

Statement of Findings
New York Quality HealthCare Corporation Behavioral Health Key Staff Review
Survey ID# 691627544
October 1, 2020-February 26, 2021

Medicaid Model Contract 16.13.a
Behavioral Health Clinical and Medical Directors Requirements

a) The requirements for Contractor's employment of Clinical and Medical Directors are contained in this section and in the State-issued Behavioral Health Guidance.

Transition of Behavioral Health Benefit into Medicaid Managed Care and Health and Recovery Program Implementation released October 2015: Section VII.5

For all MCOs product lines: The MCO shall provide written notice to the State within seven calendar days after the effective date of termination or resignation of any of the key staff listed in Section 3. B above, including the name of the interim contact person performing the key staff person's duties, if a replacement is not found within that time. In addition to the notice of termination or resignation, the MCO shall submit a written proposal for replacing the key staff person, including expected timelines for recruitment activities. The MCO shall also notify the State at the earliest practicable time, but in no event later than seven days if a key staff member who is required to be full-time drops below full-time status. The State reserves the right to review the qualifications of key staff replacements at any time and require the MCO to identify a different key staff person if their replacement does not meet the requirements set forth in this guidance.

Finding:

Based on communication and review of the required biannual Exhibit 1: Staffing Plan for Adult and Children report submitted on October 1, 2020, Fidelis failed to provide written notification to the State of the termination or resignation of the HARP Medical Director, General Medicine position within seven calendar days in accordance with the requirements. The Office of Mental Health (OMH) and Office of Addiction Services and Support (OASAS) issued a memo on May 6, 2020, entitled *Notification of MCO Key Staff Vacancies*, to Medicaid Managed Care Organizations (MCOs) to stress the importance of timely written notification to the State and to remind the Plans of the requirements.

Specifically, the HARP Medical Director, General Medicine for adults position was vacated on December 6, 2019. Written notification was first received on October 1, 2020 with the Exhibit 1: Staffing Plan for Adult and Children. Review of additional documentation submitted on February 26, 2021, confirmed notification was not provided within a timely manner by stating "Unfortunately, notification of this change was not sent to the State separate from the submission of the October Exhibit 1 due to a manual reporting error." Fidelis failed to follow the directive within the memo distributed to MCOs by OMH and OASAS on May 6, 2020 which stated written notice must be separate and distinct from the Exhibit 1 submission.

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Plan of Correction with Timetable:

New York Quality HealthCare Corporation d/b/a Fidelis Care (or Fidelis) will take the following actions:

Step 1 Update and distribute Transition of Key Persons Policy:

Fidelis will update the existing policy 'Notification of Key Person Transition' reference number CC.CompLegal.21 to include the requirements specific to requirements pertaining to notification of key adult and children's behavioral health staff positions that become vacant or changed.

The specific requirements included in the update include the definition of all key behavioral health staff roles subject to notification and describes the process in which the leaders of those key staff, in addition to the Human Resources leadership team, are responsible for notifying the VP of Compliance of the key staff person's resignation / termination. The policy also describes that the notice of staff change must be sent to the BHO@omh.ny.gov mailbox as well as the OASAS.SM.BehavioralHealthMMC@oasas.ny.gov within 7 calendar days.

Timeline:

- Policy under review and update to be completed by 1/28/2022
- Policy distributed to CEO and Direct Reports by 1/28/2022
- Policy distributed to key support staff, including Compliance, by 1/28/2022

Responsible Persons:

Frances Rao, VP of Compliance, will be responsible for creating and distributing the policy cited above to support this plan of correction.

Santo Russo, Chief Legal Officer, and Frances Rao, VP of Compliance, will be responsible for identifying transitions and notifying the DOH according to the attached policy.

Step 2 Monitor adherence to the Transition of Key Persons Policy:

To ensure adherence to this Policy, the Plan will review the status and results of this POC at the internal Monthly Compliance Operations meeting until such a time that the results have been sustained for a three (3) month period. Periodic audits will be considered as part of the Plan's compliance monitoring and audit plan.

Timeline:

- Review of this POC will be included at the Monthly Compliance Operations meeting beginning January 2022.
- Review of this POC will be included at the Monthly Compliance Operations meetings until adherence is demonstrated for three (3) consecutive months.

Responsible Persons:

Frances Rao, VP of Compliance, and Joseph Sorbello, Director of Compliance, will be responsible for presenting this POC at the Monthly Compliance Operations meeting.

Signature: 

Date: February 2, 2022