

Critical Incident Reports



Unannounced Policy Change Process Remains A Challenge for Provider Community | November 2, 2023

The Community Behavioral Health Association of Maryland (CBH) has significant concerns about ongoing procedures for managing communication with the provider community about important compliance standards by the Behavioral Health Administration (BHA).

In recent years, BHA has oftentimes announced a policy change without prior consultation with the provider community. The provider community offers constructive feedback on the announced policy, resulting in subsequent changes to the announced policy by BHA, only to have the policy change again as the result of internal dialogue at BHA.

Too often the consequence has been a final policy that is different from the one that was agreed upon and communicated to providers, with no documented record of provider communications and edits to the original policy, since those are deleted or invisible to external stakeholders. Policy amendments should be transparent and clearly communicated to the provider community, and an unabridged history of changes made should be available so that any misunderstanding can be addressed. Erasure of the communication history can make provider compliance challenging and erodes confidence in the good faith process between MDH and providers.

The latest example of this approach to policymaking took place regarding changes to critical incident reporting:

- July 20, 2023: Optum releases [provider alert](#) describing significant substantive changes to critical incident reporting standards.
- July 25, 2023: CBH corresponds with Marie Grant at MDH to request rescission of the policy or amendment to conform to existing regulatory requirements for critical incident reporting.
- August 1, 2023: Marie Grant at MDH responds to CBH, indicating that the alert will be revised to conform to existing regulatory and accreditation reporting standards, which should resolve CBH's concerns.
- August 9, 2023: Optum distributes a revised provider alert. CBH staff review the alert and agree that it resolves CBH concerns.
- August 17, 2023: Optum's provider alert website indicates that the August 9 alert was updated:

August 2023

- 8-31-23: Corrected Error in Level of Care Manual: SUD Medium Intensity Residi
- 8-31-23: Labor Day Holiday Office Closure
- 8-31-23: September Provider Council Meeting
- 8-30-23: Incedo SYstem Downtime - September 2, 2023
- 8-24-23: STOP Act of 2022 - Becoming an Opioid Response Program
- 8-24-23: Return of the Dual Checkwrite Process
- 8-24-23: Payspan Portal Downtime: August 26-27
- 8-23-23: Incedo Portal System Downtime - August 26
- 8-17-23: Incedo Portal System Downtime - August 19
- 8-17-23: Historical Unfunded Denied Claims Included in PRA
- 8-9-23: Amended Critical Incident Report Requirement (Updated 8/17/23)
- 8-9-23: Incedo Portal System Downtime - August 12
- 8-3-23: Incedo Portal System Downtime - August 5
- 8-3-23: Discontinuing Authorization Notification Emails
- 8-3-23: New ABA Treatment Plan Template

10.63 Licensing Changes

November 2, 2023

However, the August 17 update to the August 9 Provider Alert was never shared with the provider community via a revised alert or even via a mention of the change in a Provider Bulletin. Based on our recollection (since the Aug. 9 provider alert is no longer available), the “updates” made to the August 9 alert on August 17 were substantive and restored edits that had resolved CBH’s concerns during CBH’s review of the original August 9 version of the alert.

- November 1, 2023: BHSB sends the “new” critical incident policy dated August 9 to the provider community. CBH’s review of the BHSB distribution raised concerns that material changes may have been made. However, we are unable to ascertain whether that is the case since the link to the original August 9 version of the alert is now unavailable, preventing a comparison of the August 9 and August 17 versions of the August 9 alert:

