

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Atlanta Regional Office
61 Forsyth Street, Suite 4T20
Atlanta, Georgia 30303



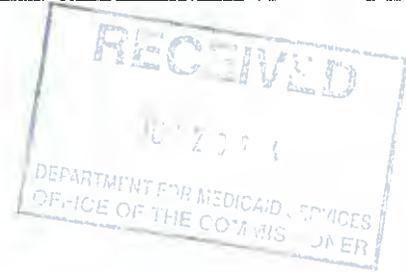
DIVISION OF MEDICAID & CHILDREN'S HEALTH OPERATIONS

June 19, 2014

Lawrence Kissner, Commissioner
Department for Medicaid Services
Attn: Karen Martin
275 East Main Street, 6WA
Frankfort, KY 40621-0001

CALL UP
8/19/14

LISA LEE
KAREN MARTIN



6/30/14

Dear Mr. Kissner,

The Centers for Medicare & Medicaid Services (CMS) is conducting a quality review of Kentucky's Home and Community-Based Services Waiver for individuals with acquired brain injury who would otherwise require nursing facility level of care, waiver number 0477.R01. This review will be used to evaluate the overall performance of this waiver program throughout the currently approved period (July 1, 2011 – June 30, 2016) and to identify the need for any modifications or technical assistance necessary to continue successful operation of this waiver program. The results of this review will serve to inform both the state and CMS of the state's compliance with waiver assurances in anticipation of the waiver's renewal. The expiration date of this waiver is June 30, 2016.

The CMS requests states to demonstrate adequate and effective mechanisms for finding and resolving compliance issues on an ongoing basis. Enclosed with this letter is a listing of the types of evidence-based information CMS must review in order to determine the state's implementation of its quality management and improvement strategy – that is discovery, remediation and improvement activities with regard to all of the waiver assurances. We request you submit the information identified in the enclosure to this office within ninety days of receipt of this letter. To expedite the review process, we ask that you provide concise, specific information that demonstrates your state's implementation of your quality management and improvement strategy.

While we recognize the value of state policies and procedures with regard to oversight activities, this evaluation focuses on the extent to which the policies and procedures have been implemented, and the results of the state's oversight activities. That is, how does the state identify quality issues, and how do they address them when they are identified? As you will see in the attachment, we are requesting evidence as to the implementation of oversight activities.

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Mr. Lawrence Kissner

After reviewing the requested submissions, Melanie Benning will contact your staff to discuss necessary follow-up activities. Please feel free to contact her at (404) 562-7414 with any questions related to this request.

Sincerely,

A handwritten signature in black ink that reads "Jackie Glaze". The signature is written in a cursive style with a large initial "J".

Jackie Glaze

Associate Regional Administrator

Division of Medicaid & Children's Health Operations

Attachment: HCBS Quality Review Worksheet

cc: Michele MacKenzie, Central Office

HCBS Quality Review Work Sheet

I. Level of Care (LOC) Determination

The State demonstrates that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluating an applicant's/waiver participant's level of care consistent with care provided in a hospital, NF, or ICF/MR.

Sub Assurances	CMS Expectations	Types of Evidence
<p>An evaluation for level of care is provided to all applicants for whom there is reasonable indication that services may be needed in the future.</p>	<p>State submits evidence that it has reviewed applicant files to verify that individual level of care evaluations are conducted.</p>	<p>Summary reports based on a significant sample of any single or combined method or source of evidence as follows:</p> <ul style="list-style-type: none"> ✓ Record Reviews, on-site ✓ Record reviews, off-site ✓ Training verification records ✓ On-site observations, interviews, monitoring ✓ Analyzed collected data (including surveys, focus group, interviews, etc) ✓ Trends, remediation actions proposed / taken ✓ Provider performance monitoring ✓ Operating agency performance monitoring ✓ Staff observation/opinion ✓ Participant/family observation/opinion ✓ Critical events and incident reports ✓ Mortality reviews ✓ Program logs ✓ Medication administration data reports, logs ✓ Financial records (including expenditures) Financial audits Meeting minutes Presentation of policies or procedures Reports to State Medicaid Agency on delegated administrative functions Other
<p>The level of care of enrolled participants is reevaluated at least annually or as specified in its approved waiver.</p>	<p>State submits evidence that it regularly reviews participant files to verify that reevaluations of level of care are conducted at least annually or as specified in the approved waiver.</p>	
<p>The process and instruments described in the approved waiver are applied appropriately and according to the approved description to determine participant level of care.</p>	<p>State submits that it regularly reviews participant files to verify that the instrument described in approved waiver is used in all level of care re-determinations, the person(s) who implement level of care determinations are those specified in approved waiver, and the process/instruments are applied appropriately.</p>	

II. Service Plans

The State demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.

