

960 - QUALITY OF CARE CONCERNS

EFFECTIVE DATES: 10/01/94, 07/01/16, 09/20/17, 10/01/20, [10/01/21](#)¹

APPROVAL DATES: 10/01/97, 10/01/01, 08/13/03, 04/01/05, 06/01/05, 02/01/07, 10/01/08, 10/01/09, 02/01/11, 04/01/12, 10/01/13, 10/01/15, 07/01/16, 07/20/17, 08/20/20, [04/29/21](#)²

I. PURPOSE

This Policy applies to ACC, ALTCS E/PD, DCS/~~CMDP~~-[Comprehensive Health Plan \(CMDP/CHP\)](#)³, DES/DDD (DDD), and RBHA Contractors. This Policy establishes standards and requirements for [reporting](#)⁴, tracking, and trending of member and provider concerns, as well as reviewing, evaluating, and resolving Quality of Care (QOC) concerns and service concerns.

II. DEFINITIONS

ADVERSE ACTION

Any type of restriction placed on a provider's practice by the Contractor such as but not limited to:

1. Contract termination,
2. Suspension,
3. Limitation,
4. Continuing education requirement,
5. Monitoring or
6. Supervision.

[AHCCCS QUALITY MANAGEMENT \(QM\) TEAM](#)

[AHCCCS staff who researches and evaluates Quality of Care \(QOC\) concerns; provides oversight of contractor credentialing and delegation processes; monitors compliance with required quality standards and Contractor Corrective Action Plans \(CAPs\); and provides technical assistance for Quality Management \(QM\) related matters.](#)⁵

¹ Date Policy is effective.

² Date approved at APC Meeting

³ Revised to apply name change for CMDP from Comprehensive Medical and Dental Program to Comprehensive Health Plan (CHP) effective April 1, 2021 due to CHP behavioral health integration. Refer to Laws 2019, 1st Regular Session. Change made throughout Policy and Attachments.

⁴ Added to align with Policy.

⁵ Added to address AD comment. Aligns with AMPM 910.

**HEALTH CARE ACQUIRED
CONDITIONS (HCAC)**

A Hospital Acquired Condition (HAC) which occurs in any inpatient hospital setting and is not present on admission (Refer to the current CMS list of Hospital-Acquired Conditions.)

**HEALTH CARE DECISION
MAKER (HCDM)**

An individual who is authorized to make health care treatment decisions for the patient. As applicable to the ~~particular~~ situation, this may include a parent of an unemancipated minor or a person lawfully authorized to make health care treatment decisions pursuant to A.R.S. Title 14, Chapter 5, Article 2 or 3; or A.R.S. §§ 8-514.05, 36-3221, 36-3231 or 36-3281.

IMMEDIATE JEOPARDY

A situation in which the provider's noncompliance with one or more requirements of participation has caused, or is likely to cause, serious injury, harm, impairment, or death to a member.⁶

**OTHER PROVIDER-
PREVENTABLE
CONDITION (OPPC)**

A condition occurring in the inpatient and outpatient health care setting which AHCCCS has limited to the following:

1. Surgery on the wrong member,
2. Wrong surgery on a member, and
3. Wrong site surgery.

**PERSONALLY
IDENTIFIABLE
INFORMATION
(PII)**

A person's name, address, date of birth, social security number, tribal enrollment number, telephone or fax number, e-mail address, social media identifier, driver license number, places of employment, school identification or military identification number or any other distinguishing characteristic that tends to identify a particular person as specified in A.R.S. § 41-3804(K).

**QUALITY OF CARE
(QOC)**

An expectation that, and the degree to which the health care services provided to individuals and patient populations improve desired health outcomes and are consistent with current professionally recognized standards of care and service provision. (Definition adapted from The Institute of Medicine)

**QUALITY OF CARE (QOC)
CONCERN**

An allegation that any aspect of care, or treatment, utilization of behavioral health services or utilization of physical health care services, (or lack thereof), which caused or could have caused an acute medical ~~or~~ /psychiatric condition or an exacerbation of a chronic medical ~~or~~ /psychiatric condition and may ultimately cause the risk of harm to an AHCCCS member.

⁶ Added for clarity

III. POLICY

The Contractor~~s~~ shall develop and implement policies and procedures to review, report, evaluate, and resolve Quality of Care (QOC) concerns and service concerns raised by members/Health Care Decision Makers (HCDMs), contracted providers, and stakeholders. ~~The C~~concerns may be received from anywhere within the organization or externally from anywhere in the community including provider incident, accident, and death reports entered directly into the AHCCCS QM Portal as specified in AMPM Policy 961.⁷ All concerns shall be addressed regardless of source (external or internal). QOC concerns involving both physical and behavioral health providers or services shall be addressed in the same manner.⁸ References to a member in this Policy also include reference to a member's ~~Health Care Decision Maker~~HCDM⁹.

