

Idaho Behavioral Health Plan (IBHP)

Provider Handbook Supplement

Appendix D – Indian Health Care Providers

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Overview

“Indian Health Care Provider (IHCP)” means a healthcare program operated by the Indian Health Service (IHS) or by an Indian Tribe, Tribal Organization, or Urban Indian Organization (otherwise known as an I/T/U) as those terms are defined in Section 14 of the Indian Health Care Improvement Act ([25 U.S.C. § 1603 Definitions](#)).

IHCPs are a critical and valued part of the healthcare system in Idaho. IHCPs are unique providers primarily serving American Indian (AI) and Alaska Native (AN) members; some IHCPs also serve non-Tribal community members.

42 C.F.R. § 136.12 Persons to whom services will be provided means the individual is a member of a federally recognized Indian Tribe or resides in an urban center. Idaho is home to five federally recognized Tribes:

- The Shoshone-Bannock Tribe, who are also known as the Newene and the Bahnuckwa people
- The Shoshone-Paiute Tribe
- The Coeur d’Alene Tribe
- The Kootenai Tribe
- The Nez Perce Tribe, also known as the Nimiipuu.

Indian means any individual defined at 25 U.S.C. 1603(13), 1603(28), or 1679(a), or who has been determined eligible as an Indian, under 42 CFR 136.12. This means the individual:

- Is a member of a federally recognized Indian Tribe;
- Resides in an urban center and meets one or more of the four criteria:
 - Is a member of a Tribe, band, or other organized group of Indians, including those Tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the state in which they reside, or who is a descendant, in the first or second degree of any such member;
 - Is an Eskimo, Aleut or other Alaska Native;
 - Is considered by the Secretary of the Interior to be an Indian for any purpose; or
 - Is determined to be an Indian under regulations issued by the Secretary;
- Is considered by the Secretary of Health and Human Services to be an Indian for purposes of eligibility for Indian healthcare services, including as a California Indian, Eskimo, Aleut, or other Alaska Native.

An AI/AN Medicaid member is typically identified at the time of enrollment with the state.

Indian Health Services, Tribal Health Providers, Urban Indian Health Providers (I/T/Us) and the Idaho Behavioral Health Plan (IBHP)

In the IBHP, providers deliver a comprehensive range of mental health, substance use disorder (SUD), and crisis services. These services may be provided by IHCPs operating in one or more of the following health systems, collectively known as “I/T/Us.” The transformative changes of the IBHP require clear and consistent communication among and to all Idaho stakeholders, including Idaho’s Tribal Members and Communities as well as providers that deliver services to Tribal members, specifically Indian Health Services (IHS) providers, Tribal Health Providers and Urban Indian Health providers (I/T/Us) including the psychiatrists and other behavioral health professionals who are contracted with the I/T/Us.

Indian Health Care Provider

IHCP means a healthcare program operated by the Indian Health Service (IHS) or by an Indian Tribe, Tribal Organization, or Urban Indian Organization (otherwise known as an I/T/U) as those terms are defined in Section 14 of the Indian Health Care Improvement Act (25 U.S.C. 1603). These special protections include, but are not limited to the following:

- Network adequacy, for IHCPs that choose to contract 42 CFR § 438.14(b)(1).
- When an IHCP is enrolled in Medicaid as a Federally Qualified Health Center (FQHC) and is not a participating provider of the MCO, PIHP, PAHP or PCCM entity, payment must equal the amount the MCO, PIHP, PAHP, or PCCM entity would pay a non-Tribal FQHC, including any supplemental payment from the state to make up the difference between the amount the MCO, PIHP, PAHP, or PCCM entity pays and what the IHCP FQHC would have received under FFS (42 CFR § 438.14 (c)(2)).
- Payment for covered services at the encounter rate, regardless of network participation 42 CFR § 438.14(b)(2), .
- AI/AN people are eligible to receive services from an IHCP regardless of network participation, including out-of-state IHCPs 42 CFR § 438.14(b)(3), 42 CFR § 438.14(b)(4), 42 CFR § 438.14(b)(5).
- IHCPs shall receive payment as if in-network regardless of network enrollment status, 42 CFR § 438.14(c).
- Supplemental payments from the state if the amount an IHCP receives from a MCO, PIHP, PAHP, or PCCM entity is less than the amount required by 42 CFR § 438.14(c) (2) to make up the difference between the amount the MCO, PIHP, PAHP, or PCCM entity pays and the amount the IHCP would have received under FFS or the applicable encounter rate.
- Out-of-network IHCPs are able to refer AI/AN people to network providers, 42 C.F.R §

438.14(b)(6) and 42 CFR § 457.1209.

