

**Statement of Findings
VNS Health
Survey period: October 1, 2022 – August 9, 2023
Survey ID 1698751019**

Notification to the State of Adult Behavioral Health Key Staff Departure:

**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, review of the biannual Exhibit 1: Staffing Plan for Adult and Children due April 1, 2023, and review of additional documentation requested, VNS Health failed to provide written notification to the State within seven calendar days of the date of termination or resignation of key behavioral health (BH) staff members as required. Specifically, the BH Clinical Director for Adults vacated the role on November 4, 2022. The Office of Mental Health, Department of Health, and Office of Addiction Services and Supports issued a memo on May 6, 2020, entitled *Notification of MCO Key Staff Vacancies*, to Medicaid Managed Care Plans (MMCPs) outlining the notification requirements in the event of a termination or resignation of a BH key staff personnel for adults and children.

Specifically, the BH Clinical Director for Adults vacated the role on November 4, 2022. Written notification for the BH Clinical Director for Adults was first received on February 24, 2023, with the Exhibit 1: Staffing Plan for Adult and Children report, however, was not submitted separate and distinct from the Exhibit 1 as required. After multiple follow-up attempts with the MMCP on March 3, 2023, March 6, 2023, and April 5, 2023, and the review of additional documentation submitted on May 17, 2023, and June 28, 2023, the MMCP confirmed they failed to follow the notification requirements; specifically, that written notification must be separate and distinct from the Exhibit 1 submission.

Statement of Findings
VNS Health
Survey period: October 1, 2022 – August 9, 2023
Survey ID 1698751019

Notification to the State of Children's Behavioral Health Key Staff Departure:

**Children's Medicaid System Transformation Behavioral Health State Plan Services
Transition to Medicaid Managed Care: Section VI. Staffing Requirements**

The MMCP must 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 this section and must provide 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, the MMCP must submit a written proposal describing plans for replacing key staff person, including expected timelines for recruitment activities.

Finding:

Based on the review of the required biannual Exhibit 1: Staffing Plan for Adult and Children report due on October 1, 2022, and additional review of subsequent documentation, VNS Health failed to provide written notification to the State within seven calendar days after the date of termination or resignation of a behavioral health (BH) key staff position in accordance with the requirements. The Office of Mental Health, Department of Health, and Office of Addiction Services and Supports issued a memo on May 6, 2020, entitled *Notification of MCO Key Staff Vacancies*, to Medicaid Managed Care Plans (MMCPs) outlining the notification requirements in the event of a termination or resignation of a BH key staff personnel for adults and children.

Specifically, review of VNS Health' October 1, 2022 submission of the Exhibit 1: Staffing Plan for Adult and Children report and subsequent requested documentation, revealed the MMCP failed to provide written notification to the State of the termination or resignation of the BH Medical Director for Children's position within the required seven calendar days. Written notification was first received on September 16, 2022, with the Exhibit 1: Staffing Plan for Adult and Children report, however, was not submitted separate and distinct from the Exhibit 1 as required. Additionally, review of supplemental documentation submitted on January 10, 2023, disclosed the BH Medical Director for Children vacated the position on July 11, 2022, demonstrating the MMCP failed to provide timely notification to the State. VNS Health provided additional email correspondence on February 6, 2023, confirming the MMCP failed to follow the notification requirements; specifically, that written notification must be separate and distinct from the Exhibit 1 submission.

Plan Response:

Corrective Actions Taken

VNS Health Health Plans ("the Plan") acknowledges the two findings for failure to report vacancies of the BH Clinical Director for Adults and BH Medical Director Children's for the period of October 2022-August 2023. Our corrective action plan focuses on education and monitoring.

1. In March 2023, the Plan created a process to coordinate communication with our BH delegated vendor and track and communicate key staffing changes to Compliance for reporting to OMH.
2. As of the date the new process was started, all BH Key Staff changes have been reported to OMH within 7 days.
3. This process was designed by the previous BH Clinical Director for the Plan, the Vendor Manager, and the Compliance Manager.

Education

1. As of April 2, 2024, a desktop procedure on the tracking and reporting of BH Key Staff changes was distributed to VNS Health staff in Compliance, Delegated vendor Operations, and BH clinical staff.
2. Starting after 3/27/2023, and on a weekly basis, the Director of Clinical Programs reinforces with Carelon the need to report Key Staff changes to the Plan immediately.

Monitoring and Auditing

Monitoring for any changes in key staff is performed weekly. On a weekly team call with the Behavioral Health Vendor, Carelon, the VNS Health Health Plans Director of Clinical Programs and the Vendor Manager for Delegated Vendor Operations address changes to key staff for both Carelon and VNS Health in the past week. If there have been any changes to staffing, the Director of Clinical Programs escalates this information to the Compliance Manager, who notifies OMH immediately and within the 7-day time frame for reporting. The information collected throughout the period is also included on the next Exhibit 1. The latest agenda from this meeting is provided with this submission.

Date Certain

April 2, 2024

Responsible Persons

The persons responsible for these corrective actions are Director of Clinical Programs for the Plan, [REDACTED] and the Clinical Compliance Manager, [REDACTED]

[REDACTED]

4/2/24

Date