A. DOCUMENTATION ~~RELATED TO~~ OF¹⁰ QUALITY OF CARE CONCERNS

As a part of the Contractor's process for reviewing and evaluating member and provider concerns, the Contractor shall establish written policies and procedures regarding the receipt, initial and ongoing processing of these matters that address the following:

1. Documenting each concern raised, and when and from whom it was received and the projected time frame for resolution.
2. Promptly determining as to whether the concern is to be resolved through the Contractor's established:
 - a. Quality Management (QM) process,
 - b. Grievance and appeals process,
 - ~~b.c.~~ Both the Grievance and QM process (e.g. member rights violation that also includes a quality of care concern; both processes can occur concurrently),¹¹
 - ~~c.d.~~ Process for making initial determinations on coverage and payment issues, or
 - ~~d.e.~~ Process for resolving disputed initial determinations.
3. Acknowledging receipt of the concern and providing explanation to the member or provider of the process that will be followed to resolve his or her concern through written correspondence.
4. For concerns that are submitted to QM but are determined to not be a QOC concern, the Contractor shall inform the submitter of the process to be used to resolve the concern. ~~QOC related concerns shall be addressed in QM.~~¹²

⁷ Adding reference to AMPM 961 for concerns found in the provider reported IAD's.

⁸ Added to address questions from community stakeholder

⁹ Replacing with acronym

¹⁰ Revised for clarity.

¹¹ Added for clarity that concerns may be processed through multiple investigations based on the concerns raised or identified.

¹² Moved to a separate bullet to clarify process.

5. Assisting the member or provider as needed to complete forms or take other necessary actions to obtain resolution of the concern.
6. Ensuring confidentiality of all member information.
7. Informing the member or provider of all applicable mechanisms for resolving the concern external to the Contractor processes.
8. Documenting all processes (include detailed steps used during the investigation and resolution stages) implemented to ensure complete resolution of each complaint, grievance, or appeal, including but not limited to:
 - a. Corrective action plan(s) or action(s) taken to resolve the concern,
 - b. Documentation that education/training was completed. This shall include, but is not limited to:
 - i. In-service attendance sheets, and
 - ii. Training objectives.
 - c. New policies and/or procedures,
 - d. Follow-up with the member that includes, but is not limited to:
 - i. Assistance as needed to ensure that the immediate health care needs are met,
 - ii. Closure/resolution letter that provides sufficient detail to ensure all covered, medically necessary care needs are met and a contact name/telephone number to call for assistance or to express any unresolved concerns, and
 - iii. Referral to the Contractor’s compliance department and/or AHCCCS Office of the Inspector General.
9. For QOC concerns, the Contractor will enter the concern into the QM Portal as an Internal Referral (IRF) within 24 hours if the event is considered sentinel and within 48 hours for all other reportable incidents. Refer to [AMPM Policy 961](#) for additional information on reportable incidents.¹³

Refer to 9 A.A.C. 34, [ACOM Policy 444](#), [ACOM Policy 446](#)¹⁴ and ~~the AHCCCS~~ Contract for information regarding requirements for the grievance and appeal system for members and providers.

B. PROCESS OF EVALUATION AND RESOLUTION OF QUALITY OF CARE AND SERVICE CONCERNS

The QOC concern investigation and documentation process shall be completed within the QM Portal and shall include ~~documentation of identification, all applicable~~ research, evaluation, intervention, and; resolution details for each case. The Contractor will refer to the QOC Quick Start Guide for additional information on utilization of the QM Portal for QOC Documentation at

¹³ Separated from above for clarity.

¹⁴ Added to include SMI grievance and appeals.

https://qmportal.azahcccs.gov/UserGuides/QuickStart_QOC_Report.pdf.¹⁵; ~~and trending of member and provider concerns.~~¹⁶ Resolution shall include both member and system interventions when appropriate.

The QOC ~~investigation and documentation and/or service concern~~ process shall be a stand-alone process completed through ~~the Contractor's QM department~~¹⁷. The process shall not be combined with other agency meetings or processes. Work units outside of QM do not have the authority to conduct QOC investigations but shall provide subject matter expertise throughout the investigative process ~~when appropriate.~~¹⁸

1. ~~The Contractors~~ shall develop and implement policies and procedures that ~~address analysis of the QOC concern through~~ include, at minimum:
 - a. Identification of ~~the~~ QOC concerns,
 - i. Initial assessment of the severity of ~~the each~~ QOC concern,
 - b. Prioritization of action(s) needed to resolve immediate care needs when appropriate,
 - c. Review of trend reports ~~obtained from the Contractor's QOC data system~~ to determine possible trends related to members¹⁹, ~~the~~ provider(s), including organizational providers, involved in the allegation(s) ~~including~~ considering: type(s) and frequency²⁰ of allegation(s), severity and substantiation, etc.,
 - d. Research, including, but not limited to:
 - i. a review of the log of events,
 - ii. documentation of conversations,
 - iii. medical records review, and
 - iv. mortality review, etc.
 - e. Quantitative and qualitative analysis of the research, which shall include root cause analysis, and
 - f. Direct interviews of members, direct care staff, and witness to a reportable event, when applicable and appropriate.
2. ~~The Contractors~~ shall ensure that QM clinical staff are trained on QOC investigations prior to performing these investigations. All staff that may perform investigations onsite shall complete training on how to conduct the investigation and avoid interference with substantiation and/or prosecution. All staff that may investigate alleged incidents in Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IIDs), skilled nursing facilities, assisted living facilities, and group homes for Individuals with Intellectual Disabilities²¹ shall complete training on how to conduct investigations considering the specific special needs of individuals with intellectual and developmental disabilities. Attachment D provides guidance regarding the content requirements for this training for investigations involving individuals with intellectual and developmental

¹⁵ Updated language to support use of QM portal as a requirement.

