

MCO Guidelines for Key Contract Provisions for an Administrative Agreement for the Provision of Health Home Services

I. Indications for Health Home Contracts

- A. An applicant shall submit for DOH approval all **template contracts** or, in the absence of a template, **contracts (and Material Amendments to such contracts)** related to the provision of Health Home services. Such contracts and amendments must include the “Key Contract Provisions for an Administrative Agreement for the Provision of Health Home Services” (“Key Provisions”) as an Appendix to the contract or include the provisions in the body of the contract and the Contract Statement and Certification ; **or** The applicant shall submit the properly executed “**Administrative Health Home Services Agreement (Standard Agreement)**” with the Contract Statement and Certification and a cover letter indicating that the MCO is contracting with the health home using the Standard Agreement and the contract number.
- B. A contract or amendment subject to these Guidelines should be for **Health Home** services only. Arrangements for the provision of medical services or management services should be addressed in a separate agreement.
- C. Under no circumstance may the applicant implement a contract or amendment if DOH, by written notice, has expressly withheld permission for the parties to proceed pending further review of the contract, or DOH has issued a written disapproval of the contract or amendment.
- D. As used in these Guidelines:
- “MCO” includes an entity certified pursuant to Article 44 of the Public Health Law
 - “Health Home Services Provider” means a provider of Health Home services that has a contractual relationship with a Health Home.
 - “Health Home” is a Health Home service organization” designated by the Department of Health to provide Health Home services as defined under section 1945(h)(4) of the Social Security Act.
 - “**Material amendment**” for the purposes of these guidelines means a change to the Key Provisions.

II. Contract Review Process

- A. A proposed Health Home contract or material amendment to the contract must be submitted to the Department 21 days prior to the Health Home contract’s proposed effective date. Health Home contracts shall be effective only with the prior written approval of the Department.
- B. Submission Requirements. DOH review will commence review of a template contract, contract or material amendments of contracts upon receipt of **ALL** of the following:
1. One (1) electronic copy of each contract or material amendment submitted for approval, in a standard searchable PDF format on a closed session CD-R (not CD-RW), with copy/read permissions, or transmitted as a PDF file attached to an e-mail, that meets the following requirements:
 - (i) The Key Provisions are attached to the contract and the provisions of the Key Provisions must be expressly incorporated by reference into the contract. The Key provisions cannot be modified if they are an attachment to the agreement. The following is a sample of an incorporation by reference provision:

The “New York State Department of Health “Key Contract Provisions for an Administrative Agreement for the Provision of Health Home Services”, attached to this Agreement as Appendix _____, are expressly incorporated into this Agreement and are binding upon the parties to the Agreement. In the event of any inconsistent or contrary language between the Key Provisions and any other part of this Agreement, including but not limited to appendices, amendments and exhibits, the parties agree that the provisions of the Key Provisions shall prevail, except to the extent applicable law requires otherwise and/or to the extent a provision of this Agreement exceeds the minimum requirements of Key Provisions.

– OR –

The Key Provisions are included in the body of the agreement. The location of each provision is annotated on the Contract Statement and Certification Form.

- (ii) each contract or contract amendment must have an MCO assigned unique identifier made up of any combination of letters and numbers; a new unique identifier must be assigned whenever the contract or amendment is modified;
- (iii) each contract or contract amendment must be dated and all amendments must reference the date of the originally approved contract;
- (iv) all new and amended language shall be underlined and all deleted language bracketed, or otherwise highlighted (e.g. a redlined version) for ease of review;

– OR –

- (v) Submit one (1) electronic copy of each properly executed Standard Contract in a standard searchable PDF format on a closed session CD-R (not CD-RW), with copy/read permissions, or transmitted as a PDF file attached to an e-mail.

2. A completed DOH 5060 “Contract Statement and Certification” for each contract or Material Amendment, bearing the same MCO assigned unique identifier as the submitted contract or amendment. In all cases, the certification must be signed by an officer of the MCO or the MCO’s legal counsel.

3. All required supporting documentation as described in these Guidelines and on the DOH 5060 form.

C. Contract Review Process

1. Contracts and material amendments will be reviewed within one (1) week of receipt of a complete submission if:

- (i) the Key Provisions are submitted as an appendix to the contract and the incorporation language is included; and the DOH –5060 Contract Statement and Certification is complete, signed, dated and notarized.

2. A complete contract or material amendments review will *exceed* one week if there are changes to the Key Provisions.

3. A properly executed Standard Contract, or a contract which includes only Department required modifications, is effective upon filing with the Department.

D. Submission of Materials:

1. Incomplete submissions will not be accepted for review.

2. Send contract to:

New York State Department of Health
Bureau of Managed Care Certification and Surveillance
ESP – Corning Tower Building
20th Floor – Room 2019
Albany, New York 12237

-or-

electronically to BMCCS Mail at contract@health.state.ny.us

3. If at any time during the review process, modifications are made to the submitted contract or contract amendment that render inaccurate any statements made in the “Health Home Contract Statement and Certification” (DOH-5060), the MCO must submit a new, corrected, and signed DOH-5060

4. After DOH approval is received, the MCO must submit an electronic copy of any executed contract or contract amendment following the submission requirements provided for in Section, II. B. 1 above.