



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
www.mass.gov/masshealth

MassHealth
All Provider Bulletin 283
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TO: All Providers Participating in MassHealth
FROM: Daniel Tsai, Assistant Secretary for MassHealth
RE: Documentation, Record Keeping, and Supervision Requirements of Behavioral Health Services Providers and Related Auditing

Overview

This bulletin serves as a periodic reminder of the requirements related to documentation, record keeping, and clinical supervision in the delivery of MassHealth-covered behavioral health services. Creating and maintaining a comprehensive treatment record and other mandatory documentation is a required component of the delivery of MassHealth-covered behavioral health services, and serves important goals, including coordination of care.

Compliance with all applicable Federal and State laws, regulations, and standards regarding documentation, record keeping, billing, and coding is the responsibility of each provider. Compliance with these requirements is one of the many important aspects of ensuring the quality of care delivered to MassHealth members and is necessary to substantiate payment for such services.

Documentation and Record Keeping Requirements Related to Behavioral Health Services Providers

Behavioral health providers are required to comply with all applicable Federal and State laws, regulations, and standards related to creating and maintaining documentation of the delivery of behavioral health services to MassHealth members. MassHealth regulations governing the delivery and billing of behavioral health services to MassHealth members and MA Department of Public Health licensing regulations list required elements of record keeping, including, but not limited to:

- 130 CMR 411.00: Psychologist Services
- 130 CMR 417.00: Psychiatric Day Treatment Program Services
- 130 CMR 418.00: Substance Use Disorder Treatment Services
- 130 CMR 425.00: Psychiatric Inpatient Hospital Services
- 130 CMR 429.00: Mental Health Center Services
- 130 CMR 434.00: Psychiatric Hospital Outpatient Services
- 130 CMR 450.00: Administrative and Billing Regulations
- 105 CMR 140.00: Licensure of Clinics
- 105 CMR 164.00: Licensure of Substance Abuse Treatment Programs

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Documentation and Record Keeping Requirements Related to Behavioral Health Services Providers (cont)

Providers contracted with a MassHealth managed care plan must also consult the Provider Manuals for each plan with which they are contracted for any additional requirements regarding standards of practice, including, but not limited to documentation of clinical services.

Providers are responsible for keeping abreast of and complying with all relevant regulatory and other requirements related to documentation and recordkeeping.

Supervision

Behavioral health providers are also required to comply with applicable Department of Public Health, Department of Mental Health, MassHealth, and MassHealth managed care plans' regulations and standards regarding clinical supervision. Regular supervision of unlicensed clinicians must occur with a frequency and duration commensurate with the caseload and in accordance with applicable licensure and programmatic requirements. To ensure that supervision is appropriately documented, both the supervising clinician and the supervisee must maintain records of supervision meetings.

Audits

As part of their regular program integrity activities, MassHealth and its managed care plans may conduct audits of providers' compliance with requirements related to record keeping, licensure, supervision, and other program specifications set forth in regulation, contract, or managed care Provider Manuals. In the event that audits reveal deficiencies in documentation or compliance with other program specifications, MassHealth or its managed care plans may impose sanctions including, but not limited to, the imposition of corrective action plans, the recoupment of claims/recovery of overpayments, imposition of administrative fines, or termination of the providers from MassHealth or the network of a MassHealth managed care plan.

Fraud and Abuse

MassHealth is required to refer any credible allegation of provider fraud or abuse to the Medicaid Fraud Division of the Attorney General's Office. Unless good cause exists, once MassHealth makes such a referral, MassHealth must suspend all payments to the provider while the Medicaid Fraud Division conducts its investigation. The payment suspension will end when the Medicaid Fraud Division determines that there is insufficient evidence of fraud or when legal proceedings related to the fraud are completed.

Additional Resources

Providers are responsible for staying informed of and in compliance with the most current laws, regulations, and standards regarding documentation and record keeping. Behavioral health providers can seek assistance from professional organizations to support their practice, including documentation and record keeping. The following resources may be helpful for providers:

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Additional Resources (cont)

- MA Association for Behavioral Healthcare: www.abhmass.org/msdp/updates.html
- MA Mental Health Counselors Association: www.mamhca.org/lmhcs/video-webinar/ and www.mamhca.org/lmhcs/licensure-board-updates-and-notices/
- New England Association for Family and Systemic Therapy: www.neafast.org
- MA Chapter, National Association of Social Workers: www.naswma.org/page/37 and www.socialworkers.org/Practice/Behavioral-Health
- American Psychiatric Association: www.psychiatry.org/psychiatrists/practice/practice-management/practice-management-guides
- American Psychological Association: www.apa.org/practice/guidelines/record-keeping.aspx

MassHealth Website

This bulletin is available on the MassHealth website at www.mass.gov/masshealth-provider-bulletins.

To sign up to receive email alerts when MassHealth issues new bulletins and transmittal letters, send a blank email to join-masshealth-provider-pubs@listserv.state.ma.us. No text in the body or subject line is needed.

Questions

If you have any questions about the information in this bulletin, please contact the MassHealth Customer Service Center at (800) 841-2900, email your inquiry to providersupport@mahealth.net, or fax your inquiry to (617) 988-8974.