¹⁶ Tracking and trending is outlined in final section of this policy

¹⁷ Updated to clarify that it is the contractor's QM department who is responsible for the QOC process.

¹⁸ Revised for clarity.

¹⁹ Added members to ensure contractors are identifying member specific trends.

²⁰ Section revised for clarity

²¹ Added for clarity

disabilities.

3. Onsite visits shall be conducted by the Contractor’s QM clinical staff when there are identified health and safety concerns, ~~i~~Immediate ~~j~~Jeopardy, or at the direction of AHCCCS. Onsite visits that are identified and conducted by the Contractor after 5:00 pm on weekdays, during weekends or on holidays shall be reported to the AHCCCS/DHCM, QM Manager or Supervisor by phone and followed up with an email to CQM@AHCCCS.GOV the following business day. ²²Subject Matter Experts (SMEs) outside the QM Unit may participate in the onsite visit but shall not take the place of QM clinical staff during reviews. SMEs may arrive on site first if they are closer to the site, however, a clinical QM staff member shall be the lead for the review/investigation and participate in the onsite visits.

4. ~~The~~ Contractors shall not delegate QOC investigation processes or onsite QOC visits. Quality investigations shall not be delegated or performed by the staff of the provider agency/facility where the identified health and safety concerns, ~~i~~Immediate ~~j~~Jeopardy, or AHCCCS requested reviews have occurred.

5. ~~The~~ Contractors shall complete and submit ~~to AHCCCS~~ Attachment C for each Health and Safety ~~o~~Onsite ~~R~~review conducted to AHCCCS/DHCM QM as specified in Contract. Based on findings, ~~the~~ Contractors shall:
 - ~~a.~~ Actively participate in meetings focused on ~~e~~Take immediate action to ensure the health and safety of all members receiving services at the facility or provider site, ²³
 - ~~a.b.~~ Ensuring incident resolution and ~~health and safety of members, as well as~~ identifying any immediate care or recovery needs,
 - ~~b.c.~~ Actively participate in meetings scheduled to ~~d~~Develop work plans and corrective action plans to ensure placement setting or service site compliance with ADHS Licensure and/or AHCCCS requirements, including, but not limited to policy, training and signage requirements aimed at preventing and reporting abuse, neglect and exploitation as specified in AHCCCS Minimum Subcontract Provisions,
 - ~~e.d.~~ Participate in ~~Conduct~~ scheduled and unscheduled monitoring of placement setting or service sites that are in an ~~i~~Immediate ~~j~~Jeopardy status, have serious identified deficiencies that may affect health and safety of members or as directed by AHCCCS,
 - ~~e.~~ Assist in the identification of technical assistance resources focused on achieving and sustaining regulatory compliance,
 - ~~f.~~ Determine, implement, and document all appropriate interventions including an action plan to reduce or eliminate the likelihood of the concern reoccurring,
 - ~~d.g.~~ Monitor and document success of interventions, and
 - ~~e.h.~~ Monitoring placement settings or service sites upon completion of the activities and interventions to ensure that compliance is sustained, ~~;~~
 - ~~i.~~ Incorporate interventions into the Contractor’s QM program plan if successful, and
 - ~~j.~~ Implement new interventions and approaches when necessary. ²⁴

²² Added to ensure timely notification of health and safety concerns after normal business hours.

²³ Adding timeframe for clarity.

²⁴ Updated to combine sections and provide clarity on contractor responsibility to act.

- ~~6. Contractors shall develop a process to assure that action is taken when needed by:~~
- ~~a. Developing an action plan to reduce/eliminate the likelihood of the concern reoccurring,~~
 - ~~b. Determining, implementing, and documenting appropriate interventions,~~
 - ~~c. Monitoring and documenting the success of the interventions,~~
 - ~~d. Incorporating interventions into the organization's QM program if successful, or~~
 - ~~e. Implementing new interventions/approaches when necessary.²⁵~~
6. The Contractors shall develop a process to ensure that investigation and resolution of the member and systemic concerns are processed timely based on the nature and severity of each case or as requested by AHCCCS.²⁶
- a. For high profile cases, initial report of immediate finding shall be communicated to AHCCCS/DHCM QM immediately but no later than 24 hours of the Contractor becoming aware of the concern and followed up by an initial findings report within seven business days (e.g. media alerts/immediate jeopardy/high profile),
 - b. For urgent concerns, the Contractor shall schedule a due date for the resolution of the case for 30 calendar days from the date of opening (e.g. member safety or placement concerns are present),
 - c. For non-urgent concerns, the Contractor shall schedule a due date for the resolution of the case for within 60 calendar days from the date of opening (e.g., member safety or placement is not a current concern). The Contractor shall track concerns that have aged to greater than 60 calendar days and shall develop an action plan to address these cases,²⁷
 - d. Member and systemic resolutions may occur independently from one another, and
 - a.e. In addition to verifying if a provider is contracted within the contractors provider network, contractors shall include a review of all paid claims within the last calendar year to identify the need to participate in systemic investigations when notified of provider concern to include single case agreements and providers using subcontracted providers.²⁸
7. The Contractor shall ensure that all requests for extensions of timelines associated with a QOC investigation shall be submitted to AHCCCS/DHCM QM for approval as soon as possible but no later than the assigned due date and shall include, at minimum:
- a. The members current placement and condition,
 - b. The current status of the investigation, and
 - c. The barrier to completing the investigation within the assigned timeframe.²⁹
8. The Contractors shall develop a process to determine the level of severity of the QOC concern initially based on the information received and the allegations included. The Contractor shall ensure the case is updated to reflect changes in the severity level as

²⁵ Removed section duplicative of above.

²⁶ Updates to clarify timelines and promote consistency among contractors.

²⁷ Updated to include clarity on timelines.

²⁸ Added for clarity.

²⁹ Adding to provide clarity on details needed to approve/document extension requests.

needed during the investigation as additional details and allegations are discovered and added to the QOC. The Contractor shall refer to the QOC Quick Start Guide at https://qmportal.azahcccs.gov/UserGuides/QuickStart_QOC_Report.pdf for additional information on documentation of allegations and leveling.³⁰

~~7.~~ The Contractors shall ~~develop and ensure that document a process to report the~~ concerns ~~are reported~~ to the appropriate regulatory agency including but not limited to the Department of Child Safety (DCS), Adult Protective Services (APS), Arizona Department of Health Services (ADHS), the Attorney General’s Office, law enforcement, [AHCCCS/Office of the Inspector General \(OIG\)](#)³¹, and ~~or~~ [AHCCCS/DHCM](#), QM for further research, review, or action. The Contractor shall submit the report to the regulatory agency as soon as possible but no later than 24 hours of becoming aware of a concern. The report shall be submitted verbally and/or electronically (e.g., email or online), as appropriate.

9.

~~8.10.~~ Additionally, the Contractor is to maintain documentation of referrals made to a regulatory agency as part of the QOC process. Any The Contractor shall ensure that all referrals made to a regulatory agency shall ~~are documented in the QM Portal and~~ include, at minimum ~~but is not limited to~~³², the following information:

- a. Name and title of the person submitting the report,
- b. Name of the regulatory agency (e.g., APS, DCS, etc.) the report was submitted to
- b. Name and title of the person at the regulatory agency receiving the report,
- c. Date and time reported,
- d. Summary of the report, and
- e. Tracking number, as applicable, received from the regulatory agency (e.g., APS, DCS) as part of the reporting process.

~~9.11.~~ The Contractors shall ~~have a process to refer the~~ concerns to the Contractor’s Peer Review Committee when appropriate. Appropriate referrals ~~should~~ ~~shall~~ include all high-profile cases. Referral to the Peer Review Committee is not a substitute for implementing interventions aimed at individual and systemic quality improvement. Peer Review referrals as well as high-level summary information shall be documented in the QOC file within the QM Portal and shall include documentation of the specific credentials of the involved Committee member(s). The Contractor shall refer to AMPM Policy 910 for Peer Review requirements and timeliness of reporting.³³

~~10.12.~~ If an ~~a~~Adverse ~~a~~Action is taken with a provider for any reason including those related to a QOC concern, the Contractor shall report the ~~a~~Adverse ~~a~~Action (including limitations and terminations) and the rationale for the adverse action to AHCCCS/DHCM, QM ~~within 24 hours of the determination to take an Adverse Action~~³⁴

³⁰ Added to provide clarity to the process.

³¹ Added for clarity.

³² Revised to ensure documentation is added to the QOC case.

³³ Revised for clarity.

³⁴ Revised for clarity and consistent reporting.

as well as to the National ~~Practitioner~~-Provider Data Bank as ~~outlined~~-specified in Contract.

~~11.13.~~ The Contractors shall ensure a thoughtful process around member impact and care transition when acting on aAdverse aActions. This is particularly important if a provider is being suspended or terminated. The Contractor shall allow adequate time for identification of new providers, transition of members to those providers, impact to members (~~such as~~e.g. service plans, medications, etc.), and timely communication to members to prepare for the transition. While there may be instances where a move or transition shall occur quickly, the MCO should work with AHCCCS to ensure member needs are met without potential gaps in care, ~~service~~ delivery ~~and~~ or treatment disruption.

