

NOTICES OF SUBSTANTIVE POLICY STATEMENTS

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF HEALTH SERVICES

[M09-114]

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

This substantive policy statement, #SP-002-BHS-BHS, is the Behavioral Health Services Policy and Procedures Manual (BHS PPM). The purpose of the BHS PPM is to establish the client treatment framework BHS providers are expected to implement and follow.

The Department has issued updates to the policies contained in the BHS PPM. These updates reflect policies that are currently in practice within the Department and among behavioral health providers. The policies updated in this manner are no longer separate substantive policy statements but are instead components of the BHS PPM.

The BHS PPM components updated with this notice and the effective dates of those policies are indicated in item 2. All other components of the BHS PPM continue to be in effect.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Clinical Operations (CO)

CO 1.2 Cultural Competence 03/01/09

CO 1.4 Confidentiality 03/01/09

Quality Management/Monitoring (QM)

QM 2.2 Showing Report 03/01/09

3. Summary of the contents of the substantive policy statement:

The BHS PPM is a compilation of policies and procedures that have been developed to establish standards for the management of the Regional Behavioral Health Authorities (RBHAs) that have contracts with the Department of Health Services to provide behavioral health services to residents of Arizona. The BHS PPM is organized into four chapters:

1. Clinical Operations (CO),
2. Quality Management/Monitoring (QM),
3. Grievance/Appeals (GA), and
4. Miscellaneous (MI).

Each section is further divided into subsections. The following is a brief description of each subsection updated in this notice:

CO 1.2 Cultural Competence

This subsection requires the Department and T/RBHAs to implement an annual cultural competence plan and to promote the development of cultural and linguistic competence within the behavioral health system.

CO 1.4 Confidentiality

This subsection requires that information and records obtained in the course of providing or paying for behavioral health services to a person are confidential and are only disclosed according to federal and state law.

QM 2.2 Showing Report

This subsection requires RBHAs to submit a Quarterly Showing Report to the Department. The report must demonstrate compliance with federal certification of need and re-certification of need requirements. It requires the Department to complete the "showing report" requirements related to Tribal RBHAs. The Tribal RBHAs must review and attest to the validity of the Quarterly Showing Report.

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4. A statement as to whether the substantive policy statement is a new statement or a revision:

This is a revised substantive policy statement that updates #SP-002-BHS-BHS, as described in item 1. This update includes and supersedes previous update #SP-002a-BHS-BHS.

5. The name and address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Margaret Russell, Bureau Chief of Policy

Address: Department of Health Services
Division of Behavioral Health Services
Policy Office, Bureau of Compliance
150 N. 18th Ave., Suite 260
Phoenix, AZ 85007

Telephone: (602) 364-4658

Fax: (602) 364-4762

E-mail: Margaret.Russell@azdhs.gov

or

Name: Kathleen Phillips, Administrative Counsel and Rules Administrator

Address: Department of Health Services, Office of Administrative Rules
1740 W. Adams St., Suite 200
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov

6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Interested persons may obtain a copy of this substantive policy statement from the Arizona Department of Health Services. A free copy may be obtained online at the following web address:

http://www.azdhs.gov/diro/admin_rules/substantive_BHS.htm

A paper copy may be obtained from either of the locations listed below. The Department charges 25 cents per page for copying. Payment may be made by cash or by check or money order made payable to the Arizona Department of Health Services.

Address: Division of Behavioral Health Services
Policy Office, Bureau of Compliance
150 N. 18th Ave., Suite 260
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Telephone: (602) 364-4658

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- or -

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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF HEALTH SERVICES

[M09-115]

1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

This substantive policy statement, #SP-003-BHS-BHS, is the Behavioral Health Services Provider Manual. The purpose of the Provider Manual is to describe direct service delivery requirements to behavioral health providers across the state of Arizona. Each contracted Regional Behavioral Health Authority (RBHA), including the Tribal RBHAs (collectively T/RBHAs) has added geographic service area (GSA) information to the manual to create RBHA-specific versions of the Provider Manual.

The Department has issued updates to the Provider Manual. These updates reflect policies that are currently in practice within the Department and among behavioral health providers. The policies updated in this manner are no longer separate substantive policy statements but are instead components of the Provider Manual.

