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LME-MCO Communication Bulletin #J178

Date: December 14, 2015

To: LME-MCOs

From: Kathy Nichols, Behavioral Health Manager, Behavioral Health Section, DMA and Mabel McGlothlen, I/DD, TBI, and System Performance Section Chief, DMH/DD/SAS

Subject: Providers Delivering Emergency and Post-Stabilization Services (Clarification of JCB #J165)

This bulletin clarifies [Joint Communication Bulletin #J165 Out of Network Provider Contract Requirements](#), dated October 13, 2015 which omitted information regarding providers delivering emergency and post-stabilization services.

Per an excerpt from the DMA Contract, *Section 6.3 Emergency Medical Services:*
*In accordance with Section 1932(b)(2) of the Social Security Act and 42 CFR § 438.114, PIHP shall provide coverage for Emergency Medical Services consistent with the prudent layperson standard, as defined in the Emergency Medical Treatment and Labor Act (EMTALA) of 1986 (Section 1867 of the Social Security Act) as amended by the Balanced Budget Act (BBA) of 1997. **Such services shall be provided anytime without regard to prior authorization and without regard to the emergency care provider's contractual relationship with PIHP.***

This contract provision enacts the mandate of federal regulations, at 42 C.F.R. § 438.114, addressing both emergency and post-stabilization services.

If you have questions, please contact Kathy Nichols at Katherine.nichols@dhhs.nc.gov or 919-855-4290.

Previous bulletins can be accessed at: <http://jtcommunicationbulletins.ncdhhs.gov/>

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