- The State of Idaho shall “ensure through its contracts, that each MCO, PIHP, PAHP, PCCM, and PCCM entity follows the requirements related to Indians, IHCPs, and IMCEs in accordance with the terms of § 438.14,” 42 CFR § 457.1209.

Contracting

Offer of Contract: Magellan offers to enter into participating provider agreements with all IHCPs in-state and out-of-state (within 35 miles of the Idaho state border).

No Obligation to Contract: Magellan views all IHCPs as in-network for purposes of accurate and timely payments, regardless of whether an IHCP is a participating provider. [42 CFR § 438.14 Requirements that apply to MCO, PIHP, PAHP, PCCM, and PCCM entity contracts involving Indians, Indian health care providers \(IHCPs\), and Indian managed care entities \(IMCEs\).](#)

All AIs/ANs will have access to Medicaid services through the IHCP of their choice regardless of whether the IHCP is a participating provider in the network or not.

Magellan ensures that non-participating IHCPs’ referrals to in-network providers are honored without requiring the AI/AN beneficiary to obtain a referral from an in-network provider. All Tribal providers, regardless of if they have a contract with Magellan or not, will have access to Magellan’s provider electronic systems. This includes Availity Essentials, where providers can submit and review electronic claims and the Patient Centered Information System (PCIS). Tribal providers will also have access to training platforms, including opportunity for Continued Education Credits (CEUs) through approved platforms.

Licensure and Accreditation

Magellan will not apply any requirement that an IHCP be licensed or recognized in Idaho if the IHCP attests that it meets all the applicable standards for such licensure or recognition.

Magellan will not require the Idaho licensure of a health professional employed by an IHCP if the professional is licensed in another state. [25 U.S.C. § 1621t Licensing](#) and [25 U.S.C. § 1647a Nondiscrimination under Federal health care programs in qualifications for reimbursement for services.](#)

For Tribal providers, if a Community Health Aide Program (CHAP) provider’s scope of practice encompasses delivery of existing services under the Idaho Behavioral Health Plan (IBHP), then Magellan’s Supervisory Protocol will apply.

Authorizations

All covered services provided by an IHCP that are reimbursed via an encounter rate and are provided to an AI/AN member do not require prior authorization. All services provided must be medically necessary and are subject to retrospective review by Magellan.

Payments to IHCPs

Tribes that hold a 638 healthcare contract with the Indian Health Services (IHS):

- If your Tribe holds a 638 contract with the IHS, you may continue to use funds from IHS to render behavioral health services to AI/AN members.
- The Medicaid-funded services you rendered under your 638 contract will receive 100% federal funding if provided through Tribal Health Facilities and rendered to Medicaid-eligible AI/AN members.
- Magellan recognizes that this funding is the payor of last resort [§ 136.61 Payor of last resort](#).

Magellan must comply with payment requirements when services are rendered to AI/AN People and are required to pay the IHCP for covered services in accordance with the requirements set out in [Section 1932\(h\) of the Social Security Act, \(42 U.S.C. § 1396u-2\(h\) Provisions relating to managed care\)](#), [42 C.F.R. § 438.14 Requirements that apply to MCO, PIHP, PAHP, PCCM, and PCCM entity contracts involving Indians, Indian health care providers \(IHCPs\), and Indian managed care entities \(IMCEs\)](#), and [42 CFR § 457.1209 Requirements that apply to MCO, PIHP, PAHP, PCCM, and PCCM entity contracts involving Indians, Indian health care provider \(IHCP\), and Indian managed care entities \(IMCE\)](#).