~~12.14.~~ The Contractor shall ~~have a process to~~ document the ~~criteria and process for~~ closure of the review or investigation within the QM Portal by submitting a resolution report that includes but is not³⁵ ~~including, but not~~ limited to the following:

- a. A description of the problems, including new allegations identified during the investigation/review process, and the substantiation and severity level for each allegation as well as the case overall,
- b. Written response from or summary of the documents received from referrals made to outside agencies such as accrediting bodies, or Medical Examiner, and
- c. Interventions imposed as part of the investigation (~~such as~~e.g. provider education, ~~root~~cause analysis, ongoing monitoring).

~~13.15.~~ Investigations that warrant ongoing monitoring or follow-up with the provider shall be documented in the QOC file. All follow-up actions or monitoring activities as well as related observations or findings shall be documented in the QOC file.

~~14.16.~~ Investigations that identify an adverse outcome, including mortalities, due to prescribing concerns or failure of the provider to check the Controlled Substance Prescription Monitoring Program (CSPMP), to coordinate care with other prescribers, or to refer for substance use treatment or pain management, the Contractor shall notify AHCCCS/DHCM ~~EQM~~ specified in Contract and take appropriate action with the provider including suspension or corrective action plans and referrals to appropriate regulatory Boards including the Pharmacy Board. The case findings shall be taken to the Contractor's Peer Review Committee for discussion and review.

C. REQUESTS FOR COPIES OF DEATH CERTIFICATES

As part of the QOC investigation process, ~~AHCCCS~~-the Contractors may request copies of member death certificates by submitting a request to the Department of Health Services (ADHS) Vital Records and Statistics as specified in A.A.C. R9-19-314 B (13) and A.A.C. R9-19-315(E). ³⁶~~AHCCCS~~-at CQM@azahcccs.gov.

³⁵ Included language for use of QM Portal

³⁶ Updated for process of requesting death certificates directly from vital records in accordance with Rule.

~~When making the request, the Contractor is required to submit the following information:~~

~~The decedent's (member's) first and last name.~~

~~AHCCCS ID.~~

~~Date of Birth.~~

~~Date of Death.~~

~~Purpose of the request (i.e. QOC investigation process).~~

~~Name of the Contractor submitting the request.~~

~~Documentation showing that the decedent was a member of the Contractor making the request (copy of an eligibility screen with the Contractor's name, member's name and date of eligibility is acceptable).~~

~~Name of the Contractor's QM Staff who is to receive the document, their title, and email and phone number where confidential information can be received.~~

~~Contact information where secured documents can be sent, such as email and mailing addresses.³⁷~~

D. REPORTING TO INDEPENDENT OVERSIGHT COMMITTEES

1. AHCCCS Independent Oversight Committee (IOC) reporting (behavioral health):
 - a. ~~The~~ Contractors shall provide IAD Reports, Internal Referral (IRF) reports and QOCs including, but not limited to, reports of possible abuse, neglect or denial of rights involving any behavioral health provider servicing members with a Serious Mental Illness (SMI) determination, children and anyone under court order for either Court Ordered Evaluation (COE) or Court Ordered Treatment (COT),³⁸ to the Independent Oversight Committee (IOC) assigned to the region in which the IAD/IRF/QOC occurred within three business days of closure,
 - b. IADs and IRFs that are triaged as potential QOCs shall be incorporated into the QOC record and must be submitted to the IOC as part of the QOC documentation upon completion of the QOC investigation vs. as a standalone IAD/IRF within three business days of completion of the investigation, and
 - c. All reports provided to the IOCs shall have all Personally Identifiable Information (PII) redacted in accordance with federal and state confidentiality laws.

³⁷ Removed due to process inserted above.

³⁸ Updated to align with language used by the IOC's in the creation of their bylaws and to provide clarity.

2. DDD IOC reporting (DDD enrolled member involvement):
 - a. The Contractors shall provide IAD Reports, Internal Referral (IRF) reports and QOCs including, but not limited to, reports of possible abuse, neglect or denial of rights involving any DDD enrolled member to the DDD Independent Oversight Committees (IOCs) assigned to the region in which the IAD/IRF/QOC occurred within three business days of closure,
 - b. IADs and IRFs that are triaged as potential QOCs shall be incorporated into the QOC record and must be submitted to the IOC as part of the QOC documentation upon completion of the QOC investigation vs. as a standalone IAD/IRF within three business days of completion of the investigation, and
 - c. All reports provided to the IOCs shall have all PII redacted in accordance with federal and state confidentiality laws.

3. General Requirements
 - a. The Contractors ~~are~~ is required to provide to IOCs member information and records in accordance with A.R.S. §_41-3804. The following items shall be routinely provided to the IOC in redacted format:
 - i. Seclusion and Restraint reports, refer to AMPM Policy 962,
 - ii. IAD reports, refer to AMPM Policy 961,³⁹
 - iii. IRF, and/or
 - iv. QOC investigations as applicable.
 - b. The Contractor shall provide Seclusion and Restraint, IAD, IRF, and QOC reports including, but not limited to, reports of possible abuse, neglect, or denial of rights involving any behavioral health as specified in Contract.