Sub Assurances	CMS Expectations	Types of Evidence
<p>Service plans address all participants' assessed needs (including health and safety risk factors) and personal goals, either by waiver services or through other means.</p>	<p>State demonstrates that service plans are reviewed periodically to assure that all of participant needs are addressed and preferences considered.</p>	<p>Summary reports based on a significant sample of any single or combined method or source of evidence as follows:</p> <ul style="list-style-type: none"> ✓ Record Reviews, on-site ✓ Record reviews, off-site ✓ Training verification records ✓ On-site observations, interviews, monitoring ✓ Analyzed collected data (including surveys, focus group, interviews, etc) ✓ Trends, remediation actions proposed / taken
<p>The state monitors service plan development in accordance with its policies and procedures.</p>	<p>State submits evidence of its monitoring process for service plan development and any corrective action taken when service plans were not developed according to policies and procedures.</p>	<ul style="list-style-type: none"> ✓ Provider performance monitoring ✓ Operating agency performance monitoring ✓ Staff observation/opinion ✓ Participant/family observation/opinion ✓ Critical events and incident reports ✓ Mortality reviews ✓ Program logs ✓ Medication administration data reports, logs
<p>Service plans are updated/ revised at least annually or when warranted by changes in the waiver participant's needs.</p>	<p>State submits evidence of its monitoring process for service plan update/revision including service plan updates when a participant's needs changed and corrective actions taken when service plans were not updated/ revised according to policies and procedures.</p>	<ul style="list-style-type: none"> ✓ Financial records (including expenditures) ✓ Financial audits ✓ Meeting minutes ✓ Reports to State Medicaid Agency on delegated administrative functions ✓ Presentation of policies or procedures Other

Service Plans (Continued)

The State demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.

Sub Assurances	CMS Expectations	Types of Evidence
<p>Services are delivered in accordance with the service plan, including in the type, scope, amount, and frequency specified in the service plan.</p>	<p>State submits evidence of the results of its monitoring process for ensuring the services identified in the service plan are implemented.</p>	<p>Summary reports based on a significant sample of any single or combined method or source of evidence as follows:</p> <ul style="list-style-type: none"> ✓ Record Reviews, on-site ✓ Record reviews, off-site ✓ Training verification records ✓ On-site observations, interviews, monitoring ✓ Analyzed collected data (including surveys, focus group, interviews, etc) ✓ Trends, remediation actions proposed / taken ✓ Provider performance monitoring ✓ Operating agency performance monitoring ✓ Staff observation/opinion ✓ Participant/family observation/opinion ✓ Critical events and incident reports ✓ Mortality reviews ✓ Program logs ✓ Medication administration data reports, logs ✓ Financial records (including expenditures) Financial audits Meeting minutes Reports to State Medicaid Agency on delegated administrative functions Presentation of policies or procedures Other
<p>Participants are afforded choice: 1) Between waiver services and institutional care; and 2) Between/among waivers services and providers.</p>	<p>State submits evidence of the results of its monitoring process for ensuring the services identified in the service plan are implemented.</p>	

III. Qualified Providers

The State demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.

Sub Assurances	CMS Expectations	Types of Evidence
<p>The State verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other state standards prior to their furnishing waiver services.</p>	<p>State provides documentation of periodic review by licensing/certification entity.</p>	<p>Summary reports based on a significant sample of any single or combined method or source of evidence as follows:</p> <ul style="list-style-type: none"> ✓ Record Reviews, on-site ✓ Record reviews, off-site ✓ Training verification records ✓ On-site observations, interviews, monitoring
<p>The state monitors non-licensed/non-certified providers to assure adherence to waiver requirements.</p>	<p>State provides documentation that non-licensed/non-certified providers are monitored on a periodic basis sufficient to provide protections to waiver participants.</p>	<ul style="list-style-type: none"> ✓ Analyzed collected data (including surveys, focus group, interviews, etc) ✓ Trends, remediation actions proposed / taken ✓ Provider performance monitoring ✓ Operating agency performance monitoring
<p>The state implements its policies and procedures for verifying that provider training is conducted in accordance with state requirements and the approved waiver.</p>	<p>State provides documentation of monitoring of training and actions it has taken when providers have not met requirements (e.g., technical assistance, training).</p>	<ul style="list-style-type: none"> ✓ Staff observation/opinion ✓ Participant/family observation/opinion ✓ Critical events and incident reports ✓ Mortality reviews ✓ Program logs ✓ Medication administration data reports, logs ✓ Financial records (including expenditures) ✓ Financial audits ✓ Meeting minutes ✓ Reports to State Medicaid Agency on delegated administrative functions ✓ Presentation of policies or procedures Other

IV. Health and Welfare

The State demonstrates, on an ongoing basis that it identifies, addresses, and seeks to prevent instances of abuse, neglect and exploitation.

