

**Statement of Findings**  
**Molina Health Plan**  
**Behavioral Health Key Staff Review Survey ID# (-1327097338)**  
**October 1, 2020-March 3, 2021**

**Medicaid Model Contract 16.13.a**  
**Behavioral Health Clinical and Medical Directors Requirements**

**a) The requirements for Contractor's employment of Clinical and Medical Directors are contained in this section and in the State-issued Behavioral Health Guidance.**

**Transition of Behavioral Health Benefit into Medicaid Managed Care and Health and Recovery Program Implementation released October 2015: Section VII.5**

**For all MCOs product lines: The MCO shall provide written notice to the State within seven calendar days after the effective date of termination or resignation of any of the key staff listed in Section 3. B above, including the name of the interim contact person performing the key staff person's duties, if a replacement is not found within that time. In addition to the notice of termination or resignation, the MCO shall submit a written proposal for replacing the key staff person, including expected timelines for recruitment activities. The MCO shall also notify the State at the earliest practicable time, but in no event later than seven days if a key staff member who is required to be full-time drops below full-time status. The State reserves the right to review the qualifications of key staff replacements at any time and require the MCO to identify a different key staff person if their replacement does not meet the requirements set forth in this guidance.**

**Finding:**

Based on communication and review of the required Exhibit 1: Staffing Plan for Adult and Children report submitted on October 1, 2020 and subsequent documents, Molina failed to provide written notification to the State within seven calendar days after the date of termination or resignation of Adult Behavioral Health (BH) Key Staff individuals in accordance with the requirements. The Office of Mental Health (OMH) and Office of Addiction Services and Support (OASAS) issued a memo on May 6, 2020, entitled *Notification of MCO Key Staff Vacancies*, to Medicaid Managed Care Organizations (MCOs) to stress the importance of timely written notification to the State and to remind the Plans of the requirements.

Specifically, the BH Clinical Director for Adults and the HARP BH Clinical Director roles were vacated on July 31, 2020. Written notification was first received on August 21, 2020 via email response from Molina to a State-initiated inquiry regarding an email that bounced back in error. Review of additional documentation submitted on February 19, 2021 from Molina confirmed notification was not provided within a timely manner for the BH Clinical Director for Adults and the HARP BH Clinical Director positions. Molina stated in their response, "Notification to state: 8/21/2020, email from Associate Vice President, Government Contracts." Molina failed to provide formal notification as directed in the memo distributed to MCOs by OMH and OASAS on May 6, 2020.

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**Children’s Medicaid System Transformation Behavioral Health State Plan Services  
Transition to Medicaid Managed Care: Section VI. Staffing Requirements**

**The MMCP must provide written notice to the State within seven calendar days after the effective date of termination or resignation of any of the key staff listed in this section and must provide the name of the interim contact person performing the key staff person’s duties, if a replacement is not found within that time. In addition, the MMCP must submit a written proposal describing plans for replacing key staff person, including expected timelines for recruitment activities.**

**Finding:**

Based on communication and review of the required Exhibit 1: Staffing Plan for Adult and Children report submitted on October 1, 2020 and subsequent documents, Molina failed to provide written notification to the State within seven calendar days after the date of termination or resignation of the Behavioral Health (BH) Clinical Director for Children in accordance with the requirements. The Office of Mental Health (OMH) and Office of Addiction Services and Support (OASAS) issued a memo on May 6, 2020, entitled *Notification of MCO Key Staff Vacancies*, to Medicaid Managed Care Organizations (MCOs) to stress the importance of timely written notification to the State and to remind the Plans of the requirements.

Specifically, the BH Clinical Director for Children role was vacated on July 31, 2020. Written notification was first received on August 21, 2020 via email response from Molina to a State initiated inquiry regarding an email that bounced back in error. Review of additional documentation submitted on February 19, 2021 from Molina confirmed notification was not provided within a timely manner for the Behavioral Health (BH) Clinical Director for Children position. Molina stated in their response, “Notification to state: 8/21/2020, email Associate Vice President, Government Contracts”.

**Plan of Correction:**

**Root Cause Analysis**

Molina Healthcare of New York, Inc. (Molina) acknowledges that the health plan did not give proper notice of the termination to NYS OMH/ OASAS when the BH Clinical Director for Children role was vacated on July 31, 2020. The error occurred due to misinterpretation/ misunderstanding of the reporting requirement by the staff.

**Training**

To ensure Exhibit 1 reporting requirements are available to all Molina employees, a policy and procedure outlining specific requirements and expectations has been developed. Molina employees will be trained on this policy upon its roll out and as changes are made per regulatory guidance. The policy and training will be in effect no later than February 1, 2022. In addition, applicable employees (whose

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Departments are reported on Exhibit 1) will also be trained on the development/ updating and submission of Exhibit 1. As outlined in our policy, Key Staff is defined as employees in the following positions:

**Behavioral Health Key Staff for Adult Services**

- MCO Behavioral Health Medical Director
- MCO Behavioral Health Clinical Director
- HARP Behavioral Health Medical Director
- HARP Behavioral Health Clinical Director
- HARP Medical Director for General Medicine

**Key Staff for Children's Services**

- MMCP BH Medical Director for Children's Services
- BH Clinical Director for Children's Services

Monitoring and Auditing

All the Clinical Directors report up to the Director of Behavioral Health, therefore the Director of Behavioral Health will have direct knowledge of any termination. The Medical Directors report directly to the Chief Medical Officer. To timely capture any changes to the Medical Director staff, the Chief Medical Officer and the Director of Behavioral Health will communicate weekly. Additionally, monthly the Director of Behavioral Health will request a list of staff changes (new hires, terminations, resignations) from Molina's Human Resources Department to ensure any changes in Key Staff positions were captured in a timely manner.

Twice a year, for accuracy, Compliance will review Exhibit 1 submissions with respect to the list of staff changes (new hires, terminations, resignations) from Molina's Human Resources Department.

Completion Date and Responsible Party

Date certain for finalization of our policy and employee training is slated for February 1, 2022. The responsible party is Larry Klein, Director of Behavioral Health.



Compliance Officer

Molina Healthcare of New York, Inc.