

Department of Origin: Integrated Healthcare Services	Effective Date: 10/17/23
Approved by: Chief Medical Officer	Date Approved: 10/13/23
Clinical Policy Document: Behavioral Health, Court Ordered Mental Health Services	Replaces Effective Clinical Policy Dated: 10/18/22
Reference #: MP/C001	Page: 1 of 4

PURPOSE:

The intent of this clinical policy is to provide coverage guidelines for court-ordered mental health services.

Please refer to the member's benefit document for specific information. To the extent there is any inconsistency between this policy and the terms of the member's benefit plan or certificate of coverage, the terms of the member's benefit plan document will govern.

POLICY:

Court-ordered mental health services intended to treat emotional, behavioral, or psychiatric conditions that are eligible for payment under the member's Certificate of Coverage (COC) or applicable Summary Plan Description (SPD) are covered subject to meeting the guidelines listed below.

Benefits must be available for health care services. Health care services must be ordered by a provider. Health care services must be medically necessary, applicable conservative treatments must have been tried, and the most cost-effective alternative must be requested for coverage consideration.

COVERAGE:**I. Fully Insured and Non-ERISA Plans**

- A. To be eligible for coverage all of the following are required, as applicable
 1. A copy of the evaluation and court order
 2. The court-ordered behavioral care evaluation must be performed by a *participating* licensed psychiatrist or doctoral level licensed psychologist.
 3. The court-ordered behavioral care evaluation must include a diagnosis and individual treatment plan for care in the most appropriate and least restrictive environment.
 4. The court-ordered treatment must be provided by a *participating* provider. If services are not available from a *participating* provider, the court-ordered treatment may be provided by a *non-participating* provider if benefits are available.
 5. The treatment provided must be based on the court-ordered behavioral care evaluation (I.A.2. and I.A.3.).
- B. The Plan may make a motion to modify a court-ordered plan and/or request a new behavioral care evaluation.
- C. On a periodic basis, at the discretion of the Plan, a current treatment plan, including treatment goals and associated progress toward goals may be requested from the treating provider to help determine the need for a new behavioral care evaluation or need for modification to the court order.
- D. Court-ordered care is not subject to a separate medical necessity determination under utilization procedures for Plans subject to Minnesota state statutes.

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- E. Benefits for the court-ordered services must be covered under the member's COC/SPD and are subject to all plan limitations and exclusions.

[Note: All court-ordered cases will be discussed with a medical director.]

II. ERISA Plans

- A. To be eligible for coverage, all of the following are required, as applicable
1. A copy of the evaluation and court order; and
 2. The court-ordered behavioral care evaluation must be performed by a *participating* licensed psychiatrist or doctoral level licensed psychologist; and
 3. The evaluation must include a diagnosis and individual treatment plan for care in the most appropriate and least restrictive environment.
- B. The applicable Plan Administrator or designee may make a motion to modify a court ordered plan and/or request a new behavioral care evaluation.
- C. On a periodic basis, at the discretion of the Plan Administrator or designee, a current treatment plan, including treatment goals and associated progress toward goals may be requested from the treating provider to help determine the need for a new behavioral care evaluation or need for modification to the court order.
- D. Court-ordered care may be subject to a separate medical necessity determination. Eligible services must be covered in the member's SPD and are subject to all plan limitations and exclusions.

EXCLUSIONS (not limited to):

Refer to member's Certificate of Coverage or Summary Plan Description

DEFINITIONS:

Court-Ordered Care:

Court-ordered mental health services includes mental health services which are provided as part of: a court hold, any type of commitment (which may include an order for early intervention), a stay of commitment, a continuance, or a revocation of a provisional discharge which are ordered by a court of competent jurisdiction. This includes mental health services which are ordered by a juvenile court for a child who is adjudicated as needing protection or services, mental health services which may be ordered by a criminal court as a condition of probation, or other situations in which a court of competent jurisdiction has included provision of, or participation in, mental health services as a condition in its findings.

Mental Health Services:

All covered services that are intended to treat or ameliorate an emotional, behavioral, or psychiatric condition and that are covered by the policy, contract, or certificate of coverage of the member's health plan company or by law.



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Non-participating Provider:

A provider not under contract as a *participating* provider.

Participating Provider:

A provider that has contracted with, or made arrangements with a health plan, to provide health services to covered persons.

Provider:

A health care professional or facility licensed, certified, or otherwise qualified under state law to provide health care services.

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Prior Authorization: Yes, per network provider agreement

REFERENCES:

1. Integrated Healthcare Services Process Manual: UR015 Use of Medical Policy and Criteria
2. Clinical Policy: Coverage Determination Guidelines MP/C009
3. Clinical Policy: Court Ordered Substance Use Related Disorders Services MP/C011
4. MN Statute 62Q.535 Coverage for Court Ordered Mental Health Services
5. MN Statute 253B.045 Temporary Confinement

DOCUMENT HISTORY:

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Reviewed Date: 01/30/07, 01/20/09, 12/06/12, 12/06/13, 12/04/14, 12/04/15, 12/01/16, 12/01/17, 11/30/18, 11/26/19, 09/28/20, 09/28/21, 09/20/22, 09/19/23
Revised Date: 04/27/04, 02/06/06, 05/09/06, 01/02/08, 02/02/10 (separated out Substance Related Disorders) 02/02/11, 10/27/11, 12/07/11, 04/19/16, 10/23/20

PreferredOne Community Health Plan Nondiscrimination Notice

PreferredOne Community Health Plan ("PCHP") complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex. PCHP does not exclude people or treat them differently because of race, color, national origin, age, disability, or sex.