Sub Assurances	CMS Expectations	Types of Evidence
<p>The state, on an ongoing basis, identifies, addresses, and seeks to prevent the occurrence of abuse, neglect and exploitation.</p>	<p>State demonstrates that, on an ongoing basis, abuse, neglect and exploitation are identified, appropriate actions have been taken when the health or welfare of a participant has not been safeguarded, and an analysis is conducted of abuse, neglect and exploitation trends and strategies it has implemented for prevention.</p>	<p>Summary reports based on a significant sample of any single or combined method or source of evidence as follows:</p> <ul style="list-style-type: none"> ✓ Record Reviews, on-site ✓ Record reviews, off-site ✓ Training verification records ✓ On-site observations, interviews, monitoring ✓ Analyzed collected data (including surveys, focus group, interviews, etc) ✓ Trends, remediation actions proposed / taken ✓ Provider performance monitoring ✓ Operating agency performance monitoring ✓ Staff observation/opinion ✓ Participant/family observation/opinion ✓ Critical events and incident reports ✓ Mortality reviews ✓ Program logs ✓ Medication administration data reports, logs ✓ Financial records (including expenditures) ✓ Financial audits ✓ Reports to State Medicaid Agency on delegated administrative functions ✓ Meeting minutes ✓ Presentation of policies or procedures ✓ Other

V. Administrative Authority

The State demonstrates that it retains ultimate administrative authority over the waiver program and that its administration of the waiver program is consistent with the approved waiver application.

Sub Assurances	CMS Expectations	Types of Evidence
<p>The Medicaid agency retains ultimate administrative authority and responsibility for the operation of the waiver program by exercising oversight of the performance of waiver functions by other State and local/regional non-State agencies (if appropriate) and contracted entities.</p>	<p>State submits evidence of its monitoring of all delegated functions, and implementation of policies/procedures related to its administrative authority over the waiver program, including: memoranda of agreements, description of roles and responsibilities relative to program operations, monitoring, and remediation or system improvements instituted when problems are identified in the operation of the waiver program.</p>	<p>Summary reports based on a significant sample of any single or combined method or source of evidence as follows:</p> <ul style="list-style-type: none"> ✓ Record Reviews, on-site ✓ Record reviews, off-site ✓ Training verification records ✓ On-site observations, interviews, monitoring ✓ Analyzed collected data (including surveys, focus group, interviews, etc) ✓ Trends, remediation actions proposed / taken ✓ Provider performance monitoring ✓ Operating agency performance monitoring ✓ Staff observation/opinion ✓ Participant/family observation/opinion ✓ Critical events and incident reports ✓ Mortality reviews ✓ Program logs ✓ Medication administration data reports, logs ✓ Financial records (including expenditures) Financial audits Meeting minutes Reports to State Medicaid Agency on delegated administrative functions Presentation of policies or procedures Other

VI. Financial Accountability

The State demonstrates that it has designed and implemented an adequate system for assuring financial accountability of the waiver program.

Sub Assurances	CMS Expectations	Types of Evidence
<p>State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver.</p>	<p>State submits results of its financial monitoring process for verifying maintenance of appropriate financial records as specified in approved waiver.</p> <p>State submits results of its review of waiver participant claims to verify that they are coded and paid in accordance with the waiver reimbursement methodology.</p> <p>State demonstrates that interviews with State staff and providers are periodically conducted to verify that any identified financial irregularities are addressed.</p> <p>State demonstrates that site visits are conducted with providers to verify that they maintain financial records according to provider agreements/contracts.</p>	<p>Summary reports based on a significant sample of any single or combined method or source of evidence as follows:</p> <ul style="list-style-type: none"> ✓ Record Reviews, on-site ✓ Record reviews, off-site ✓ Training verification records ✓ On-site observations, interviews, monitoring ✓ Analyzed collected data (including surveys, focus group, interviews, etc) ✓ Trends, remediation actions proposed / taken ✓ Provider performance monitoring ✓ Operating agency performance monitoring ✓ Staff observation/opinion ✓ Participant/family observation/opinion ✓ Critical events and incident reports ✓ Mortality reviews ✓ Program logs ✓ Medication administration data reports, logs ✓ Financial records (including expenditures) Financial audits Meeting minutes Reports to State Medicaid Agency on delegated administrative functions Presentation of policies or procedures Other