E. REQUESTS FOR PERSONALLY IDENTIFIABLE INFORMATION OR PROTECTED HEALTH INFORMATION OF A CURRENTLY ENROLLED MEMBER

Upon review of supplied information, the IOC may request additional unaltered documentation, supplemental information, or an investigation regarding alleged violation of rights.

1. When AHCCCS or an IOC requests information regarding the outcome of a report of possible abuse, neglect or violation of rights, the Contractor shall do one of the following:
 - a. Conduct an investigation of the incident if it has not already been conducted,
 - i. For incidents in which a person with an an Serious Mental Illness (SMI) designation is the possible victim, the investigation shall follow the requirements specified in A.A.C. Title 9, Chapter 21, Article 4, and
 - ii. For incidents in which a currently or previously enrolled child or non-seriously mentally ill adult is the possible victim, the investigation shall be completed within 35 days of the request and shall determine: all information surrounding the incident, whether the incident constitutes abuse, neglect, or a violation of rights, and any corrective action needed as a result of the incident.

³⁹ [Adding reference to new AMPM 961 for clarity.](#)

- b. If an investigation has already been conducted by the Contractor~~s~~ and can be disclosed without violating any confidentiality provisions, the Contractor shall provide the final investigation decision to AHCCCS and the IOC. The final investigation decision shall consist of, at a minimum, the following information:
 - i. The accepted portion of the investigation report with respect to the facts found,
 - ii. A summary of the investigation findings, and
 - iii. Conclusions and corrective action taken.
2. When an IOC requests PII or Protected Health Information (PHI) concerning a currently or previously enrolled member, the IOC shall first demonstrate that the information is necessary to perform a function that is related to the oversight of the behavioral health system or it shall have written authorization from the member to review PII and PHI.
3. In the event it is determined that the IOC needs PII or PHI and has obtained the member's or representative's written authorization, the Contractor shall first review the requested information and determine if any of the following types of information are present: Communicable disease related information, including confidential HIV information, and/or information concerning diagnosis, treatment or referral from an alcohol or drug use program. If no such information is present, then the Contractor shall provide the information adhering to the requirements of this Policy.
 - a. If communicable disease related information, including confidential HIV information, and/or information concerning diagnosis, treatment or referral from an alcohol or drug use program is found, then the Contractor shall:
 - i. Contact the member or representative if an adult, or the custodial parent or legal guardian if a child, and ask if the member is willing to sign an authorization for the release of communicable disease related information, including confidential HIV information, and/or information concerning diagnosis, treatment or referral from an alcohol or drug use program. The Contractor shall provide the name and telephone number of a contact person with the IOC who can explain the Committee's purpose for requesting the protected information. If the member agrees to give authorization, the Contractor shall obtain written authorization as required below and provide the requested information to the IOC,
 - ii. Authorization for the disclosure of records of deceased members may be made by the executor, administrator or other personal representative appointed by will or by a court to manage the deceased member's estate. If no personal representative has been appointed, PII and/or PHI may be disclosed to a family member, other relative, or a close personal friend of the deceased member, or any other person identified by the deceased only that PII and/or PHI directly relevant to such person's involvement with the deceased members health care or payment related to the individual's health care,
 - iii. If the member does not authorize the release of the communicable disease related information, including confidential HIV information, and/or information concerning diagnosis, treatment or referral from an alcohol or drug use program, this information shall not be included or shall be redacted from any documentation which is authorized to be disclosed, and

- iv. Requested information that does not require the member or representative's authorization shall be provided within 15 working days of the request. If the authorization is required, requested information shall be provided within five working days of receipt of the written authorization.
4. When PII and/or PHI is sent, the Contractor shall include a cover letter addressed to the IOC that states that the information is confidential, is for the official purposes of the Committee, and is not to be re-released under any circumstances.
5. In the event that AHCCCS denies the IOC's request for PII and/or PHI:
 - a. AHCCCS shall notify the IOC within five working days that the request is denied, the specific reason for the denial, and that the Committee may request, in writing, that the AHCCCS Director, or designee, review this decision. The Committee's request to review the denial shall be received by the AHCCCS Director, or designee, within 60 days of the first scheduled committee meeting after the denial decision is issued,
 - b. The AHCCCS Director, or designee, shall conduct the review within five business days after receiving the request for review,
 - c. The AHCCCS Director's or designee's decision shall be the final agency decision and is subject to judicial review pursuant to A.R.S. Title 12, Chapter 7, Article 6, and
 - d. No information or records shall be released during the timeframe for filing a request for judicial review or when judicial review is pending.

F. AUTHORIZATION REQUIREMENTS

A written authorization for disclosure of information concerning diagnosis, treatment or referral from an alcohol or substance use program and/or communicable disease related information, including confidential HIV information, shall include:

1. The specific name or general designation of the program or person permitted to make the disclosure.
2. The name or title of the individual or the name of the organization to which the disclosure is to be made.
3. The name of the currently or previously enrolled member.
4. The purpose of the disclosure.
5. How much and what kind of information is to be disclosed.
6. The signature of the currently or previously enrolled member/legal guardian and, if the currently or previously enrolled member is a minor, the signature of a person authorized to give consent.
7. The date on which the authorization is signed.