PCHP:

Provides free aids and services to people with disabilities to communicate effectively with us, such as:

- Qualified sign language interpreters
- Written information in other formats (large print, audio, accessible electronic formats, other formats)

Provides free language services to people whose primary language is not English, such as:

- Qualified interpreters
- Information written in other languages

If you need these services, contact a Grievance Specialist.

If you believe that PCHP has failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability, or sex, you can file a grievance with:

Grievance Specialist
PreferredOne Community Health Plan
PO Box 59052
Minneapolis, MN 55459-0052
Phone: 1.800.940.5049 (TTY: 763.847.4013)
Fax: 763.847.4010
customerservice@preferredone.com

You can file a grievance in person or by mail, fax, or email. If you need help filing a grievance, a Grievance Specialist is available to help you.

You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at:

U.S. Department of Health and Human Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, D.C. 20201
1-800-368-1019, 800-537-7697 (TDD)

Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html>.

Language Assistance Services

ATTENTION: If you do not speak English, language assistance services, free of charge, are available to you. Call 1.800.940.5049 (TTY: 763.847.4013).

ATENCIÓN: si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1.800.940.5049 (TTY: 763.847.4013).

LUS CEEV: Yog tias koj hais lus Hmoob, cov kev pab txog lus, muaj kev pab dawb rau koj. Hu rau 1.800.940.5049 (TTY: 763.847.4013).

XIYYEEFFANNAA: Afaan dubbattu Oroomiffa, tajaajila gargaarsa afaanii, kanfaltiidhaan ala, ni argama. Bilbilaa 1.800.940.5049 (TTY: 763.847.4013).

CHÚ Ý: Nếu bạn nói Tiếng Việt, có các dịch vụ hỗ trợ ngôn ngữ miễn phí dành cho bạn. Gọi số 1.800.940.5049 (TTY: 763.847.4013).

注意：如果您使用繁體中文，您可以免費獲得語言援助服務。請致電 1.800.940.5049 (TTY: 763.847.4013)。

ВНИМАНИЕ: Если вы говорите на русском языке, то вам доступны бесплатные услуги перевода. Звоните 1.800.940.5049 (телетайп: 763.847.4013).

ໂບດຊາບ: ຖ້າວ່າທ່ານເວົ້າພາສາລາວ, ການບໍລິການຊ່ວຍເຫຼືອຕໍ່ພາສາ, ໂດຍບໍ່ເສຍຄ່າ, ແມ່ນມີພ້ອມໃຫ້ທ່ານ. ໂທ 1.800.940.5049 (TTY: 763.847.4013).

ማስታወሻ: የሚናገሩት ቋንቋ አማርኛ ከሆነ የትርጉም እርዳታ ድርጅቶች፣ በነጻ ሊያግዝዎት ተዘጋጅተዋል፡ ወደ ሚከተለው ቁጥር ይደውሉ 1.800.940.5049 (መስማት ለተሳናቸው፡ 763.847.4013) .

ဟ်သျှာ်ဟ်သး- နမံကတိ၊ ကညိ ကျိာ်အယံ၊ နမံကျိာ်အတိမၤစၢၤလၢ တလၢာ်ဘျၣ်လၢာ်စၢၤ နီတမံၤဘျၣ်သန့လီၤ. ကိ: 1.800.940.5049 (TTY: 763.847.4013).

ACHTUNG: Wenn Sie Deutsch sprechen, stehen Ihnen kostenlos sprachliche Hilfsdienstleistungen zur Verfügung. Rufnummer: 1.800.940.5049 (TTY: 763.847.4013).

ប្រយ័ត្ន៖ បើសិនជាអ្នកនិយាយ ភាសាខ្មែរ, សេវាជំនួយផ្នែកភាសា ដោយមិនគិតល្បួល គឺអាចមានសំរាប់បំរើអ្នក។ ចូរ ទូរស័ព្ទ 1.800.940.5049 (TTY: 763.847.4013)។

ملحوظة: إذا كنت تتحدث اذكر اللغة، فإن خدمات المساعدة اللغوية تتوافر لك بالمجان. اتصل برقم 1.800.940.5049 (رقم هاتف الصم والبكم: 763.847.4013).

ATTENTION : Si vous parlez français, des services d'aide linguistique vous sont proposés gratuitement. Appelez le 1.800.940.5049 (TTY: 763.847.4013).

주의: 한국어를 사용하시는 경우, 언어 지원 서비스를 무료로 이용하실 수 있습니다. 1.800.940.5049 (TTY: 763.847.4013), 번으로 전화해 주십시오.

PAUNAWA: Kung nagsasalita ka ng Tagalog, maaari kang gumamit ng mga serbisyo ng tulong sa wika nang walang bayad. Tumawag sa 1.800.940.5049 (TTY: 763.847.4013).

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If you believe that PIC has failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability, or sex, you can file a grievance with:

Grievance Specialist
PreferredOne Insurance Company
PO Box 59212
Minneapolis, MN 55459-0212
Phone: 1.800.940.5049 (TTY: 763.847.4013)
Fax: 763.847.4010
customerservice@preferredone.com

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You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at:

U.S. Department of Health and Human Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, D.C. 20201
1-800-368-1019, 800-537-7697 (TDD)

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ဟံသာဝတီ: နမူနာတို့ ကညီ ကျိအသိ, နမူနာ ကျိအတိအကျတို့ တလက်ကွက်လက်စွာ နှိတ်မိသည့်သို့လည်း ကိ: 1.800.940.5049 (TTY: 763.847.4013).

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