

PAYMENT REFORM POLICY BRIEF:

Integrating Behavioral Health with Primary Care

Individuals with long-term mental health or substance abuse treatment needs, as a group, have unmet health needs that far exceed those of other covered populations. The need for better care management and coordination for this particular population has long been identified as essential to improving quality of care and overall health for these individuals, and also to reducing their disproportionately high cost of care.

Challenges

Differing confidentiality laws:

- General health care confidentiality:
 - HIPAA Privacy Rule, 45 C.F.R. Parts 160 and 164: www.hhs.gov/ocr/privacy/hipaa/administrative/privacyrule/.
 - 22 M.R.S.A. § 1711-C: www.mainelegislature.org/legis/statutes/22/title22sec1711-C.html.
- Mental health treatment confidentiality:
 - 34-B M.R.S.A. § 1207: www.mainelegislature.org/legis/statutes/34-B/title34-Bsec1207.html.
 - *Rights of Recipients of Mental Health Treatment Services*: www.maine.gov/dhhs/samhs/mentalhealth/rights-legal/recipients/index.shtml.
- Substance abuse treatment confidentiality:
 - Drug abuse patient records: Section 408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, now codified at 42 U.S.C. § 290ee-3.
 - Alcohol abuse patient records: Section 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, now codified at 42 U.S.C. § 290dd-3.
 - *Confidentiality Of Alcohol And Drug Abuse Patient Records*, 42 C.F.R. Part 2: www.ecfr.gov/cgi-bin/text-idx?rgn=div5;node=42%3A1.0.1.1.2.

Specific licensing requirements for mental health or substance abuse treatment agencies:

- Distinction from physician practices:
 - “Mental health services” means out-patient counseling, other psychological, psychiatric, diagnostic or therapeutic services and other allied services, but “agency” [for mental health licensing purposes] does not include the individual or corporate professional practice of one or more psychologists or psychiatrists. 34-B M.R.S.A. § 3601.
 - Therefore, anyone offering mental health services in a setting other than a psychology or psychiatry practice – including a primary care practice – may be subject to licensure requirements.
- Mental health: www.maine.gov/dhhs/dlrs/Licensing/MH-LicensingStandards/index.html.
- Substance abuse: www.maine.gov/dhhs/dlrs/Licensing/OSA/home.html.

MaineCare Behavioral Health Home Initiative

MaineCare has proposed a new Behavioral Health Homes (“BHH”) initiative, designed to link mental health and substance abuse treatment services with primary care services. The BHH program adapts the principles of the Patient-Centered Medical Home model to serve MaineCare beneficiaries with long-term mental health or substance abuse treatment needs.

Under BHH, certain licensed mental health or substance abuse treatment agencies will be designated as a Behavioral Health Home Organization (“BHHO”), and would receive a set Per Member Per Month (“PMPM”) reimbursement for providing care management services for designated MaineCare beneficiaries. The BHHO’s care management services will include:

- Administrative and liaison services with OMS;
- Assignment of each BHH beneficiary to a multi-disciplinary care team;
- Assuring that each BHH beneficiary has an appropriate plan of care;
- Arranging peer supports for each BHH beneficiary;
- Coordinating individual and family support services for each BHH beneficiary; and
- Coordinating community and social support service referrals for each BHH beneficiary.

Meanwhile, each BHH beneficiary will also be assigned a Health Home (“HH”), a primary care practice that provides (or coordinates) needed medical services in collaboration with the BHHO, and in accordance with the BHH beneficiary’s plan of care. In addition to receiving FFS reimbursement for any other MaineCare-reimbursable services that it provides to the BHH beneficiary, the HH receives a modest PMPM reimbursement for its care management services.

MaineCare’s BHH initiative is described on the MaineCare Value-Based Purchasing website at: www.maine.gov/dhhs/oms/vbp/health-homes/stageb.html.



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This Issue Brief was prepared by Benjamin P. Townsend, Esq., an attorney at Kozak & Gayer, P.A., under a grant from the Maine Health Access Foundation. Additional resources are available through the “Payment Reform” pages of MMA’s website at www.mainemed.com/cme-education-info/payment-reform-resources.