Claims Submissions for IHCPs

All claims for covered services provided to IBHP members must be received by Magellan within the timeline identified below. (Note: Timely filing is based on the services billed)

- Providers must submit claims for Medicaid services within **365 calendar days** of the date the serviced was rendered

Magellan will process claims from the IHCP in accordance with Section 206(h) of the IHCA ([25 U.S.C. § 1621e\(h\) Reimbursement from certain third parties of costs of health services](#)) and [42 CFR § 136.61 Payor of last resort](#).

Claims with provider billing errors are called “resubmissions.” Resubmitted claims must be received by Magellan within **60 calendar days** of the date on Magellan’s explanation of benefits (for all services).

IHCP Site Visits

Provider site visits are conducted by Magellan’s Tribal Liaison in partnership with Magellan’s Provider Relations team. These site visits include members of Magellan’s Quality team, as needed, to orient and continuously support the IHCP’s needs.

IHCP Responsibilities

IHCPs must comply with the requirements of the Magellan IBHP Provider Handbook Supplement.

Magellan Responsibilities

Magellan has a dedicated Tribal Liaison to support and advocate for Tribal members, providers, communities, and Tribal leadership. The Tribal Liaison will assist with:

- Communication and problem solving between Magellan and an IHCP on provider and behavioral health issues.
- Be available for training needs by Tribes and IHCPs.
- Provide support training to IHCPs and facilitate access to both family support and peer support training for IHCPs to help IHCPs build capacity to serve AI/ANs with services. The training includes ongoing technical assistance, in-person sessions, virtual sessions, and preparing training/educational materials.

Magellan recognizes and adheres to other applicable federal regulations, including HIPAA Privacy compliance for protected health information (PHI), discrimination, and Indian Health.

Tribal Outreach and Services

The IBHP is the framework for how mental health and substance use disorder services are administered in Idaho, including for, and in collaboration with, Tribal communities. The new IBHP contract is structured differently than its predecessor because Magellan Healthcare, Inc., manages the entire behavioral health system of care for Idaho including visits to outpatient providers, hospital stays, residential services, and crisis services. Magellan oversees mental health and substance use services for Idahoans of all ages who have Medicaid, as well as uninsured Tribal members who may also be eligible for other-funded sources.. Magellan partners with providers for behavioral health services provided to Tribal members and communities. All outpatient behavioral health services previously administered by the state will be administered by the new IBHP and managed by Magellan, effective July 1, 2024. The Division

of Behavioral Health (DBH) no longer offers outpatient mental health and substance use services but continues to manage state hospitals, the Center of Excellence, and some involuntary/court-ordered services.

Magellan has developed an outreach and communication plan in collaboration with the five Idaho Tribes and the IDHW. It is designed to clearly describe how Magellan will work with each System of Care partner, how we will share information with our partners, and how we will meet all the requirements of the IDHW contract with Magellan that includes the requirement of a collaborative outreach and partnership with Idaho tribes. The contract also describes how Magellan will comply with the IBHP Tribal Special Terms and Conditions included in the State of Idaho 1915(b) waiver, which outlines how Magellan will serve the needs of American Indians and Alaska Natives (AI/AN) as agreed to between the IDHW and Tribal Leadership.

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In addition to maintaining mental health and SUD services previously available to Idahoans, Magellan is introducing Intensive Care Coordination (ICC) service and expanding the Idaho's Crisis System of Care to include a dedicated crisis call center and a statewide Mobile Response Team (MRT). Tribal members will have access to these new services. Magellan is collaborating with the IDHW and other state and local agencies as we work with providers, including Tribal providers and Tribes to implement all IBHP services.

Overarching Goals for the IBHP in Working with the Tribes

- To serve as the Tribes' valued partner to drive the State of Idaho's vision to ensure that Tribal members have access to culturally respectful behavioral health services
- To have IHCPs included in the IBHP Network.
- To maintain collaborative partnerships with Idaho Tribes and organizations working with and for Tribal communities.
- Inform Tribal members and providers about the new IBHP and to keep them updated on an ongoing basis.