8. A statement that the authorization is subject to revocation at any time except to the extent that the program or person which is to make the disclosure has already acted in reliance on it.
9. The date, event, or condition upon which the authorization will expire if not revoked before. This date, event, or condition shall ensure that the authorization will last no longer than reasonably necessary to serve the purpose for which it is given.
10. A statement that this information has been disclosed to you from records protected by federal confidentiality rules (42 CFR Part 2) and state statute on confidentiality of HIV/AIDS and other communicable disease information (A.R.S. § 36-664(H)) which prohibit further disclosure of this information unless further disclosure is expressly permitted by the written consent of the member to whom it pertains, or as otherwise permitted by 42 CFR Part 2 and A.R.S. § 36-664(H). A general authorization for the release of medical or other information is NOT sufficient for this purpose.

The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug use patient.

~~G. PROBLEM RESOLUTION~~

~~If any problems with receipt of requested information as provided in this Policy arise, the Contractor shall notify AHCCCS and the IOC in writing within the first 30 days. If the problem is not resolved, the IOC shall then address the problem to the AHCCCS Director or designee.⁴⁰~~

H.G. DUTIES AND LIABILITIES OF BEHAVIORAL HEALTH PROVIDERS IN PROVIDING BEHAVIORAL HEALTH SERVICES

1. The Contractors shall develop and make available written policies and procedures that provide guidance regarding the provider's duty to warn under A.R.S. § 36-517.02. This statute supplements other immunities of behavioral health providers or mental health treatment agencies that are specified in law. With respect to the legal liability of a behavioral health provider, A.R.S. § 36-517.02 provides that no cause of action or legal liability shall be imposed against a behavioral health provider for breaching a duty to prevent harm to a person caused by a patient unless both of the following occur:
 - a. The patient has communicated to the mental health provider an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable victim or victims, and the patient has the apparent intent and ability to carry out such threat, and
 - b. The mental health provider fails to take reasonable precautions.

⁴⁰ [Removed. Process for resolution is outlined in A.R.S. § 41-3804.](#)

2. Furthermore, this statute provides that any duty of a behavioral health provider to take reasonable precautions to prevent harm threatened by a patient is discharged when the behavioral health provider:
 - a. Communicates when possible the threat to all identifiable victims,
 - b. Notifies a law enforcement agency in the vicinity where the patient or any potential victim resides,
 - c. Takes reasonable steps to initiate voluntary or involuntary hospitalization, if appropriate, or
 - d. Takes other precautions that a reasonable, prudent behavioral health provider would take under the circumstances.

3. This statute also provides immunity from liability when the behavioral health provider discloses confidential communications by or relating to a patient under certain circumstances: The behavioral health provider has no liability resulting from disclosing a confidential communication made by or relating to a patient when a patient has explicitly threatened to cause serious harm to a person or when the behavioral health provider reasonably concludes that a patient is likely to cause harm, and the behavioral health provider discloses a confidential communication made by or relating to the patient to reduce the risk of harm.

All providers, regardless of their specialty or area of practice, have a duty to protect others against a member's potential danger to self and/or danger to others. When a provider determines, or under applicable professional standards, reasonably should have determined, that a patient poses a serious danger to self or others, the provider has a duty to exercise care to protect others against imminent danger of a patient harming him/herself or others. The foreseeable victim need not be specifically identified by the member but may be someone who would be the most likely victim of the member's dangerous conduct.

The responsibility of behavioral health provider to take reasonable precautions to prevent harm threatened by a member may include any of the following:

- a. Communicating, when possible, the threat to all identifiable victims,
- b. Notifying a law enforcement agency in the vicinity where the member or any potential victim resides,
- c. Taking reasonable steps to initiate proceedings for voluntary or involuntary hospitalization, if appropriate, and in accordance with AMPM Policy 320-U, or
- d. Taking any other precautions that a reasonable and prudent provider would take under the circumstances.

I.H. TRACKING AND TRENDING OF QUALITY OF CARE CONCERNS

Tracking and trending of member and provider ~~issues~~ concerns is crucial to quality assurance and quality improvement.

1. The Contractor shall develop and implement a system to document, track, trend, and evaluate complaints and allegations received from members and providers or as directed

by AHCCCS, inclusive of QOC concerns, quality of service, and immediate care need ~~issues.~~