The Provider Manual components updated with this notice and the effective dates of those policies are indicated in item 2. All other components of the Provider Manual continue to be in effect.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

<u>Provider Manual Section</u>	<u>Update Effective</u>
3.0 CLINICAL OPERATIONS	
3.6 Member Handbooks	03/01/09
3.11 General and Informed Consent to Treatment	02/01/09
3.12 Advance Directives	02/01/09
3.19 Special Populations	03/15/09
4.0 COMMUNICATION AND CARE COORDINATION	
4.1 Disclosure of Behavioral Health Information	03/01/09
13.0 FORMS AND ATTACHMENTS	
<i>Section 3.11 General and Informed Consent to Treatment</i>	
PM Form 3.11.1 Substance Abuse Prevention Program and Evaluation Consent	02/01/09
Forma PM 3.11.1 Permiso de Participación en la Evaluación del Programa de Prevención del uso de Drogas y Alcohol	02/01/09
<i>Section 6.1 Submitting Claims and Encounters</i>	
PM Attachment 6.1.1 Pseudo ID Numbers	09/01/07*

*The form was last revised 09/01/07 but a new DOC file was posted on 02/10/09.

3. Summary of the contents of the substantive policy statement:

The Provider Manual template is divided into 14 sections: 1.0, "Scope"; 2.0, "Introduction"; 3.0 "Clinical Operations"; 4.0, "Communication and Care Coordination"; 5.0, "Member Rights and Provider Claims Disputes"; 6.0, "Data and Billing Requirements"; 7.0, "Reporting Requirements"; 8.0, "Periodic Audits and Surveys"; 9.0, "Training and Development"; 10.0, "T/RBHA Specific Requirements"; 11.0, "Definitions"; 13.0, "Forms and Attachments"; and 14.0, "Index." (This substantive policy statement omits section 12.0, "Fact Sheets," because that section is reserved for Department contractors to add contractor-specific information.) The following is a brief summary of each section:

3.0 CLINICAL OPERATIONS

This section sets forth the operating procedures applicable to a provider that provides behavioral health services. The procedures included in this section are procedures required to:

1. Determine eligibility and enroll a client;
2. Ensure that a client receives the appropriate response to the client's clinical needs within an appropriate amount of time;
3. Establish a referral process by which persons can gain prompt access to publicly-supported behavioral health services;

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4. Determine whether a person must pay a co-payment and, if so, determine how and when behavioral health providers calculate a person's co-payment;
5. Determine whether third-party health insurance is liable for payment of services;
6. Establish the responsibility of providers to distribute member handbooks to all persons receiving behavioral health services;
7. Describe the roles and functions of a Clinical Liaison;
8. Provide outreach activities to inform the public of the benefits and availability of behavioral health services, including actively engaging all persons seeking or receiving behavioral health services to the maximum extent, re-engaging persons who withdraw from treatment, disenrolling persons who are no longer receiving services, and re-enrolling persons who have been disenrolled from the behavioral health system for less than six months;
9. Establish a model for intake, assessment, service planning, and service delivery that includes input from the person, the person's family and friends, and clinical expertise;
10. Determine whether a person is seriously mentally ill;
11. Ensure that a person seeking behavioral health services agrees to have those services performed after being made aware of the behavioral health service options available to them;
12. Ensure that behavioral health providers comply with federal and state laws regarding advance directives for adult persons;
13. Ensure that a person is aware of the available covered services;
14. Inform a person about which behavioral health services require prior authorization;
15. Prescribe psychotropic medications;
16. Ensure that safe, cost-effective, efficacious medications are available;
17. Ensure the coordination and continuity of care for persons experiencing a transition between service providers;
18. Inform behavioral health providers of the pre-petitioning screening, court-ordered evaluation, and court-ordered treatment processes for persons who are unable or unwilling to seek behavioral health treatment and who may be a danger to themselves or others because of a mental disorder;
19. Ensure that behavioral health providers are aware of specific federal grants and state programs within the Department's public behavioral health system, special populations and prioritized populations covered under each federal grant and state program, and responsibilities for delivering covered behavioral health services to the identified special populations;
20. Establish credentialing and privileging processes that comply with the state and national standards;
21. Establish service priorities and ensure that information about non-Title XIX/XXI-funded service priorities is immediately available upon request;
22. Establish a process for placing children or young adults in out-of-state facilities for behavioral health care and treatment; and
23. Ensure the delivery of culturally- and linguistically-appropriate behavioral health services by competent providers who are respectful and responsible to cultural and linguistic needs.

