterators (statewide):

https://files.nc.gov/ncdhhs/documents/files/Cued%20Speech%20Transliterators%20Directory_8.pdf

- Interpreting Service Agencies (statewide):

https://files.nc.gov/ncdhhs/documents/files/Interpreter%20Agencies%20Directory_7.pdf

Guidelines for procuring interpreting/transliterating services are available to assist healthcare providers in selecting an interpreter who is qualified to interpret in healthcare settings:

www.ncdhhs.gov/dsdhh/services/hiring_SLI.htm.

Additional Resources:

- ADA: www.ada.gov
- ADA Business Brief: www.ada.gov/hospcombr.htm
- RID Standard Practice Paper: <https://rid.org/about-rid/about-interpreting/standard-practice-papers>
- NC Interpreter/Transliterators Law: www.ncga.state.nc.us/enactedlegislation/statutes/pdf/bychapter/chapter_90d.pdf

If you have any questions regarding interpreting for Medicaid funded services for this communication bulletin, please contact Deb Goda at 919-527-7640 or e-mail at Deborah.Goda@dhhs.nc.gov. If you have any questions interpreting for state funded (MH/DD/SAS) services, please contact Brad Trotter at TTY # 919-324-1506 or e-mail at Brad.Trotter@dhhs.nc.gov.

When sign language interpreting services are necessary and treatment services are not Medicaid funded, the NC Division of Mental Health, Developmental Disabilities and Substance Abuse Services makes state funding available for interpreting services. MH/DD/SA service providers and sign language interpreters are expected to comply with DMH/DD/SAS interpreting policy at

<https://www.ncdhhs.gov/divisions/mental-health-developmental-disabilities-and-substance-abuse/deaf-and-hard-hearing-mental>.

Any questions about this Communication Bulletin may be sent to the following email:
NetworkManagement@TrilliumNC.org.

These questions will be answered in a Q&A format and published on Trillium's website.

Trillium offers trainings for providers and also shares about educational events across the region. To learn more, visit our Upcoming Events page. Trillium occasionally announces open enrollment and RFPs for new and existing providers. Visit the RFP | RFA | RFI | Opportunities page for listings.