- To ensure Tribal communities and Tribal governments have adequate information on the IBHP, resources, and educational materials on services available.
- To engage and encourage IBHP feedback on issues, concerns, impacts, utilization of services.
- To recruit, train, inform and collaborate with I/T/U providers and paraprofessionals, including contracted psychiatrists and behavioral health clinicians.
- To facilitate partnerships with Tribal leaders and organizations who will not only provide services, but also help Magellan connect with Idaho's Tribal members and communities in need.
- Provide targeted training to I/T/Us and their contracted providers and ongoing technical assistance.
- To ensure person-centered transitions, honor existing relationships, and ensure a seamless transition through engagement of Tribal Representatives in Advisory bodies such as the Provider Advisory Committee (PAC), Member and Family Advisory Committee (MFAC), and the Community Advisory Committee (ACA).
- To participate in the Tribal Technical Advisory Board (T-TAB) and the Idaho Tribes and Department of Health and Welfare Monthly/Quarterly Medicaid Meeting.

Special Protections for American Indian/Alaska Native (AI/AN) People and IHCPs

Magellan follows the laws and regulations when serving AI/AN people. [The American Recovery and Reinvestment Act of 2009](#) provides protections for AI/AN people enrolled in managed care. AI/AN people are permitted to obtain services from non-contracted IHCPs and seek payment regardless of network status through managed care entities. States are required to ensure that its contracts with all health insurance entities provide coverage and payments following the requirements related to AI/AN people, IHCPs, and Indian Managed Care Entities as described in §438.14. These protections are unique to AI/AN people and as outlined in 42 C.F.R. § 438.14 (a) definitions.

The State of Idaho and its healthcare contractors, including Magellan, shall meet regularly with the five Idaho Tribes and with the IHCPs to ask for feedback regarding the processes in the IBHP, and to make sure they understand all the special protections and rules that the federal government has provided for AI/AN people and IHCPs.

Magellan's Focus on the Needs of Tribal Communities

Magellan is committed to making sure that Idaho's Tribal members and communities understand what services are available through the new IBHP program, who provides those services, and how to access mental health and substance use services through the IBHP. The Magellan staff and providers will receive tribal education with an emphasis on cultural competency. Magellan will also provide ad hoc technical assistance for providers.

Our Magellan IBHP team includes a dedicated Tribal Liaison who focuses on answering questions, to provide technical assistance, and information about the IBHP. The Tribal Liaison will ensure communication is ongoing with Tribes, to include plan updates and/or changes and access to behavioral health services. Tribal community members who have questions or concerns can reach the Tribal Liaison by sending an email to the dedicated Tribal Information mailbox at IdahoTribalRelations@MagellanHealth.com. The inbox will be monitored daily. Depending on the email message received, the turnaround time for a response can be up to 48 hours. To be in compliance with HIPAA laws, any protected health information (PHI) must be sent securely.

Tribal Members, Families, and Communities

As permitted by, IDHW, Magellan will communicate with Tribal communities and leaders during the implementation process to address questions about the IBHP. These meetings occur virtually and in-person. In group meetings and one-on-one consultations with the Tribes, we will provide an orientation to Magellan and the IBHP, and ask the Tribes for feedback on the changes and other aspects of the program, pose questions for Magellan team members, and work together to make the IBHP successful for Tribal communities and all members being served.

Magellan encourages Tribal representatives to share their perspectives on the mental health and substance use services, supports and systems in place for Tribal people of all ages. The goal of these conversations is to understand what is working well with Tribal behavioral health services including supports and systems, what is not working well, and the recommended changes Idaho's Tribal communities would make to current processes and policies.

Tribal members and their families will receive communication from Magellan in a variety of ways, depending on the needs. Below are the member, family and community communication activities and materials Magellan will develop and implement.

Member communication type	Description
Social media campaigns targeted to Tribal members	A Magellan Facebook tribal group page to obtain tribal information about benefits, program changes, events, initiatives, etc.
Newsletter distribution	To include news, helpful information for Idaho members, and content specific to Tribal members.
Member and Family Advisory Committee (MFAC) meetings	Ongoing meetings held with Magellan leaders
Member Satisfaction Surveys	Tribal members and providers will be actively engaged in developing the annual satisfaction survey. English/Spanish survey administered electronically and will be available on paper by request. Surveys are for gathering feedback, recommendations for program changes, and input from Tribal people.