4.0 COMMUNICATION AND CARE COORDINATION

This section sets forth requirements regarding the handling of confidential medical information and coordination of care between providers and other governmental agencies. This section requires the providers to establish procedures to:

1. Ensure adherence to state and federal privacy laws relating to the use and disclosure of confidential health information;
2. Ensure that behavioral health medical records are correctly created, maintained, and disclosed;
3. Ensure that timely communication and coordination of care occurs between the T/RBHAs, subcontracted behavioral health providers, AHCCCS health plan primary care providers, or other health care providers regarding an enrolled person's behavioral health and general medical care and treatment; and
4. Ensure that the care a person receives from a behavioral health service provider is effectively coordinated with other governmental entities concurrently providing services to the person.

13.0 FORMS AND ATTACHMENTS

This section provides the forms and attachments required to be completed or consulted by the Provider Manual.

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4. A statement as to whether the substantive policy statement is a new statement or a revision:

This is a revised substantive policy statement that updates #SP-003-BHS-BHS, as described in item 1. This update includes and supersedes previous update #SP-003a-BHS-BHS.

5. The name and address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Margaret Russell, Bureau Chief of Policy

Address: Department of Health Services
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150 N. 18th Ave., Suite 260
Phoenix, AZ 85007

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E-mail: Margaret.Russell@azdhs.gov

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Name: Kathleen Phillips, Administrative Counsel and Rules Administrator

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Phoenix, AZ 85007

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http://www.azdhs.gov/diro/admin_rules/substantive_BHS.htm

A paper copy may be obtained from either of the locations listed below. The Department charges 25 cents per page for copying. Payment may be made by cash or by check or money order made payable to the Arizona Department of Health Services.

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Address: Office of Administrative Counsel and Rules
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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF WATER RESOURCES

[M09-113]

1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

GW 44 – Bottled Water; Transportation of Groundwater

2. Date the substantive policy statement was issued and the effective date of the policy statement, if different from issuance date:

The substantive policy statement was issued on March 11, 2009.

3. Summary of the contents of the substantive policy statement:

Arizona Revised Statutes (A.R.S.) Title 45, Chapter 2, Articles 8 and 8.1, set forth a number of restrictions on the transportation of groundwater between groundwater basins or subbasins, or into or away from an AMA. In certain circumstances groundwater may not legally be transported; in other, legal transportation of groundwater is subject to payment of damages. A.R.S. § 45-402.32 defines transportation as “the movement of groundwater from the point of withdrawal to the point of use.” The purpose of this policy statement is to clarify that bottled water production is regulated by the FDA as the production of a food produce – similar to soft drinks, beer, and other packaged beverages. A.R.S. § 45-402 defines transportation as the movement of groundwater from the point of withdrawal to the point of use; in the case of bottled water, the point of use would be the water bottling facility. Therefore the transportation of packaged, bottled groundwater across boundaries of AMAs, basins or subbasins does not constitute transportation of groundwater as defined in A.R.S. § 45-402.32 and is not subject to the statutes governing the transportation of groundwater in Articles 8 and 8.1 of the Groundwater Code.

4. Statement as to whether the substantive policy statement is a new statement or a revision:

New statement

5. The name, address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Sandy Fabritz-Whitney, Assistant Director

Address: Water Management
Department of Water Resources
3550 N. Central Ave., Fourth Floor
Phoenix, AZ 85012-2105

Telephone: (602) 771-8430

6. Information about where a person may obtain a copy of the substantive policy statement and costs for obtaining the policy statement:

Name: Mary Bolitho, Supervisor
Information Services

Address: Department of Water Resources
3550 N. Central Ave., Second Floor
Phoenix, AZ 85012-2105

Telephone: (602) 771-8628

Copies are available at \$.25 per page.