

Questions and Comments on Independent Facilitator Stakeholder Group Recommendations

Question: Will use of the Independent Facilitator templates be a contract requirement?

Response: No, it will not be a contract requirement. However, MDHHS/BPHASA are recommending its use.

Question: Who completes the Independent Facilitator background check? There is a concern about the timeliness for this step when an individual chooses to use an Independent Facilitator.

Response: The entity that provides payment for the service would be responsible for completing the background check.

Question: Is there compensation for trainees who attend Independent Facilitator training?

Response: PIHPs or CMHSPs can compensate Independent Facilitators to attend training on Person-Centered Planning and/or Recipient Rights training.

Question: Is there a way to count or measure more natural (unpaid) facilitation by people with disabilities (self) or a chosen family member/friend?

Response: A good suggestion that would need changes in the current behavioral health data systems to capture and count this information.

Question: Can the workgroup clarify the training needs for the following topics: Confidentiality, Due process rights, and HIPAA Compliance?

Response: The required training, as outlined in the MDHHS Provider Qualifications, is completion of a course on Person Centered Planning and a Recipient Rights training (any CMHSP is acceptable). The Independent Facilitation role is a technician level of service. The Independent Facilitation Stakeholder Group have recommended **Provider Qualifications, Required Training, and Other Items for Independent Facilitators**.

Comment: In **Addition of Language to the Medicaid Provider Manual**, the Independent Facilitation Stakeholder Group recommended the addition of, "Independent Facilitation is a component of treatment planning and is an authorized service. Treatment planning is an authorized code; the IF modifier does not require a distinct authorization." It is preferred that there is a presumption that Independent Facilitation is mandated to be offer and an authorization is not needed, like the previous mandate of the Supports Intensity Scale assessment.

Response: Independent Facilitation is a benefit that should be offered to all beneficiaries in the mental health system and utilized under the treatment planning code H0032.

Comment: Use of CMHSP NPI# for IF - possible concerns for CMHSP; it could have implications for liability to the CMHSP when the facilitator is not an employee of the CMHSP system.

Response: A unique National Provider Identification (NPI) is not required for Independent Facilitators. “All health care providers who are HIPAA-covered entities, whether individuals or organizations, must get an NPI.”¹ The Centers for Medicare and Medicaid Services (CMS) publication, *Are You a Covered Entity?*, describes the individuals or entities who must comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA requires “Providers who submit HIPAA transactions, like claims, electronically are covered. These providers include, but are not limited to: Doctors, Clinics, Psychologists, Dentists, Chiropractors, Nursing homes, and Pharmacies.”² The CMS booklet, *NPI: What You Need to Know*, also offers information about the National Provider Identifier (NPI) and who must get an NPI.

¹ *NPI: What you need to know*. CMS.gov. Medicare Learning Network. (2022, March). <https://www.cms.gov/outreach-and-education/medicare-learning-network-mln/mlnproducts/downloads/npi-what-you-need-to-know.pdf>

² *Are you a covered entity?*. CMS.gov. (2024, April 23). <https://www.cms.gov/priorities/key-initiatives/burden-reduction/administrative-simplification/hipaa/covered-entities>