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Commissioner

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Executive Deputy Commissioner

## MEMORANDUM

**TO:** Mainstream Medicaid Managed Care Plans, Health and Recovery Plans (HARPs), HIV Special Needs Plans (HIV SNPs), Medicaid Advantage Plus (MAP) Plans, and Mental Health Outpatient Treatment and Rehabilitative Service (MHOTRS) Programs

**FROM:** New York State Office of Mental Health (OMH)

**DATE:** October 5, 2023

**SUBJECT:** Rate Mandate: Billing Guidance for Delivering Services in a Language Other Than English (LOE) Within MHOTRS Programs

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The New York State (NYS or State) OMH and the NYS Department of Health (DOH) require Mainstream Medicaid Managed Care Plans, HARPs, HIV SNPs, and MAP Plans (collectively referred to as “MMCPs” herein), to maintain a provider network capable of delivering services to all enrollees in a culturally competent manner and to reimburse providers appropriately for language interpreter services per the [Medicaid Managed Care Model Contract](#) Sections 15.10 and 15.11, as well as, the [MAP Model Contract](#) Sections 12 and 15.c.

To support these requirements and to ensure the enrollee’s ability to access critically needed services in their preferred language, including American Sign Language, the State is providing updated billing guidance for delivering interpreter services within an OMH MHOTRS program. This guidance provides an additional modifier combination to obtain appropriate reimbursement when translation services are provided by a vendor or any translation professional other than a MHOTRS staff person. This guidance is effective October 1, 2023, and the changes below are applicable for both fee-for-service and managed care.

1. **Modifier U4** - Interpreter services in MHOTRS programs are currently being reimbursed through the use of the U4 modifier when services are delivered in a LOE<sup>1</sup>. Effective October 1, 2023, the U4 modifier will only be used for reimbursement when the MHOTRS is delivered by a staff person that is fluent in the enrollee’s preferred language that is other than English. This modifier will continue to pay a 10% rate enhancement for each eligible service. Documentation, exception rules, and other requirements for the use of language assistance provided by the staff person do not change as a result of this guidance.
2. **New Modifier Combination (U1 and U7)** - Effective October 1, 2023, the State is establishing a modifier combination, U1 and U7, which will provide a 35% enhancement for each eligible service when the service is provided in an LOE with the translation assistance provided by a contracted vendor or a contracted translation professional other

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<sup>1</sup> For further guidance, please go to: [NYS Office of Mental Health 14 NYCRR Part 599 Mental Health Outpatient Treatment and Rehabilitative Services Medicaid Billing and Fiscal Guidance April 2023](#).

than the staff person (also known as LOE-Vendor). To claim the 35% LOE rate enhancement, both modifiers must be on the same line of the applicable procedure code(s), billed in order of U1 and U7, and used consecutively. Documentation, exception rules, and other requirements for the use of the modifier combination will align with U4 modifier requirements as outlined in the [NYS Office of Mental Health 14 NYCRR Part 599 Mental Health Outpatient Treatment and Rehabilitative Services Medicaid Billing and Fiscal Guidance April 2023](#).

Note: The provider cannot bill the U4 and the LOE-Vendor combination on the same line (e.g., for the same service or procedure).

Please note that this document is only being transmitted electronically. No hard copy will be forthcoming. If you have any questions regarding these changes, please contact OMH Managed Care by phone at 518-402-2822 or by email at [BHO@omh.ny.gov](mailto:BHO@omh.ny.gov) (MMCP inquiries) or [OMH-Managed-Care@omh.ny.gov](mailto:OMH-Managed-Care@omh.ny.gov) (provider inquiries).