Member communication type	Description
Annual mailing	Postcard mailings reminding members, including Tribal members, of key information and resources..
Magellan of Idaho Website updates	Ongoing updates to the website with information about events, benefits, new programs, forms, resources, etc.
Informational flyers	English/Spanish flyers educating Tribal members and their families on mental health and substance use disorders, different types of treatments and providers, care management, the YES program, Idaho STAR, Medicaid and CHIP eligibility, recovery and resiliency, crisis services, benefits/services specific to Tribal members, etc.
Member newsletters	English/Spanish newsletters to educate, inform, and update all members about key program benefits and information specific to Tribal members when appropriate.
Member correspondence	For utilization management, care management, claims (EOBs), appeals, grievances, and operational correspondence.

Communications with I/T/U Providers

Magellan will meet with IHCPs based on needs and as often as necessary on a daily, weekly, and/or monthly basis. Planned meetings are to include, but not limited to:

- Introduce Magellan to professional and paraprofessional providers, including I/T/U providers.
- Explain the changes to the IBHP, specifically as they relate to the Tribal healthcare delivery system.
- Listen and respond to I/T/U provider questions and concerns.
- Explain our contracting and credentialing processes, including any provisions that are unique to I/T/Us.
- Describe how access to the IBHP for Tribal members will work for I/T/U providers that elect not to sign a provider contract with Magellan. This will include information about how I/T/Us may provide telehealth services to Tribal members and work with non-Tribal specialized telehealth providers.
- Train I/T/U providers on all aspects of the IBHP and how the IDHW, Magellan and the provider network will work together to enhance access, availability, and quality.

- Collaborate with IHCPs to engage members, families, and community peers who have lived experience with recovery and resiliency, with the goal of developing and implementing Peer and Family Support Partner trainings.
- Solicit I/T/U participants for the Provider Advisory Committee (PAC), Member and Family Advisory Committee (MFAC), Community Advisory Committee (CAC)). The goals of engaging Tribal representation in these committees include, but not limited to:
 - Build positive relationships with providers who are currently serving members, including Tribal providers.
 - Obtain Tribal provider input and direction on plans and actions needed to support program transition and program improvements.
 - Solicit feedback on policies and procedures.
 - Collect suggestions on how to successfully implement state and regional program initiatives that impact Tribal members.
 - Work together on quality measurement processes.
 - Discuss coordination of care initiatives in Tribal communities.
 - Collect recommendations for training activities specific to Tribal providers and those serving Tribal members. Magellan and our partners conduct trainings both in-person and remotely.
 - Work with Tribal members and providers to establish a way for AI/AN people to measure satisfaction with Magellan's communications and engagement activities. Review annual Tribal satisfaction survey results and collaborate on annual plans to address Tribal provider needs. Use survey results to evaluate and modify programs and services, as necessary.

Peer and Family Supports

Magellan collaborates with IHCPs to engage members, families, and community peers who have lived experience with recovery and resiliency to develop and implement Peer and Family Support Partner trainings. This is part of developing a Tribal Peer and Family Support workforce that provides invaluable support to members, helps engage hard-to-reach members with complex needs, and to assist members in navigating the healthcare system.

Tribal Technical Advisory Board (T-TAB)

Magellan participates as a standing member of the T-TAB to ensure that AI/ANs receive quality care and access to services through this collaboration. Magellan's goals for participating in the T-TAB are, but not limited to:

- To obtain feedback from the board members that will support Magellan's ongoing efforts to make improvements where needed (i.e., policy and procedures, processes, forms, systems, etc.)

- To identify when there are Tribal members and community needs not being met so that Magellan can prioritize operational processes and re-evaluate systems in place.
- To provide IBHP and Magellan updates to T-TAB board members and to share updates, news, changes that would impact Tribal communities and providers.
- Announce IHCP training and educational opportunities and opportunities for IHCP trainings and to listen to concerns from T-TAB members regarding access and utilization of services, contracting, and/or payment of claims.

