

DATE: March 14, 2023

TO: DUAL ELIGIBLE SPECIAL NEEDS PLANS (D-SNPs) AND MEDI-CAL MANAGED CARE PLANS (MCPs)

SUBJECT: D-SNP MCP COORDINATION CONTACT LIST DOCUMENT TO SUPPORT CARE COORDINATION FOR MEMBERS ENROLLED IN NON-MATCHING MEDICARE AND MEDI-CAL PLANS

PURPOSE:

This memo provides information about the use of the *D-SNP MCP Coordination Contact List* found in the Microsoft Teams channel set up by the Department of Health Care Services (DHCS). All D-SNPs and MCPs in California are required to enter a care coordination point of contact for other health plans to use when a member dually eligible for Medicare and Medi-Cal is enrolled in a Medicare D-SNP with a different plan organization than the member's MCP.

POLICY:

D-SNPs are required by state and federal contract language to coordinate all Medicare and Medi-Cal services for their dual members.

D-SNPs can find MCP enrollment info for their members via AEVS. DHCS distributed a memo to all D-SNPs regarding how to request access to AEVS.

For members that need care coordination across Medi-Cal managed care benefits, D-SNPs can use the MCP enrollment info and the *D-SNP MCP Coordination Contact List* to identify the point of contact in the MCP for coordination of Medi-Cal managed care benefits.

D-SNPs and MCPs **must** use a Health Insurance Portability and Accountability Act (HIPAA) compliant method when storing and transmitting protected health information (PHI). The most common mechanism for transmitting event data today is the HL7 V2 ADT message. If the clinical record system (EHR, EMR, Practice Management system, etc.) does not support HL7 V2 ADT Messaging, plans may use other alternatives methods as appropriate including, but not limited to secure/encrypted email.

Regarding the authority to discuss member information without a Business Associate Agreement, the federal HIPAA privacy rule includes certain relevant provisions under 160 and 164 subpart E, beginning with 164.500. In addition, the U.S. Department of Health and Human Services, Office of Civil Rights, published the following information on its website in 2019:

HIPAA and Health Plans – Uses and Disclosures for Care Coordination and Continuity of Care

Does HIPAA permit one health plan to share protected health information (PHI) about individuals in common with a second health plan for care coordination purposes?

Yes.

The HIPAA Privacy Rule permits a covered entity to disclose PHI to another covered entity for its own health care operations purposes, or for the health care operations of the entity receiving the information. If the disclosure of PHI is for the health care operations of the recipient covered entity, the Privacy Rule requires that (i) each entity either has or had a relationship with the individual who is the subject of the PHI being requested, (ii) the PHI pertains to that relationship, and (iii) the disclosure is for a health care operation listed in paragraphs (1) or (2) of the definition of health care operations or for health care fraud and abuse detection or compliance. 45 CFR 164.502(a)(1)(ii); 45 CFR 164.506(c)(4). Case management and care coordination are among the activities listed in paragraph (1) of the definition of health care operations. 45 CFR 164.501. For example, if Covered Entity A provides health insurance to an individual who receives access to the provider network of another plan provided by Covered Entity B, Covered Entity A is permitted to disclose an individual's PHI to Covered Entity B for care coordination, without the individual's authorization. 45 CFR 164.506(c)(1). Similarly, if an individual had been enrolled in a health plan of Covered Entity A and switches to a health plan provided by Covered Entity B, Covered Entity A can disclose PHI to Covered Entity B for Covered Entity B to coordinate the individual's care, without the individual's authorization.

Although such disclosures are permitted, they are subject to the [minimum necessary standard](#). 45 CFR 164.502(b).

This information is posted on this webpage: <https://www.hhs.gov/hipaa/for-professionals/faq/3014/uses-and-disclosures-for-care-coordination-and-continuity-of-care/index.html>

For any questions, please contact the DHCS Office of Medicare Innovation and Integration at OMII@dhcs.ca.gov.

Sincerely,

Original Signed by Anastasia Dodson

Anastasia Dodson
Deputy Director
Office of Medicare Innovation & Integration