



**Department  
of Health**

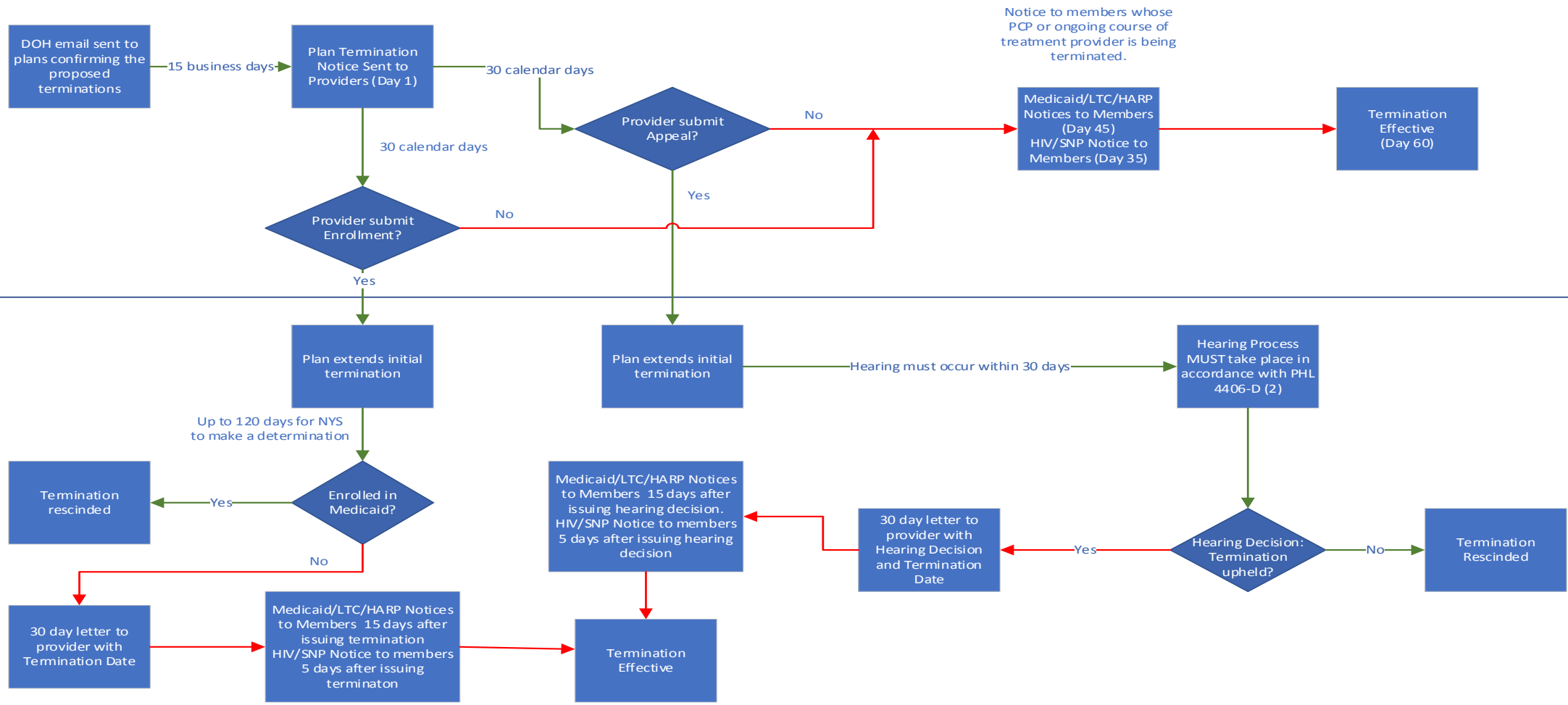
# **21st Century Cures Act Provider Enrollment Update**

**Provider Terminations and  
Provider/ Member Notice  
Timeline (June 2019)**

June 18, 2019

# 21<sup>st</sup> Century Cures Act: Network Provider Terminations and Provider/Member Noticing Timeline for MCOs

June



# Scenario 1: Provider Does Not Submit an Appeal or Enrollment.

- Initial DOH email sent to Plans confirming proposed terminations
- **Day 1:** Plan termination notice sent to providers
- **Day 30:** Plans will know who needs to be terminated as follows:
  - 1) those who have not enrolled and or submitted enrollment application;
  - 2) those who have not requested a hearing

*Note: Plans should check most recently published pending and active provider lists to make sure such providers proposed to be terminated are not in the process of enrolling. <https://www.emedny.org/info/ProviderEnrollment/ManagedCareNetwork/index.aspx>*

- **Day 35:** Plans are required to mail Member notice for HIV/SNP members whose PCP or ongoing course of treatment provider is being terminated
- **Day 45:** Plans are required to mail Member notice for Medicaid, LTC, HARP members whose PCP or ongoing course of treatment provider is being terminated
- **Day 60:** Termination effective.

# Scenario 2: Provider Submits an Appeal

- Initial DOH email sent to Plans confirming proposed terminations
- **Day 1:** Plan termination notice sent to providers
- **Day 30:** Provider submits Appeal to the Plan requesting hearing. (Plan extends initial termination)
- **Within 30 Days:** Hearing Process must take Place in Accordance with PHL 4406-D

## *If termination IS Upheld:*

- After hearing decision is issued upholding termination of the provider, Plan is required to send a 30 day provider letter notifying provider of the date of termination.
- **Within 5 days after hearing decision is issued:** Plans are required to mail member notice for HIV/SNP members whose PCP or ongoing course of treatment provider is being terminated.
- **Within 15 days after hearing decision is issued:** Plans are required to mail member notice for Medicaid, LTC, HARP members whose PCP or ongoing course of treatment provider is being terminated.
- **Termination effective in accordance with date indicated in the provider letter.**

## *If termination is NOT Upheld:*

- **Termination Rescinded**

# Scenario 3: Provider Submits Enrollment

Initial DOH email sent to Plans confirming proposed Terminations

- **Day 1:** Plan termination notice sent to providers
- **Day 1- 30:** Provider submits application for NYS Medicaid Enrollment. (Note: if Provider appears on Active list during this time, Plan rescinds termination) **Plan extends initial termination up to 120 days for NYS to make enrollment determination.**
- *Plans should check the most recently published Active List to verify whether the provider has enrolled or not.*

<https://www.emedny.org/info/ProviderEnrollment/ManagedCareNetwork/index.aspx>

## **If provider is NOT enrolled:**

- **Plan is required to send a 30 day provider letter notifying provider of the date of termination.**
- **Within 5 days after termination letter is issued:** Plans are required to mail member notice for HIV/SNP members whose PCP or ongoing course of treatment provider is being terminated.
- **Within 15 days after termination letter is issued:** Plans are required to mail member notice for Medicaid, LTC, HARP members whose PCP or ongoing course of treatment provider is being terminated.
- **Termination effective in accordance with date indicated in the provider letter.**

## **If provider IS enrolled : Termination Rescinded**

# IPA Terminations

- Pursuant to PHL 4406-d, an IPA is included in the definition of a health care plan for purposes of terminating providers from the network. Therefore, when multiple MCOs contract with an IPA for its provider network, the IPA must comply with the termination process laid out in PHL 4406-d.
- The IPA may send one notice of termination to providers, conduct one hearing and use one timeframe. The IPA does not need to send separate notices to providers for each MCO contracting with the IPA.

# Transitional Care

- Pursuant to PHL 4403(6)(e)(1)(2), Transitional care is available:
  - For up to 90 days from the date of notice if the member is in an ongoing course of treatment; or
  - If a member has entered the second trimester of pregnancy at the time of the provider termination, transitional care will include the provision of post-partum care directly related to the delivery.
  - The terminated provider must be willing to accept the reimbursement rate in the contract and abide by the MCOs policies and procedures.

# Ongoing Course of Treatment

- For purposes of the 21<sup>st</sup> Century Cures Act, MCOs should continue to follow their current policies and procedures for transitional care when providers either leave, or are terminated from the network.
- Generally, an ongoing course of treatment may be, but is not limited to episodes of care whereby there is a start date with a predictable end date.
- **Example-**A person breaks their finger and has surgery to repair the break on 6/23/19. The course of treatment for the broken bone may be 6-8 weeks. If the surgeon is terminated on 7/1/19, the enrollee may be eligible for transitional care with the terminated surgeon for an additional 5-7 weeks post termination. (provider must agree to accept, and abide by terms of the provider agreement at the time of termination).