Ad Hoc Meetings with Providers

Magellan will prioritize in-person (face-to-face) meetings with providers. Provider meetings and forums will be held on a routine basis and will include IHCPs, Tribal Councils, and other Tribal community stakeholders to deliver focused training and share information with the IHCP community. Magellan will be responsible for creating an agenda, with topics submitted by IHCPs, which will be shared in advance on the Magellan of Idaho website to allow a question and answer period in advance of a meeting. In addition to provider meetings, providers are welcome to send an email to IdahoProvider@magellanhealth.com to ask questions on any topics of concern.

Collaboration with National Alliance on Mental Illness (NAMI) Idaho

Magellan will collaborate with NAMI Idaho to support efforts in providing Tribal-specific information, educational opportunities/classes, information, support groups, Federation of Families programs, mobile crisis resources, community health programs, prescription assistance, and any other resources based on needs identified through this collaboration and community feedback. This collaboration will also help Magellan to identify Tribal child/adolescent members with complex needs; Tribal adults with serious mental illness; in addition to feedback received from Tribal Leadership, the IHCPs, and Tribal members.

Definitions and Terminology

The official definitions below are taken from the Idaho Behavioral Health Plan 1915(b) Waiver Special Terms and Conditions.

DEFINITIONS

1. **Indian.** The term “Indian” is used to describe people who are mentioned in several different Government laws and regulations. In Idaho, the State uses the same definitions that are in any of these documents:

- Title 25, Section 1603(13) of the United States code, which outlines the role of Tribal members and describes who Urban Indians are. ¹
- Title 25, Section 1679(a) of the United States code, which talks about when California Tribal members are eligible for Federal benefits. ²
- Section 136.12 of Title 42 of the Code of Federal Regulations (CFR), which describes the different groups of people to whom Indian services will be provided. ³

This means that in order to be eligible for Tribal services in the IBHP, the person must be a member of a federally recognized Indian Tribe or reside in an urban center and meet one or more of the following criteria:

- a. Is a member of a Tribe, band, or other organized group of Indians, including those Tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the state in which they reside, or who is a descendant, in the first or second degree of any such member;
 - b. Is an Eskimo, Aleut or other Alaska Native;
 - c. Is considered by the Secretary of the Interior to be an Indian for any purpose;
 - d. Is determined to be an Indian under regulations issued by the Secretary;
 - e. Is considered by the Secretary of Health and Human Services to be an Indian for purposes of eligibility for Indian healthcare services, including as a California Indian, Eskimo, Aleut, or other Alaska Native.
2. **Indian Health Care Provider (IHCP).** “IHCP” means a healthcare program operated by the Indian Health Service (IHS) or by an Indian Tribe, Tribal Organization, or Urban Indian Organization (an I/T/U). I/T/Us are described in Section 14 of the Government’s Indian Health Care Improvement Act.⁴ IHCPs are a valuable and valued part of the healthcare system in Idaho. They are unique providers serving American Indian (AI) / Alaska Native (AN) members. In addition to I/T/U providers, the Tribes also contract with independent clinical professionals including psychiatrists who are also important members of the Tribal healthcare delivery system for mental health and substance use disorders.

¹ <https://uscode.house.gov/view.xhtml?path=/prelim@title25/chapter18&edition=prelim>

² <https://uscode.house.gov/view.xhtml?path=/prelim@title25/chapter18&edition=prelim>

³ <https://www.govinfo.gov/content/pkg/CFR-2023-title42-vol1/pdf/CFR-2023-title42-vol1-chap1-subchapM.pdf>

⁴ <https://www.govinfo.gov/content/pkg/COMPS-1406/pdf/COMPS-1406.pdf>

3. **Prepaid Inpatient Health Plan (PIHP).** Prepaid inpatient health plan (PIHP) means a program or an organization that provides certain inpatient and outpatient healthcare services to enrollees under contract with the State. The contract with the State outlines what services the PIHP must provide and how the services rendered will be paid. In the IBHP, Magellan serves as a PIHP for the State. Magellan is also referred to as a 'Managed Care Entity (MCE) or Managed Care Organization (MCO).'