- a. The data from the ~~QOC data system~~ tracking and trending system shall be analyzed and evaluated to ~~determine~~ identify and address any trends related to members, providers, the QOC process or services ⁴¹ in the Contractor’s service delivery system or provider network. ~~The~~ Contractors ~~is~~ are responsible for incorporating trending of QOC concerns in determining systemic interventions for quality improvement,
- b. The Contractor shall ~~document quality tracking and trending information as well as documentation that the~~ ensure that tracking and trending information ~~was~~ is submitted, reviewed, and considered for action by the Contractor’s local Quality Management (QM) Committee and local Medical Director, as Chairman of the QM Committee, ⁴²
- ~~c. Quality tracking and trending information from all closed QOC concerns within the reporting quarter shall be submitted to AHCCCS/Division of Health Care Management/Quality Management (AHCCCS/DHCM/QM) utilizing the Quarterly QM Report (Attachment A). The report is due 45 days after the end of each quarter, reported separately by line of business and shall include the following reporting elements:~~
 - ~~i. Types and numbers/percentages of substantiated QOC concerns, and~~
 - ~~ii. Resolution status of “substantiated,” “unsubstantiated” and “unable to substantiate” QOC concerns.~~ ⁴³
- ~~d.~~ If significant negative trends are noted, the Contractor should consider developing performance improvement activities focused on the topic area to improve the concern resolution process itself, and to make improvements that address other system issues raised during the resolution process,
- ~~d.e.~~ The Contractor shall ensure that tracking and trending information related to provider education, training, and staff credentialing is shared with the workforce development operation as specified in ACOM Policy 407, and ⁴⁴
- ~~e.f.~~ The Contractor shall submit to AHCCCS QM all pertinent information regarding an incident of abuse, neglect, exploitation, serious incident (including suicide attempts), and unexpected death (including all unexpected transplant deaths) as soon as the Contractor is aware of the incident, and no later than 24 hours. Pertinent information shall not be limited to autopsy results and shall include a broad review of all issues and possible areas of concern. Delays in receipt of autopsy results shall not result in a delay in the Contractor’s investigation of a QOC concern. Delayed autopsy results shall be used by the Contractor to confirm the Contractor’s resolution of the QOC concern. The Contractors shall ensure that subcontracted providers follow procedures for reporting incidents, accidents, and deaths as specified in AMPM Policy 961. ⁴⁵
 - i. Upon receipt of an IAD Report from providers, the Contractor shall take action necessary to ensure the safety of the persons involved in the incident. The

⁴¹ Revised for clarity.

⁴² Revised for clarity.

⁴³ Removing deliverable. This information can be reported though the AHCCCS data warehouse.

⁴⁴ Added to incorporate updates to ACOM 407.

⁴⁵ Adding reference to new AMPM 961 for clarity.

Contractor shall review the IAD within 24 hours of receipt ~~to~~ and make a determination of whether the incident includes a QOC concern. The Contractor shall ensure that the IAD Form is fully and accurately completed. If ~~the~~ an IAD ~~Form~~ is returned to the ~~Contractor's subcontracted~~ provider for corrections, the ~~subcontracted~~ Contractor shall ensure that the provider ~~shall~~ returns the corrected version of the report to the Contractor within 24 hours of receipt, and⁴⁶

~~ii. Contractors shall submit copies of the IAD reports no later than three business days after its receipt if no further investigation is need, or as otherwise specified if an investigation is required, to the appropriate regional Independent Oversight Committee for reports concerning all enrolled persons. Personally identifying information concerning the enrolled person shall be redacted from the report prior to forwarding to the Independent Oversight Committee.~~⁴⁷

2. The Contractor shall ensure that member health records are available and accessible to authorized staff of its organization and to appropriate State and Federal authorities, or their delegates, involved in assessing quality of care/service or investigating member or provider QOC concerns, complaints, allegations of abuse, neglect, exploitation, serious incidents, grievances, Provider Preventable Conditions and Health Care Acquired Conditions (HCAC)s. Member record availability and accessibility shall be in compliance with Federal and State confidentiality laws, including, but not limited to, Health Insurance Portability and Accountability Act (HIPAA) and 42 CFR 431.300 et seq.
3. Information related to coverage and payment issues shall be maintained for at least five years following final resolution of the issue, and shall be made available to the member, provider, and/or AHCCCS authorized staff upon request.
4. In addition to care coordination, as specified in its contract with AHCCCS, the Contractor shall proactively provide care coordination for members who have multiple complaints regarding services or the AHCCCS Program. This includes, but is not limited to, members who do not meet the Contractor's criteria for case management as well as members who contact governmental entities, including AHCCCS, for assistance.

J. PROVIDER-PREVENTABLE CONDITIONS

42 CFR 447.26 prohibits payment for services related to Provider-Preventable conditions. Provider-Preventable Condition means a condition that meets the definition of an HCAC or an Other Provider-Preventable Condition (OPPC).

If a potential HCAC or OPPC is identified, the Contractor shall conduct a QOC investigation ~~and report the occurrence and results of the investigation to~~ within the AHCCCS QM Portal.

⁴⁶ Revised for clarity

⁴⁷ Removed – Language is duplicative of IOC reporting requirements.

~~HCAC and OPPC shall be reported to AHCCCS QM utilizing Attachment B as specified in Contract. Contractors are expected to investigate and maintain case files that contain findings.~~⁴⁸

OPEN UNTIL 06/14/21

⁴⁸ Removing attachment and deliverable as HCAC and OPPC reports will be entered into the portal and can be pulled for tracking.