



- Category:** Utilization Management
- Code:** UM 2.0 Attach F Court Ordered CH Treatment
- Subject:** Court Ordered Chemical Health (CH) Treatment Level of Care Guidelines
- Purpose:** The intent of this policy is to provide coverage guidelines for court-ordered chemical treatment services.
- Policy:** Court-ordered chemical health treatment services intended to treat substance related conditions that are eligible for payment under the enrollee's Certificate of Coverage (COC) or applicable Summary Plan Description (SPD) are covered subject to meeting the guidelines listed below.

**Please refer to the enrollee's benefit document for specific information. To the extent there is any inconsistency between this policy and the terms of the enrollee's benefit plan or certificate of coverage, the terms of the enrollee's benefit plan document will govern.**

*Benefits must be available for healthcare services. Healthcare services must be ordered by a physician, physician assistant, nurse practitioner, or behavioral health practitioner. Healthcare services must be medically necessary, applicable conservative treatments must have been tried, and the most cost-effective alternative must be requested for coverage consideration.*

## **DEFINITIONS:**

### **Court-Ordered Care:**

Court-ordered substance related services includes substance related services which are provided as part of: a court hold, any type of commitment (which may include an order for early intervention), a stay of commitment, a continuance, or a revocation of a provisional discharge which are ordered by a court of competent jurisdiction. This includes substance related services which are ordered by a juvenile court for a child who is adjudicated as needing protection or services, substance related services which may be ordered by a criminal court as a condition of probation, or other situations in which a court of competent jurisdiction has included provision of, or participation in, substance related services as a condition in its findings.

### **Provider:**

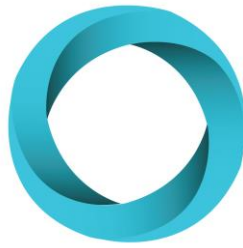
A health care professional or facility licensed, certified, or otherwise qualified under state law to provide health care services.

### **Substance-Related Disorders:**

Disorders associated with excessive use of or exposure to psychoactive substances, including drugs of abuse, medications, and toxins, that fall into two groups: Substance Use Disorders (Substance Dependence and Substance Abuse) and Substance-Induced Disorders (Substance Intoxication, Substance Withdrawal, Substance-Induced Delirium, Substance-Induced Persisting Dementia, Substance-Induced Persisting Amnesic Disorder, Substance-Induced Psychotic Disorder, Substance-Induced Mood Disorder, Substance-Induced Anxiety Disorder, Substance-Induced Sexual Dysfunction, and Substance-Induced Sleep Disorder).

A. To be eligible for coverage all of the following are required: 1-3

1. A copy of the evaluation and court order



2. The court-ordered behavioral care evaluation must be performed by a *participating* licensed alcohol and drug counselor (LADC), licensed psychiatrist, or doctoral level licensed psychologist
3. The evaluation must include a diagnosis and individual treatment plan for care in the most appropriate and least restrictive environment.

B. BHP may make a motion to modify a court ordered plan and/or request a new behavioral care evaluation.

C. On a periodic basis, at the discretion of BHP, a current treatment plan, including treatment goals and associated progress toward goals may be requested from the treating provider to help determine the need for a new behavioral care evaluation or need for modification to the court order.

D. Court-ordered care is subject to a separate medical necessity determination underutilization procedure.

E. Eligible services must be covered in the enrollee's COC and are subject to all plan limitations and exclusions.

**Note: All court ordered cases will be discussed with BHP's Medical Director or Board-Certified Physician.**

**Regulatory / External References:**

1. 2013 NCQA Standards and Guidelines for the Accreditation of Health Plans:
  - QI 9 Clinical Practice Guidelines
  - QI8 Disease Management
2. MN Statute 62Q.137
3. MN Statute 62Q.535

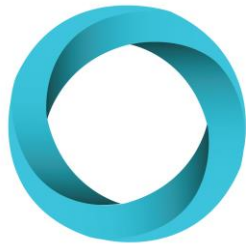
**Internal References:** Quinn McBreen LADC, Richard Sethre PhD LP

**Source:** PreferredOne, BHP

**Date Effective:** 03/01/2014

**Date Revised:** 03/01/2014

**Date Evaluated by Clinical Team:** April 2014, December 2014, April 2015, December 2015, March 2016, December 2016, December 2017, December 2018, December 2019, December 2020, December 2021



**Revision Tracking**

<u>Date Revised</u>	<u>Revision Type</u>	<u>Details of Revision Made</u>
	List all applicable: <ul style="list-style-type: none"><li>- Minor changes (Use this when changes are related to staff titles, names of reports or systems, etc).</li><li>- Change in process/procedure</li><li>- Change in requirements</li><li>- New attachments or forms added</li><li>- Updated documentation to clarify policy</li><li>- Other</li></ul>	