



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

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On October 26, 2020, in response to the ongoing COVID-19 State of Emergency, the NYS Department of Health (Department) issued notice to Health Homes Serving Adults, Health Homes Serving Children, and Care Coordination Organization/Health Homes to initiate a process for obtaining signed Health Home consents (wet or electronic signature) within 45 days of the October 26, 2020 notice for all members with only verbal consent in place. Additionally, if the signed consent cannot be obtained within the 45-day period, the HHCM must document the reason and disenroll the member.

At this time, the Department is amending the October 26, 2020 notice as follows:

- The requirement for obtaining signed Health Home consent (wet or electronic signature) for members with only verbal consent on file has been extended from 45 days to **60 days** to allow Health Home Care Managers (HHCM) additional time to notify and work with members to obtain signed consent. All attempts to obtain wet or electronic signatures must be documented in the case record, e.g. electronic, through mail, face to face, etc.
- If a signed consent cannot be obtained within 60 days, the Health Home Care Manager must document the reason. Members who are engaged and receiving core HHCM services should not be disenrolled and the HHCM should continue to have conversations with the member that includes the importance of having signed consent on file in order to provide HHCM services and to maintain enrollment status.
- Members no longer engaged in HHCM services nor receiving appropriate and necessary core services should be disenrolled.

Additional clarification related to obtaining Health Home consent during the continued COVID-19 State of Emergency is provided as follows:

- Verbal consent should be used as a last resort when other methods of obtaining consent e.g., electronic or wet signature cannot be done. Members should be informed of the purpose and limitations of verbal consent and that a signed consent with either wet or electronic signature is required. Documentation of verbal consent must clearly indicate why verbal consent was obtained (e.g. reason other methods could not be used, result of COVID-19 emergency, etc.) and include the date verbal consent was obtained.
- The date of verbal consent is the date entered into the MAPP HHTS.
- Within 60 calendar days of obtaining any new verbal consents, a hard copy signed consent with either a wet or electronic signature must be obtained.



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- Within 60 calendar days, a wet or electronic signature must be obtained from members for whom only verbal consent is currently on file.
- The HHCM may accept a Health Home consent from a member signed and submitted electronically, or (wet signature) via regular mail, email/scan or fax.
- Health Homes may continue to receive patient care alerts from SHIN-NY Qualified Entities (RHIOs) without affirmative consent per 1.2.9 of 10 NYCRR Part 300 (https://www.health.ny.gov/technology/regulations/shin-ny/docs/privacy_and_security_policies.pdf) However, Health Homes are responsible for ensuring that they appropriately notify QEs on consent status of written vs verbal as there will only be the 60-day window allowed to transition verbal to written consent to continue to access data in the SHIN-NY for the coordinating of care.
- A wet or electronic signature must also be obtained from the member for any changes to Health Home consent (e.g. add/remove providers, etc.) provided verbally (refer to: Access to/Sharing of Personal Health Information (PHI) and the Use of Health Home Consents Policy #HH0009 for updating consents).
- In the absence of a signed consent, there are extreme limitations on what a care manager can do, including sharing information with the member's care team. Therefore, enrollment cannot be maintained for any member for whom signed consent cannot be obtained within 60 days. Before initiating disenrollment, the HHCM must have a conversation with the member about the importance of having a signed Health Home consent and document the conversation(s).

[The October 26, 2020 FAQ, Verbal Consent – Updated Guidance](#) and the Health Home Frequently Asked Questions During COVID-19 State of Emergency (Issued March 26, 2020, Revised April 9, 2020) can be accessed on the Medicaid Health Homes - Comprehensive Care Management webpage (under: IMPORTANT: COVID-19 Guidance and Updated Materials) at: https://www.health.ny.gov/health_care/medicaid/program/medicaid_health_homes/