

WORKING IN PARTNERSHIP WITH THE OMBUDSMAN FOR MEDICAID WITH MANAGED CARE

Title:		Policy Number:	
Policy Name: Working in Partnership with the Ombudsman for Medicaid with Managed Care		Policy Number: 01	
Responsible Department:		Author:	Approver:
Member Services		Raina Ali Community Relations Manager	Cara Hebert Community & Provider Relations Director <i>Cara Hebert</i> Approver Signature:
Original effective date:	Date of policy retirement:	Last revision date:	Last reviewed/approval date:
07/01/2025	N/A	00/00/2025	07/01/2025
Applicability			
<input checked="" type="checkbox"/> NHP Staff (including contractors) <input checked="" type="checkbox"/> NHP Providers <input checked="" type="checkbox"/> NHP State Contract Requirements <input checked="" type="checkbox"/> NHP Rocky Mountain Health Plans Contract Requirements		Policy applies to: Member Engagement Team Clinical operations Quality Department Call Center NHP State Contract Requirements for CMS Audits EQRO Audits	
Regulatory Information / Resources and References			
Federal or state regulations and/or accreditation requirements: <ul style="list-style-type: none"> 42 CFR § 438.10 – Information requirements 42 CFR § 438.406 & § 438.408 Grievance and appeal systems 45 CFR § 164 – HIPAA Privacy Rule Colorado Code of Regulations (10 CCR 2505-10) Department of Health Care Policy and Financing (HCPF) Contract Requirements NCQA standards regarding Member rights and advocacy 		<ul style="list-style-type: none"> NCQA requires health plans to have formal processes for member complaint resolution and may review how Ombudsman or consumer assistance roles are integrated. HCPF contracts with Regional Accountable Entities (RAEs) like NHP to ensure access to Ombudsman services for Health First Colorado (Medicaid) members. Ombudsman for Medicaid Managed Care (OMMC) is Colorado's designated entity to assist members with complaints, denials, and rights 	

I. OVERVIEW

This policy outlines the responsibilities and processes related to the Ombudsman for Medicaid Managed Care and establishes procedures for the appropriate and compliant sharing of Protected Health Information (PHI). It ensures that all stakeholders, including Providers, Subcontractors, advocates, families, and Members, understand the role of the Ombudsman and how PHI is shared that can be easily distributed to Network Providers, Subcontractors, advocates, families, and Members.

II. PURPOSE

To outline Northeast Health Partners' (NHP) process for working with the Ombudsman for Medicaid Managed Care, including how Protected Health Information (PHI) is shared, in compliance with federal and state regulations. This policy also ensures that this information is accessible to Network Providers, Subcontractors, advocates, families, and Members.

III. POLICY

Northeast Health Partners (NHP) supports the role of the Ombudsman for Medicaid Managed Care in promoting member rights and helping resolve concerns. In accordance with federal and state regulations, NHP maintains the following policy:

- a. The Regional Accountable Entity (RAE) ensures that Health First Colorado members have meaningful opportunities to engage in their care and voice concerns. NHP acknowledges that many members benefit from having an advocate support them during the complaint process or when accessing services.
- b. The RAE respects each member's right to choose their own advocate and will not interfere with any advocacy relationships.
- c. The RAE will refer members to the Ombudsman for Medicaid Managed Care for support with problem solving, complaint resolution, in-plan and State Fair Hearing appeals, and appropriate referrals to community resources.
- d. The RAE shall share Protected Health Information (PHI), with the exception of psychotherapy notes and SUD-related information, with the Ombudsman upon the Ombudsman's request, without requiring a signed release of information or other permission from the Member, unless Contractor has previously obtained written and explicit instructions from the Member not to share information with the Ombudsman.
- e. The RAE shall respond in a timely and thorough manner to all issues brought forward by the Ombudsman on behalf of a member, family member, advocate, or caregiver concerning the adequacy, provision, or denial of care. The RAE is responsible for maintaining ongoing communication with the Ombudsman throughout the resolution process and shall formally notify the Ombudsman of the outcome and final resolution to the concerns.

- f. The RAE shall ensure that this policy, detailing all requirements for collaboration with the Ombudsman, is readily accessible to members, family members, advocates, network providers, and subcontractors by posting it on the RAE's official website.

IV. DEFINITIONS

- A. **Ombudsman for Medicaid Managed Care:** An independent resource that helps Health First Colorado members resolve issues with their Medicaid health care services.
- B. **Advocate:** Any individual the member designates to assist in the navigation of care or complaint processes.
- C. **RAE (Regional Accountable Entity):** An organization responsible for coordinating Medicaid member care and services in a defined geographic region.
- D. **Member** is any individual enrolled in the Accountable Care Collaborative managed through the RAE.
- E. **Protected Health Information (PHI):** PHI refers to any health-related information that identifies an individual or can reasonably be used to identify them. This includes demographic data and details about an individual's past, present, or future physical or mental health, healthcare services received, or payment for those services. PHI can be collected, created, or received by healthcare providers, employers, health plans, or healthcare clearinghouses and may exist in any form or medium. Examples include names, dates of birth, social security numbers, addresses, diagnoses, treatments, and dates of service.

V. PROCEDURE

A. Sharing Member Protected Health Information (PHI)

1. The Ombudsman for Health First Colorado Managed Care operates under a HIPAA Business Associate Agreement (BAA) with the Department of Health Care Policy and Financing (HCPF). Similarly, the Regional Accountable Entity (RAE) holds BAAs with both HCPF and the Ombudsman.
2. The RAE acknowledges the Ombudsman as a valuable resource to assist in advocating for members.
3. RAE staff will collaborate with the Ombudsman to resolve complaints or advocate for member services.
4. When the Ombudsman requests information to support a member's complaint or appeal, the RAE will provide the necessary information without requiring signed releases, except in the case of psychotherapy notes and substance use disorder records.

5. The RAE will withhold information if there are explicit instructions from the member not to share their information with the Ombudsman.
6. For members with a substance use disorder diagnosis, the RAE will ensure that a 42 CFR Part 2 compliant release of information is obtained before sharing any information with the Ombudsman.

B. Educating the Community about the Ombudsman Program

1. The RAE will educate agencies serving Health First Colorado members about the Ombudsman's services and role.
2. The RAE includes contact information for the Ombudsman in all required member materials such as complaint and appeal letters and websites.

C. Posting Ombudsman Information in Provider Offices

1. The RAE requires all network providers to prominently post information about the Ombudsman program in their offices.

The RAE will conduct site visits to ensure providers comply with this requirement.

- a. Failure to post Ombudsman information appropriately will result in a formal recommendation to the provider.
- b. Continued non-compliance on subsequent visits may lead to corrective action.

D. Policy Accessibility

1. The RAE will make this policy publicly available on its website to ensure access for members, families, advocates, network providers, and subcontractors.

VI. ENFORCEMENT

Failure to follow this policy may result in disciplinary action and potential contractual consequences for subcontractors or providers. NHP's Compliance and Privacy Officer will oversee the enforcement and address violations.

VII. DISTRIBUTION

This policy will be:

- Posted on the NHP website.
- Shared with all NHP staff, network providers, and subcontractors
- Available to members, family members, and advocates upon request

Policy Revision History

Version	Date	Description	Approved By

References: