

Provider Bulletin

Molina Healthcare of California

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December 8, 2023

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Memorandum of Understanding Requirements for Medi-Cal Managed Care Plans and Third-Party Entities APL 23-029

This is an advisory notification to Molina Healthcare of California (MHC) network providers applicable to the Medi-Cal line of business.

This notification is based on All-Plan Letter (APL) 23-029, which can be found in full on the Department of Health Care Services (DHCS) website at:

<https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2023/APL23-029.pdf>.

Background

The focus of this APL is to explore the provisions and requirements of the Memorandum of Understanding (MOU) between Medi-Cal managed care plans (MCPs) and Third Party Entities under the DHCS Medi-Cal Managed Care Contract (MCP Contract). MOUs are binding, contractual agreements between MHC and a Third-Party Entity, which delineate MHC's responsibilities to coordinate and facilitate services for Members whom multiple parties serve.

The MCP Contract requires MHC to build partnerships with the following Third Party Entities:

- Local health departments
- Local educational and governmental agencies
 - County behavioral health departments for specialty mental health care and Substance Use Disorder (SUD) services
- Other local programs and services
 - Social services
 - Child welfare departments
 - Continuum of Care programs
 - First 5 programs and providers

Provider Action

The MOU does not establish new requirements for Third Party Entities but references applicable existing requirements under current laws and regulations.

Subcontractors, Downstream Subcontractors, and Network Providers must comply with all applicable state and federal laws and regulations, Contract requirements, and other DHCS guidance, including APLs and Policy Letters. MHC may impose Corrective Action Plans (CAPs) and administrative and/or monetary sanctions for non-compliance.



- Regional Centers
- Area Agencies on Aging
- Caregiver Resource Centers
- Women, Infants, and Children Supplemental Nutrition Programs (WIC)
- Home and Community-Based Services (HCBS) waiver agencies and providers
- Justice departments

Policy

MHC aims to execute MOUs with Third Party Entities by the deadlines set in APL 23-029. These timeframes are dependent on the Third Party Entities' department and program. MHC will provide Medically Necessary Covered Services to Members and coordinate Member care, particularly for services carved out of the MCP Contract. The MOU serves as the primary vehicle for documenting and developing processes and procedures to ensure that MHC and the Third Party Entity coordinate all health and health-related social services as Members utilize both systems.

MOU Templates

MOUs with Third Party Entities must include all of the provisions required in Attachment A, Base MOU Template, and as required in the MCP Contract, including:

- Services Covered by MOU
- Party Obligations
- Training and Education
- Referrals
- Care Coordination
- Quarterly Meetings
- Quality Improvement
- Data Sharing and Confidentiality
- Dispute Resolution

Programs that exist on local levels require specific needs from MHC. The DHCS designed Bespoke Templates for such programs. These templates build on the Base Template requirements with uniquely tailored provisions. The proposed language is non-exhaustive; thus, MHC and Third Party Entities may add additional provisions as necessary.

The minimum requirements of the Base or Bespoke Templates cannot be altered. The Base MOU Template can be found on the DHCS website at:

<https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2023/Base-MOU-Template.pdf>. Please refer to the DHCS APL webpage to access the Bespoke Templates:

<https://www.dhcs.ca.gov/formsandpubs/Pages/AllPlanLetters.aspx>.

Compliance

MHC will designate a responsible person(s) to oversee MHC's compliance with the MOU(s) and relevant provisions. This MHC Responsible Person will report to the MHC compliance officer, who is ultimately responsible for addressing any deficiencies in MOU compliance. The MHC Responsible Person will also serve as a point of contact for Third Party Entities to address day-to-day MOU administration concerns.

MHC will notify the Third Party Entity of any liaison changes in writing as soon as reasonably practical but no later than the change date. The MHC Responsible Person will also arrange MOU provisions training and education for applicable Subcontractors, Downstream Subcontractors, and Network Providers. Furthermore, the liaison will ensure that MHC's Subcontractors, Downstream Subcontractors, and Network Providers comply with all applicable provisions of the MOUs.

Date Sharing and Confidentiality

MHC will share the minimum necessary data and information to facilitate referrals and coordinate care under the MOU. MHC has policies and procedures that support the timely and frequent exchange of Member information, protect the confidentiality of exchanged data, and, if necessary, secure Member consent following applicable law.

Dispute Resolution

MHC will collaborate with Third Party Entities to establish dispute resolution processes and timeframes within the MOU. This process must address issues concerning service coverage, payment conflicts, the roles assigned for care management of specific Members, and other concerns related to the delivery of Member services. The Base Template "Dispute Resolution" section provides an example of the required language. After failing to resolve the dispute, following the procedures outlined in the MOU, MHC will submit a written "Request for Resolution" to DHCS. The Third Party Entity may submit the dispute to the relevant department with oversight of the Third Party Entity (e.g., California Department of Social Services, California Department of Public Health, or California Department of Developmental Services). If MHC submits the Request for Resolution, MHC's Chief Executive Officer (CEO) or the CEO's designee will sign the request. If the Third Party Entity submits the Request for Resolution, an authorized representative of the Third Party Entity must sign the request.

MHC's Request for Resolution to DHCS must include:

1. A summary of the disputed issue(s) and a statement of the desired remedies, including any disputed services that have been or are expected to be delivered to a Member;
2. A history of the attempts to resolve the issue(s) with the Third Party Entity;
3. Justification for the desired remedy; and
4. Any relevant documentation.

DHCS, in collaboration with appropriate sister departments, will communicate the final decision to MHC and the Third Party Entity, including any necessary actions from MHC.

Subcontractors and Network Providers

If MHC has a Subcontractor or Downstream Subcontractor arrangement, delegating MOU responsibilities to a Knox-Keene licensed health care service plan(s), this Subcontractor or Downstream Subcontractor will be added as an express party to the MOU with their designated responsibilities.

MHC will provide annual training and orientation on the MOU requirements to applicable Subcontractors, Downstream Subcontractors, and Network Providers. The training will include information on MOU requirements, the services that each party coordinates, and how the Member can access those services.

MHC will also invite relevant Third Party Entity representatives to quarterly meetings to maintain a local presence. At each quarterly meeting, there will be an opportunity to discuss and address care coordination and MOU-related issues with county executives.

What if you need assistance?

If you have any questions regarding the notification, please contact your Molina Provider Relations Representative below.

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