

Office of Mental Health and Substance Abuse Services
Bureau of Operations and Quality Management

**HealthChoices Behavioral Health
Questions/Answers**

Issue Clarification #: 3-96-195; 11-97-99
Date of Receipt: 5/8/00

Applicability: SE/SW
Source Documentation: RFP 3-96

Question/Issue:

Submitted by: Nancy Lucas
County Authority: Philadelphia
Topic Area: First Insurer

1. Can a client choose to by-pass the provider offered by the first insurer and should CBH refer and pay for a service at a provider not covered by the first insurer?
2. When the first insurer does not offer choice, but CBH/MA is required to offer choice, must CBH cover the service since that is the only way the client gets a choice?
3. If the first insurer requires a co-pay but the co-pay is not allowed in the HealthChoices Program, can the client by-pass the first insurer (non-CBH) provider in order to not have a co-pay?

Background/Context Provided within the Request:

A client has commercial insurance and MA (CBH) is secondary. The client wants a service but does not want to go to the provider in the commercial insurance panel. The commercial provider is not in the CBH panel. The client wished to go to a specific provider in the CBH panel which is not in the commercial insurance panel. CBH is willing to accommodate and refers the client. The provider does not want to accept the client, claiming they will not be paid. In order for CBH to pay the claim as secondary payor, CBH needs a rejection from the first insurer. The first insurer will not issue a rejection because they were willing to serve the client at their provider.

OMHSAS Answer/Response:

1. If a client chooses to go outside the private insurance, there is no obligation for the BH-MCO to pay for the service.
2. Freedom of choice is exercised when the individual voluntarily enrolls in a private health plan.
3. The client cannot by-pass the first insurer (non-BH-MCO) provider to avoid the co-pay. The BH-MCO can offer to pay the co-pay obligation to the contracted, or FFS amount for the service.

Joan Erney
*Director, Bureau of Operations
and Quality Management*

Date: 5/30/00