



STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ROBERT GORDON
DIRECTOR

MEMORANDUM

April 8, 2020

TO: Executive Directors of Prepaid Inpatient Health Plans (PIHPs) and
Community Mental Health Services Programs (CMHSPs)

FROM: Jeffery L. Wiefelich, MA, LLP, Director *JW*
Bureau of Community Based Services

SUBJECT: Plan of Service and Due Process Concerns

The Michigan Department of Health and Human Service (MDHHS) has received a significant number of complaints from beneficiaries about adverse actions being taken with services authorized in the Plan of Service. In some cases, the due process steps were reportedly not followed related to issuing proper notice.

Per the BHDDA essential services guidance #20-01 issued on March 25, 2020, "All behavioral health services are essential to sustain and protect life and therefore must continue to be provided under the Governor's Stay Home Stay Safe Order. Behavioral health services shall continue to be provided in homes, residential or clinical settings if such services cannot reasonably be performed telephonically or through other virtual methods and are necessary to sustain and protect life. Home-based or clinic-based services are necessary to sustain and protect life if, based on a provider's good faith clinical judgment, are necessary for the individual to remain in the least restrictive environment, are required for assistance with activities of daily living, instrumental activities of daily living (IADLs), be sustained on life-preserving medication, as well as those services necessary to maintain behavioral or psychiatric stability.

To ensure that individuals receive necessary services, MDHHS expects that services currently authorized in the Person-Centered Plan (PCP) will continue during the COVID-19 emergency, and even if the plan and authorizations are set to expire. In addition, MDHHS expects that during the COVID-19 emergency, assessments for a different level of need should be suspended and no adverse actions initiated.

We understand these are difficult times and MDHHS is here to partner with you to help manage this unprecedented crisis.