



Date: November 9, 2012

To: Monica Enox, Case Management Director/Owner  
Provider: Purple Cow Case Management, LLC  
Address: 105 West 3<sup>rd</sup> Street  
State/Zip: Roswell, New Mexico 88201

E-mail Address: [menox@hotmail.com](mailto:menox@hotmail.com)

CC: Ronald Tucker, Case Manager/Owner  
Address: 105 West 3<sup>rd</sup> Street  
State/Zip: Roswell, New Mexico 88201

Board Chair E-Mail: [dbacinci@hotmail.com](mailto:dbacinci@hotmail.com)

Region: Southeast  
Survey Date: September 24 – 26, 2012  
Program Surveyed: Developmental Disabilities Waiver  
Service Surveyed: Case Management  
Survey Type: Routine  
Team Leader: Deb Russell, BS, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau  
Team Members: Mari Chavez, BSW, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau & Erica Nilsen, BSW, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau

Dear Ms. Enox;

The Division of Health Improvement/Quality Management Bureau has completed a compliance survey of the services identified above. The purpose of the survey was to determine compliance with federal and state standards; to assure the health, safety, and welfare of individuals receiving services through the Developmental Disabilities Waiver; and to identify opportunities for improvement. This Report of Findings will be shared with the Developmental Disabilities Supports Division for their use in determining your current and future provider agreements. Upon receipt of this letter and Report of Findings your agency must immediately correct all deficiencies which place Individuals served at risk of harm.

**Determination of Compliance:**

The Division of Health Improvement, Quality Management Bureau has determined your agency is in:

***Compliance with all Conditions of Participation.***



**DIVISION OF HEALTH IMPROVEMENT • QUALITY MANAGEMENT BUREAU**  
5301 Central Avenue NE, Suite 400 • Albuquerque, New Mexico • 87108  
(505) 222-8623 • FAX: (505) 222-8661 • <http://www.dhi.health.state.nm.us>

QMB Report of Findings – Purple Cow Case Management, LLC – Southeast Region – September 24 – 26, 2012

Survey Report #: Q.13.1.DDW.73675768.4.001.RTN.1.314

This determination is based on your agency's compliance with CMS waiver assurances at the Condition of Participation level. The attached QMB Report of Findings indicates Standard Level deficiencies identified and requires implementation of a Plan of Correction.

**Plan of Correction:**

The attached Report of Findings identifies the Standard Level and/or Condition of Participation deficiencies found during your agency's compliance review. You are required to complete and implement a Plan of Correction. Your agency has a total of 45 business days (10 business days to submit your POC for approval and 35 days to implement your *approved* Plan of Correction) from the receipt of this letter.

**Submission of your Plan of Correction:**

Please submit your agency's Plan of Correction in the space on the two right columns of the Report of Findings. (See attachment "A" for additional guidance in completing the Plan of Correction).

Within 10 business days of receipt of this letter your agency Plan of Correction must be submitted to the parties below:

1. **Quality Management Bureau, Attention: Plan of Correction Coordinator  
5301 Central Ave. NE Suite 400 Albuquerque, NM 87108**
2. **Developmental Disabilities Supports Division Regional Office for region of service surveyed**

Upon notification from QMB that your *Plan of Correction has been approved*, you must implement all remedies and corrective actions to come into compliance. If your Plan of Correction is denied, you must resubmit a revised plan as soon as possible for approval, as your POC approval and all remedies must be completed within 45 business days of the receipt of this letter.

Failure to submit your POC within the allotted 10 business days or complete and implement your Plan of Correction within the total 45 business days allowed may result in the imposition of a \$200 per day Civil Monetary Penalty until it is received, completed and/or implemented.

**Request for Informal Reconsideration of Findings (IRF):**

If you disagree with a finding of deficient practice, you have 10 business days upon receipt of this notice to request an IRF. Submit your request for an IRF in writing to:

QMB Deputy Bureau Chief  
5301 Central Ave NE Suite #400  
Albuquerque, NM 87108  
Attention: IRF request

See Attachment "C" for additional guidance in completing the request for Informal Reconsideration of Findings. The request for an IRF will not delay the implementation of your Plan of Correction which must be completed within 45 total business days (10 business days to submit your POC for approval and 35 days to implement your *approved* Plan of Correction). Providers may not appeal the nature or interpretation of the standard or regulation, the team composition or sampling methodology. If the IRF approves the modification or removal of a finding, you will be advised of any changes.

Please call the Plan of Correction Coordinator at 505-699-9356 if you have questions about the Report of Findings or Plan of Correction. Thank you for your cooperation and for the work you perform.

Sincerely,

*Deb Russell, BS*

Deb Russell, BS  
Team Lead/Healthcare Surveyor  
Division of Health Improvement/Quality Management Bureau

## Survey Process Employed:

Entrance Conference Date: September 24, 2012

Present: **Purple Cow Case Management, LLC**  
Monica Enox, Case Management Director/Owner

**DOH/DHI/QMB**  
Deb Russell, BS, Team Lead/Healthcare Surveyor  
Mari Chavez, BSW, Healthcare Surveyor  
Erica Nilsen, BA, Healthcare Surveyor

Exit Conference Date: September 26, 2012

Present: **Purple Cow Case Management, LLC**  
Monica Enox, Case Management Director/Owner

**DOH/DHI/QMB**  
Deb Russell, BS, Team Lead/Healthcare Surveyor  
Mari Chavez, BSW, Healthcare Surveyor

**DDSD - Southeast Regional Office**  
Debra Ortiz, Case Management Coordinator (by telephone conference)

Administrative Locations Visited Number: 1

Total Sample Size Number: 9  
1 - *Jackson Class Members*  
8 - *Non-Jackson Class Members*

Persons Served Records Reviewed Number: 9

Case Managers Interviewed Number: 3

Case Mgt Personnel Records Reviewed Number: 3

Administrative Files Reviewed

- Billing Records
- Medical Records
- Incident Management Records
- Personnel Files
- Training Records
- Agency Policy and Procedures
- Caregiver Criminal History Screening Records
- Employee Abuse Registry
- Quality Assurance / Improvement Plan

CC: Distribution List: DOH - Division of Health Improvement  
DOH - Developmental Disabilities Supports Division  
DOH - Office of Internal Audit  
HSD - Medical Assistance Division

QMB Report of Findings – Purple Cow Case Management, LLC – Southeast Region – September 24 – 26, 2012

Survey Report #: Q.13.1.DDW.73675768.4.001.RTN.1.314

## Attachment A

### Provider Instructions for Completing the QMB Plan of Correction (POC) Process

#### **Introduction:**

After a QMB Compliance Survey, your QMB Report of Findings will be sent to you via e-mail.

Each provider must develop and implement a Plan of Correction (POC) that identifies specific quality assurance and quality improvement activities the agency will implement to correct deficiencies and prevent continued non compliance.

Agencies must submit their Plan of Correction within 10 business days from the date you receive the QMB Report of Findings. (Providers who do not submit a POC within 10 business days will be referred to the Internal Review Committee [IRC] for possible actions or sanctions).

Agencies must fully implement their approved Plan of Correction within 45 business days (10 business days to submit your POC for approval and 35 days to implement your approved Plan of Correction) from the date they receive the QMB Report of Findings. (Providers who fail to complete a POC within the 45 business days allowed shall be referred to the IRC for possible actions or sanctions.)

If you have questions about the Plan of Correction process, call the QMB Plan of Correction Coordinator at 505-699-9356 or email at [Crystal.Lopez-Beck@state.nm.us](mailto:Crystal.Lopez-Beck@state.nm.us). Requests for technical assistance must be requested through your DDSD Regional Office.

The POC process cannot resolve disputes regarding findings. If you wish to dispute a finding on the official Report of Findings, you must file an Informal Reconsideration of Findings (IRF) request within ten (10) business days of receiving your report. Please note that you must still submit a POC for findings that are in question (see Attachment "C").

#### **Instructions for Completing Agency POC:**

##### **Required Content**

Your Plan of Correction should provide a step-by-step description of the methods to correct each deficient practice to prevent recurrence and information that ensures the regulation cited is in compliance. The remedies noted in your POC are expected to be added to your Agency's required, annual Quality Assurance Plan.

If a deficiency has already been corrected, the plan should state how it was corrected, the completion date (date the correction was accomplished), and how possible recurrence of the deficiency will be prevented.

##### **The Plan of Correction must address the required six CMS core elements to address each deficiency of the POC:**

1. How the specific and realistic corrective action will be accomplished for individuals found to have been affected by the deficient practice.
2. How the agency will identify other individuals who have the potential to be affected by the same deficient practice, and how the agency will act to protect individuals in similar situations.
3. What QA measures will be put into place or systemic changes made to ensure that the deficient practice will not recur
4. Indicate how the agency plans to monitor its performance to make sure that solutions are sustained. The agency must develop a QA plan for ensuring that correction is achieved and

- sustained. This QA plan must be implemented, and the corrective action evaluated for its effectiveness. The plan of correction is integrated into the agency quality assurance system; and
5. Include dates when corrective action will be completed. The corrective action completion dates must be acceptable to the State.
  6. The POC must be signed and dated by the agency director or other authorized official.

*The following details should be considered when developing your POC:*

- Details about how and when Consumer, Personnel and Residential files are audited by Agency personnel to ensure they contain required documents;
- Information about how Medication Administration Records are reviewed to verify they contain all required information before they are distributed, as they are being used, and after they are completed;
- Your processes for ensuring that all staff are trained in Core Competencies, Incident Reporting, and Individual-Specific service requirements, etc;
- How accuracy in Billing documentation is assured;
- How health, safety is assured;
- For Case Management Providers, how ISPs are reviewed to verify they meet requirements, how the timeliness of LOC packet submissions and consumer visits are tracked;
- Your process for gathering, analyzing and responding to Quality data; and,
- Details about Quality Targets in various areas, current status, analyses about why targets were not met, and remedies implemented.

**Note: Instruction or in-service of staff alone may not be a sufficient plan of correction.** This is a good first step toward correction, but additional steps should be taken to ensure the deficiency is corrected and will not recur.

#### **Completion Dates**

- The plan of correction must include a **completion date** (entered in the far right-hand column) for each finding. Be sure the date is **realistic** in the amount of time your Agency will need to correct the deficiency; not to exceed 45 total business days.
- Direct care issues should be corrected immediately and monitored appropriately.
- Some deficiencies may require a staged plan to accomplish total correction.
- Deficiencies requiring replacement of equipment, etc., may require more time to accomplish correction but should show reasonable time frames.

#### **Initial Submission of the Plan of Correction Requirements**

1. The Plan of Correction must be completed on the official QMB Survey Report of Findings/Plan of Correction Form and received by QMB within ten (10) business days from the date you received the report of findings.
2. For questions about the POC process, call the QMB POC Coordinator, Crystal Lopez-Beck at 505-699-9356 for assistance.
3. For Technical Assistance (TA) in developing or implementing your POC, contact your local DDSD Regional Office.
4. Submit your POC to Crystal Lopez-Beck, POC Coordinator in any of the following ways:
  - a. Electronically at [Crystal.Lopez-Beck@state.nm.us](mailto:Crystal.Lopez-Beck@state.nm.us) (*preferred method*)
  - b. Fax to 505-222-8661, or
  - c. Mail to POC Coordinator, 5301 Central Avenue SW, Suite 400, Albuquerque, NM 87108
5. Do not submit supporting documentation (evidence of compliance) to QMB until after your POC has been approved by the QMB.
6. QMB will notify you when your POC has been “approve” or “denied.”

- a. During this time, whether your POC is “approved,” or “denied,” you will have a maximum of 45 business days from the date of receipt of your Report of Findings to correct all survey deficiencies.
  - b. If your POC is denied, it must be revised and resubmitted as soon as possible, as the 45 business day limit is in effect.
  - c. If your POC is denied a second time your agency may be referred to the Internal Review Committee.
  - d. You will receive written confirmation when your POC has been approved by QMB and a final deadline for completion of your POC.
7. Failure to submit your POC within 10 business days without prior approval of an extension by QMB will result in a referral to the Internal Review Committee and the possible implementation of monetary penalties and/or sanctions.

### ***POC Document Submission Requirements***

Once your POC has been approved by the QMB Plan of Correction Coordinator you must submit copies of documents as evidence that all deficiencies have been corrected, as follows.

1. Your internal documents are due within a maximum of 45 business days of receipt of your Report of Findings.
2. You may submit your documents by postal mail (paper hard copy or on a disc), fax, or electronically (scanned and attached to e-mails).
3. All submitted documents must be annotated; please be sure the tag numbers and Identification numbers are indicated on each document submitted. Documents which are not annotated with the Tag number and Identification number may not be accepted.
4. Do not submit original documents; Please provide copies or scanned electronic files for evidence. Originals must be maintained in the agency file(s) per DDSD Standards.
5. In lieu of some documents, you may submit copies of file or home audit forms that clearly indicate cited deficiencies have been corrected, other attestations of correction must be approved by the Plan of Correction Coordinator prior to their submission.
6. For billing deficiencies, you must submit:
  - a. Evidence of an internal audit of billing documentation for a sample of individuals and timeframes;
  - b. Copies of “void and adjust” forms submitted to correct all over-billed or unjustified units billed identified during your internal audit.

Revisions, Modifications or Extensions to your Plan of Correction (post QMB approval) must be made in writing and submitted to the Deputy Chief at QMB, prior to the due date and are approved on a case-by-case basis. No changes may be made to your POC or the timeframes for implementation without written approval of the POC Coordinator.

## Attachment B

### Department of Health, Division of Health Improvement QMB Determination of Compliance Process

The Division of Health Improvement, Quality Management Bureau (QMB) surveys compliance of the Developmental Disabilities Waiver (DDW) standards and state and federal regulations. QMB has grouped the CMS assurances into five Service Domains: Level of Care; Plan of Care; Qualified Providers; Health, Welfare and Safety; and Administrative Oversight (note that Administrative Oversight listed in this document is not the same as the CMS assurance of Administrative Authority. Used in this context it is related to the agency's operational policies and procedures, Quality Management system and Medicaid billing and reimbursement processes.)

The QMB Determination of Compliance process is based on the provider's compliance or non-compliance with standards and regulations identified in the QMB Report of Findings. All deficiencies (non-compliance with standards and regulations) are identified and cited as either a Standard level deficiency or a Condition of Participation level deficiency in the QMB Reports of Findings. All deficiencies require corrective action when non-compliance is identified.

Within the QMB Service Domains there are fundamental regulations, standards, or policies with which a provider must be in essential compliance in order to ensure the health and welfare of individuals served known as Conditions of Participation (CoPs).

The Determination of Compliance for each service type is based on a provider's compliance with CoPs in three (3) Service Domains.

#### Case Management Services:

- Level of Care,
- Plan of Care
- Qualified Providers

#### Community Inclusion Supports/ Living Supports:

- Qualified Provider,
- Plan of Care,
- Health, Welfare & Safety

### Conditions of Participation (CoPs)

A CoP is an identified fundamental regulation, standard, or policy with which a provider must be in compliance in order to ensure the health and welfare of individuals served. CoPs are based on the Centers for Medicare and Medicaid Services, Home and Community-Based Waiver required assurances. A provider must be in compliance with CoPs to participate as a waiver provider.

QMB surveyors use professional judgment when reviewing the critical elements of each standard and regulation to determine when non-compliance with a standard level deficiency rises to the level of a CoP out of compliance. Only some deficiencies can rise to the level of a CoP. (See the next section for a list of CoPs.) The QMB survey team analyzes the relevant finding in terms of scope, actual harm or potential for harm, unique situations, patterns of performance, and other factors to determine if there is the potential for a negative outcome which would rise to the level of a CoP. A Standard level deficiency becomes a CoP out of compliance when the team's analysis establishes that there is an identified potential for significant harm or actual harm. It is then cited as a CoP out of compliance. If the deficiency does not rise to the level of a CoP out of compliance, it is cited as a Standard Level Deficiency.

The Division of Health Improvement (DHI) and the Developmental Disabilities Supports Division (DDSD) collaborated to revise the current Conditions of Participation (CoPs). There are seven Conditions of Participation in which providers must be in compliance.

**CoPs and Service Domains for Case Management Supports are as follows:**

**Service Domain: Level of Care**

Condition of Participation:

1. **Level of Care:** The Case Manager shall complete all required elements of the Long Term Care Assessment Abstract (LTCAA) to ensure ongoing eligibility for waiver services.

**Condition Level Tag:**

- Tag 4C04 Allocation Activities

**Service Domain: Plan of Care**

Condition of Participation:

2. **Individual Service Plan (ISP) Creation and Development:** Each individual shall have an ISP. The ISP shall be developed in accordance with DDSD regulations and standards and is updated at least annually or when warranted by changes in the individual's needs.

**Condition Level Tags:**

- Tag 4C07 ISP Development
- Tag 4C08 ISP Development Process
- Tag 4C10 Approval (completion) of the MAD 046/Budget
- Tag 4C16 Requirements for reports and distribution of documents

Condition of Participation:

3. **ISP Monitoring and Evaluation:** The Case Manager shall ensure the health and welfare of the individual through monitoring the implementation of ISP desired outcomes.

**Condition Level Tag:**

- Tag 4C12 Monitoring and Evaluation of Services

**CoPs and Service Domain for ALL Service Providers is as follows:**

**Service Domain: Qualified Providers**

Condition of Participation:

4. **Qualified Providers:** Agencies shall ensure support staff has completed criminal background screening and all mandated trainings as required by the DDSD.

**Condition Level Tags:**

- a. (General requirements for all providers)
  - Tag 1A20 DDSD Required Trainings (if <84% compliant)
  - Tag 1A22 Qualifications (Competency) for All Staff
  - Tag 1A25 Caregivers Criminal History Screening
  - Tag 1A26 COR Consolidated Online Registry Check (Employee Abuse Registry)
  - Tag 1A36 Qualifications for Service Coordinators
  - Tag 1A37 Individual Specific Trainings and Competency for Direct Service Personnel and Service Coordinators
  - Tag 4C17 Qualifications for Case Managers
  - Tag 6L06 Home Study Assessment. (Family Living only)



**CoPs and Service Domains for Living Supports and Inclusion Supports are as follows:**

**Service Domain: Plan of Care**

Condition of Participation:

5. **ISP Implementation:** Services provided shall be consistent with the components of the ISP and implemented to achieve desired outcomes.

**Condition level Tags:**

- Tag 1A32/6L14 Implementation of the ISP

**Service Domain: Health, Welfare & Safety**

Condition of Participation:

6. **Individual Health, Safety and Welfare: (Safety) Individuals have the right to live and work in a safe environment.**

**Condition level Tags:**

- a. **(Environmental)** Individuals shall live and work in healthy and safe environments.
  - Tag 1A05 Health and Safety Related Policies and Procedures
  - Tag 1A16 Sanitation (Environmental Health and Safety)
  - Tag 6L25 Residential Requirement (Environmental Requirements)
- b. **(Human Rights):** Individuals shall be afforded their basic human rights.
  - Tag 1A31 Restriction of Rights

Condition of Participation:

7. **Individual Health, Safety and Welfare (Healthcare Oversight):** The provider shall support individuals to access needed healthcare services in a timely manner. Nursing, healthcare services and healthcare oversight shall be available and provided as needed to address individuals' health, safety and welfare.

**Condition level Tags:**

- Tag 6L13/1A08 Healthcare Maintenance, Monitoring and Follow-up
- Tag 1A09 Medication Delivery
- Tag 1A15 Healthcare Oversight
- Tag 1A15.2/5I09 Healthcare Documentation

## QMB Compliance Determinations

### Compliance with Conditions of Participation

The QMB determination of *Compliance with Conditions of Participation* indicates that a provider is in compliance with all Conditions of Participation, (CoP). The agency has obtained a level of compliance such that there is a minimal potential for harm to individuals' health and safety. To qualify for a determination of Compliance with Conditions of Participation, the provider must be in compliance with all Conditions of Participation in all relevant Service Domains. The agency may also have Standard level deficiencies (deficiencies which are not at the condition level) out of compliance in any of the Service Domains.

### Partial-Compliance with Conditions of Participation

The QMB determination of *Partial-Compliance with Conditions of Participation* indicates that a provider is out of compliance with Conditions of Participation in one (1) to two (2) Service Domains. The agency may have one or more Condition level tags within a Service Domain. This partial-compliance, if not corrected, may result in a serious negative outcome or the potential for more than minimal harm to individuals' health and safety. The agency may also have Standard level deficiencies (deficiencies which are not at the condition level) in any of the Service Domains.

Providers receiving a repeat determination of Partial-Compliance for repeat deficiencies at the level of a Condition in any Service Domain may be referred by the Quality Management Bureau to the Internal Review Committee (IRC) for consideration of remedies and possible actions or sanctions.

### Non-Compliance with Conditions of Participation

The QMB determination of *Non-Compliance with Conditions of Participation* indicates a provider is significantly out of compliance with Conditions of Participation in multiple Service Domains. The agency may have one or more Condition level tags in each of 3 relevant Service Domains. This non-compliance, if not corrected, may result in a serious negative outcome or the potential for more than minimal harm to individuals' health and safety. The agency may also have Standard level deficiencies (deficiencies which are not at the condition level) in any of the Service Domains

Providers receiving a repeat determination of Non-Compliance will be referred by Quality Management Bureau to the Internal Review Committee (IRC) for consideration of remedies and possible actions or sanctions.

## Attachment C

### Guidelines for the Provider Informal Reconsideration of Finding (IRF) Process

#### Introduction:

Throughout the QMB Survey process, surveyors are openly communicating with providers. Open communication means surveyors have clarified issues and/or requested missing information before completing the review through the use of the signed/dated “Document Request,” or “administrative Needs,” etc. forms. Regardless, there may still be instances where the provider disagrees with a specific finding. Providers may use the following process to informally dispute a finding.

#### Instructions:

1. The Informal Reconsideration of the Finding (IRF) request must be in writing to the QMB Deputy Bureau Chief **within 10 business days** of receipt of the final Report of Findings.
2. The written request for an IRF *must* be completed on the QMB Request for Informal Reconsideration of Finding form available on the QMB website: <http://dhi.health.state.nm.us/qmb>
3. The written request for an IRF must specify in detail the request for reconsideration and why the finding is inaccurate.
4. The IRF request must include all supporting documentation or evidence.
5. If you have questions about the IRC process, email the IRF Chairperson, Scott Good at [scott.good@state.nm.us](mailto:scott.good@state.nm.us) for assistance.

#### The following limitations apply to the IRF process:

- The request for an IRF and all supporting evidence must be received within 10 business days.
- Findings based on evidence requested during the survey and not provided may not be subject to reconsideration.
- The supporting documentation must be new evidence not previously reviewed or requested by the survey team.
- Providers must continue to complete their Plan of Correction during the IRF process
- Providers may not request an IRF to challenge the sampling methodology.
- Providers may not request an IRF based on disagreement with the nature of the standard or regulation.
- Providers may not request an IRF to challenge the team composition.
- Providers may not request an IRF to challenge the DHI/QMB determination of compliance or the length of their DDSD provider contract.

A Provider forfeits the right to an IRF if the request is not made within 10 business days of receiving the report and/or does not include all supporting documentation or evidence to show compliance with the standards and regulations.

The IRF Committee will review the request, the Provider will be notified in writing of the ruling; no face-to-face meeting will be conducted.

When a Provider requests that a finding be reconsidered, it does not stop or delay the Plan of Correction process. **Providers must continue to complete the Plan of Correction, including the finding in dispute regardless of the IRF status.** If a finding is removed or modified, it will be noted and removed or modified from the Report of Findings. It should be noted that in some cases a Plan of Correction may be completed prior to the IRF process being completed. The provider will be notified in writing on the decisions of the IRF committee.

**Agency:** Purple Cow Case Management, LLC - Southeast Region  
**Program:** Developmental Disabilities Waiver  
**Service:** Case Management  
**Monitoring Type:** Routine Survey  
**Date of Survey:** September 24 – 26, 2012

Standard of Care	Deficiencies	Agency Plan of Correction, On-going QA/QI & Responsible Party	Date Due
<p><b>CMS Assurance – Plan of Care - ISP Development &amp; Monitoring</b> – Service plans address all participants’ assessed needs (including health and safety risk factors) and goals, either by waiver services or through other means. Services plans are updated or revised at least annually or when warranted by changes in the waiver participants’ needs.</p>			
<p><b>Tag # 1A08 Agency Case File</b></p>	<p><b>Standard Level Deficiency</b></p>		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007  <b>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS:</b> The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.  <b>D. Provider Agency Case File for the Individual:</b> All Provider Agencies shall maintain at the administrative office a confidential case file for each individual. Case records belong to the individual receiving services and copies shall be provided to the receiving agency whenever an individual changes providers. The record must also be made available for review when requested by DOH, HSD or federal government representatives for oversight purposes. The individual’s case file shall include the following requirements:            (1) Emergency contact information, including the</p>	<p>Based on record review, the Agency failed to maintain at the administrative office a confidential case file for 9 of 9 individuals.</p> <p>Review of the Agency individual case files found the following items were not found, incomplete, and/or not current:</p> <ul style="list-style-type: none"> <li>• ISP Assessment Checklist Appendix 1 (#2 &amp; 6)</li> <li>• Addendum A (#6 &amp; 7)</li> <li>• <b>ISP Teaching &amp; Support Strategies</b> <ul style="list-style-type: none"> <li>◦ Individual #4 - TASS not found for:</li> <li>◦ Outcome Statement (Live)               <ul style="list-style-type: none"> <li>➢ “...will work on learning new signs.”</li> </ul> </li> <li>◦ Outcome Statement (Work/Education/ Volunteer)               <ul style="list-style-type: none"> <li>➢ “Apply for job.”</li> <li>➢ “Obtain a job.”</li> </ul> </li> <li>◦ Outcome Statement (Fun/Relationships)</li> </ul> </li> </ul>	<p><b>Provider:</b>            State your Plan of Correction for the deficiencies cited in this tag here: →</p> <p><b>Provider:</b>            Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</p>	

<p>individual's address, telephone number, names and telephone numbers of relatives, or guardian or conservator, physician's name(s) and telephone number(s), pharmacy name, address and telephone number, and health plan if appropriate;</p> <p>(2) The individual's complete and current ISP, with all supplemental plans specific to the individual, and the most current completed Health Assessment Tool (HAT);</p> <p>(3) Progress notes and other service delivery documentation;</p> <p>(4) Crisis Prevention/Intervention Plans, if there are any for the individual;</p> <p>(5) A medical history, which shall include at least demographic data, current and past medical diagnoses including the cause (if known) of the developmental disability, psychiatric diagnoses, allergies (food, environmental, medications), immunizations, and most recent physical exam;</p> <p>(6) When applicable, transition plans completed for individuals at the time of discharge from Fort Stanton Hospital or Los Lunas Hospital and Training School; and</p> <p>(7) Case records belong to the individual receiving services and copies shall be provided to the individual upon request.</p> <p>(8) The receiving Provider Agency shall be provided at a minimum the following records whenever an individual changes provider agencies:</p> <p>(a) Complete file for the past 12 months;</p> <p>(b) ISP and quarterly reports from the current and prior ISP year;</p> <p>(c) Intake information from original admission to services; and</p> <p>(d) When applicable, the Individual Transition Plan at the time of discharge from Los Lunas Hospital and Training School or Ft. Stanton Hospital.</p>	<p>➤ "Participate/attend scheduled practices."</p> <ul style="list-style-type: none"> <li>◦ Individual #6 - TASS not found for:</li> <li>◦ Outcome Statement (Live) <ul style="list-style-type: none"> <li>➤ "...will choose a new computer game or book."</li> <li>➤ "...will use her new computer game or book."</li> </ul> </li> <li>◦ Outcome Statement (Fun/Relationships) <ul style="list-style-type: none"> <li>➤ "...will sample various restaurants."</li> <li>➤ "...will choose the restaurant she would like to go to regularly."</li> </ul> </li> <li>◦ Individual #9 - TASS not found for:</li> <li>◦ Outcome Statement (Live) <ul style="list-style-type: none"> <li>➤ "...will prepare dish."</li> </ul> </li> </ul> <ul style="list-style-type: none"> <li>• Positive Behavioral Plan (#1 &amp; 8)</li> <li>• Positive Behavioral Crisis Plan (#4 &amp; 8)</li> <li>• Speech Therapy Plan (#6)</li> <li>• Occupational Therapy Plan (#4)</li> </ul> <ul style="list-style-type: none"> <li>• <b>Health Care Plans</b> <ul style="list-style-type: none"> <li>• Fluid Restriction <ul style="list-style-type: none"> <li>◦ Individual #3 - According to the Electronic Comprehensive Health Assessment Tool the individual is required to have a plan. No evidence of plan found.</li> </ul> </li> <li>• Seizure <ul style="list-style-type: none"> <li>◦ Individual #5 - According to the Electronic Comprehensive Health Assessment Tool the individual is required to have a plan. No evidence of plan found.</li> </ul> </li> <li>◦ Individual #9 - According to the Electronic</li> </ul> </li> </ul>		
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	<p>Comprehensive Health Assessment Tool the individual is required to have a plan. No evidence of plan found.</p> <ul style="list-style-type: none"> <li>• Weight/Body Mass Index <ul style="list-style-type: none"> <li>◦ Individual #9 - According to the Electronic Comprehensive Health Assessment Tool the individual is required to have a plan. No evidence of plan found.</li> </ul> </li> <li>• <b>Crisis Plans/Medical Emergency Response Plans</b> <ul style="list-style-type: none"> <li>• Gastrointestinal/Constipation <ul style="list-style-type: none"> <li>◦ Individual #1 - According to the Electronic Comprehensive Health Assessment Tool the individual is required to have a plan. No evidence of plan found.</li> </ul> </li> <li>• Cardiac Condition/Heart Murmur <ul style="list-style-type: none"> <li>◦ Individual #3 - As indicated by the IST section of ISP the individual is required to have a plan. No evidence of plan found.</li> </ul> </li> <li>• Seizures <ul style="list-style-type: none"> <li>◦ Individual #5 - According to the Electronic Comprehensive Health Assessment Tool the individual is required to have a plan. No evidence of plan found.</li> <li>◦ Individual #9 - According to the Electronic Comprehensive Health Assessment Tool the individual is required to have a plan. No evidence of plan found.</li> </ul> </li> <li>• Allergy (Penicillin &amp; Sulfur) <ul style="list-style-type: none"> <li>◦ Individual #9 - As indicated by the IST section of ISP the individual is required to have a plan. No evidence of plan found.</li> </ul> </li> </ul> </li> </ul>		
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	<ul style="list-style-type: none"> <li>• <b>Special Health Care Needs:</b> <ul style="list-style-type: none"> <li>• Nutritional Plan <ul style="list-style-type: none"> <li>◦ Individual #1 - As indicated by the IST section of ISP the individual is required to have a plan. No evidence of plan found.</li> <li>◦ Individual #3 - As indicated by the IST section of ISP the individual is required to have a plan. No evidence of plan found.</li> <li>◦ Individual #4 - As indicated by the IST section of ISP the individual is required to have a plan. No evidence of plan found.</li> </ul> </li> </ul> </li> <li>• <b>Other Individual Specific Evaluations &amp; Examinations:</b> <ul style="list-style-type: none"> <li>• <b>Dental Exam</b> <ul style="list-style-type: none"> <li>◦ Individual #4 - As indicated by the DDS file matrix Dental Exams are to be conducted annually. No documented evidence of exam was found.</li> </ul> </li> <li>• <b>Auditory Exam</b> <ul style="list-style-type: none"> <li>◦ Individual #8 - As indicated by the documentation reviewed, exam was completed on 2/26/2008. Follow-up was to be completed in 4 years. No documented evidence of the follow-up being completed was found.</li> </ul> </li> <li>• <b>Tuberculosis Screening</b> <ul style="list-style-type: none"> <li>◦ Individual #7 - As indicated by the IST section of the ISP the individual is required to have the screening. No evidence of screening being completed was found.</li> </ul> </li> </ul> </li> <li>• Positive Behavior Support Assessment (#1 &amp; 7)</li> </ul>		
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<p><b>7.26.5.14 DEVELOPMENT OF THE INDIVIDUAL SERVICE PLAN (ISP) - CONTENT OF INDIVIDUAL SERVICE PLANS:</b>  Each ISP shall contain...</p> <p>C. Outcomes:</p> <p>(1) The IDT has the explicit responsibility of identifying reasonable services and supports needed to assist the individual in achieving the desired outcome and long term vision. The IDT determines the intensity, frequency, duration, location and method of delivery of needed services and supports. All IDT members may generate suggestions and assist the individual in communicating and developing outcomes. Outcome statements shall also be written in the individual's own words, whenever possible. Outcomes shall be prioritized in the ISP.</p> <p>(2) Outcomes planning shall be implemented in one or more of the four "life areas" (work or leisure activities, health or development of relationships) and address as appropriate home environment, vocational, educational, communication, self-care, leisure/social, community resource use, safety, psychological/behavioral and medical/health outcomes. The IDT shall assure that the outcomes in the ISP relate to the individual's long term vision statement. Outcomes are required for any life area for which the individual receives services funded by the developmental disabilities Medicaid waiver.</p>			
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<p>within one week of the written request, the Case Management Provider Agency is to contact the respective DDSD Regional Office in writing within one business day for assistance in obtaining required reports.</p> <p>(d) Assure at least quarterly that Crisis Prevention/Intervention Plans are in place in the residence and at the Provider Agency of the Day Services for all individuals who have chronic medical condition(s) with potential for life threatening complications and/or who have behavioral challenge(s) that pose a potential for harm to themselves or others.</p> <p>(e) Assure at least quarterly that a current Health Care Plan (HCP) is in place in the residence and day service site for individuals who receive Community Living or Day Services and who have a HAT score of 4, 5, or 6. During face-to-face visits and review of quarterly reports, the Case Manager is required to verify that the Health Care Plan is being implemented.</p> <p>(f) Assure that Community Living Services are delivered in accordance with standards, including responsibility of the IDT Members to plan for at least 30 hours per week of planned activities outside the residence. If this is not possible due to the needs of the individual, a goal shall be developed that focuses on appropriate levels of community integration. These activities do not need to be limited to paid supports but may include independent or leisure activities appropriate to the individual.</p>	<ul style="list-style-type: none"> <li>◦ Individual #5 – None found for 12/2010 – 12/2011.</li> <li>◦ Individual #6 – None found for 9/2011 – 9/2012.</li> <li>◦ Individual #9 – None found for 12/2010 – 12/2011.</li> <li>• <b>Nursing Quarterly or Semi-Annual Reports:</b> <ul style="list-style-type: none"> <li>◦ Individual #3 – None found for 8/2011 – 1/2012.</li> <li>◦ Individual #5 – None found for 12/2011 – 8/2012.</li> <li>◦ Individual #6 – None found for 9/2011 – 8/2012.</li> </ul> </li> <li>• <b>Community Inclusion - Community Access Quarterly or Semi-Annual Reports:</b> <ul style="list-style-type: none"> <li>◦ Individual #4 – None found for 8/2011 – 3/2012.</li> <li>◦ Individual #6 – None found for 9/2011 – 8/2012.</li> <li>◦ Individual #9 – None found for 10/2011 – 12/2011 &amp; 4/2012 – 6/2012.</li> </ul> </li> <li>• <b>Community Inclusion - Supported Employment Quarterly or Semi-Annual Reports:</b> <ul style="list-style-type: none"> <li>◦ Individual #3 – None found for 8/2011 – 1/2012.</li> </ul> </li> <li>• <b>Behavior Consultation Quarterly or Semi-Annual Reports:</b></li> </ul>		
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<p>(g) Perform annual satisfaction surveys with individuals regarding case management services. A copy of the summary is due each December 10<sup>th</sup> to the respective DDSD Regional Office, along with a description of actions taken to address suggestions and problems identified in the survey.</p> <p>(h) Maintain regular communication with all providers delivering services and products to the individual.</p> <p>(i) Establish and implement a written grievance procedure.</p> <p>(j) Notify appropriate supervisory personnel within the Provider Agency if concerns are noted during monitoring or assessment activities related to any of the above requirements. If such concerns are not remedied by the Provider Agency within a reasonable mutually agreed period of time, the concern shall be reported in writing to the respective DDSD Regional Office and/or DHI as appropriate to the nature of the concern. This does not preclude Case Managers' obligations to report abuse, neglect or exploitation as required by New Mexico Statute.</p> <p>(k) Utilize and submit the "Request for DDSD Regional Office Intervention" form as needed, such as when providers are not responsive in addressing a quality assurance concern. The Case Management Provider Agency is required to keep a copy in the individual's file.</p> <p>(2) Case Managers and Case Management Provider Agencies are required to promote and comply with the Case Management</p>	<ul style="list-style-type: none"> <li>◦ Individual #4 – None found for 4/2012 – 6/2012.</li> <li>◦ Individual #7 – None found for 5/2012 – 7/2012.</li> <li>◦ Individual #9 – None found for 9/2011 – 8/2012.</li> </ul> <p>• <b>Speech &amp; Language Pathology Bi-Annual Progress Reports:</b></p> <ul style="list-style-type: none"> <li>◦ Individual #6 – None found for 7/2011 – 1/2012.</li> </ul> <p>• <b>Occupational Bi-Annual Progress Reports:</b></p> <ul style="list-style-type: none"> <li>◦ Individual #4 – None found for 8/2011 – 2/2012.</li> </ul>		
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<p>Code of Ethics:</p> <p>(a) Case Managers shall provide the individual/guardian with a copy of the Code of Ethics when Addendum A is signed.</p> <p>(b) Complaints against a Case Manager for violation of the Code of Ethics brought to the attention of DDS will be sent to the Case Manager's supervisor who is required to respond within 10 working days to DDS with detailed actions taken. DDS reserves the right to forward such complaints to the IRC.</p>			
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<p>(3) Provide a copy of the MAW letter to service providers listed on the ISP budget (MAD 046).</p>			
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Standard of Care	Deficiencies	Agency Plan of Correction, On-going QA/QI & Responsible Party	Date Due
<p><b>CMS Assurance – Health and Welfare</b> – <i>The state, on an ongoing basis, identifies, addresses and seeks to prevent occurrences of abuse, neglect and exploitation. Individuals shall be afforded their basic human rights. The provider supports individuals to access needed healthcare services in a timely manner.</i></p>			
<p><b>Tag # 1A28.2 Incident Mgt. System - Parent/Guardian Training</b></p>	<p><b>Standard Level Deficiency</b></p>		
<p><b>NMAC 7.1.13.10 INCIDENT MANAGEMENT SYSTEM REQUIREMENTS:</b>  <b>A. General:</b> All licensed health care facilities and community based service providers shall establish and maintain an incident management system, which emphasizes the principles of prevention and staff involvement. The licensed health care facility or community based service provider shall ensure that the incident management system policies and procedures requires all employees to be competently trained to respond to, report, and document incidents in a timely and accurate manner.  <b>E. Consumer and Guardian Orientation Packet:</b> Consumers, family members and legal guardians shall be made aware of and have available immediate accessibility to the licensed health care facility and community based service provider incident reporting processes. The licensed health care facility and community based service provider shall provide consumers, family members or legal guardians an orientation packet to include incident management systems policies and procedural information concerning the reporting of abuse, neglect or misappropriation. The licensed health care facility and community based service provider shall include a signed statement indicating the date, time, and place they received their orientation packet to be contained in the consumer’s file. The appropriate consumer, family member or legal guardian shall sign this at the time of orientation.</p>	<p>Based on record review, the Agency failed to provide documentation indicating consumer, family members, or legal guardians had received an orientation packet including incident management system policies and procedural information concerning the reporting of Abuse, Neglect and Misappropriation of Consumers' Property, for 1 of 9 individuals.</p> <ul style="list-style-type: none"> <li>• Parent/Guardian Incident Management Training (Abuse, Neglect &amp; Misappropriation of Consumers' Property) (#6)</li> </ul>	<p><b>Provider:</b>  State your Plan of Correction for the deficiencies cited in this tag here: →</p> <p><b>Provider:</b>  Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</p>	

Standard of Care	Deficiencies	Agency Plan of Correction, On-going QA/QI & Responsible Party	Date Due
<p><b>CMS Assurance – Financial Accountability</b> – <i>State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver.</i></p>			
<p><b>TAG #1A12 All Services Reimbursement (No Deficiencies)</b></p>			
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007 <b>Chapter 1. III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION</b></p> <p><b>B. Billable Units:</b> The documentation of the billable time spent with an individual shall be kept on the written or electronic record that is prepared prior to a request for reimbursement from the HSD. For each unit billed, the record shall contain the following:</p> <ul style="list-style-type: none"> <li>(1) Date, start and end time of each service encounter or other billable service interval;</li> <li>(2) A description of what occurred during the encounter or service interval; and</li> <li>(3) The signature or authenticated name of staff providing the service.</li> </ul> <p>Billing for Case Management services was reviewed for 9 of 9 individuals. <i>Progress notes and billing records supported billing activities for the months of June, July &amp; August 2012.</i></p>			

Date: January 24, 2013

To: Monica Enox, Case Management Director/Owner  
Provider: Purple Cow Case Management, LLC  
Address: 105 West 3<sup>rd</sup> Street  
State/Zip: Roswell, New Mexico 88201  
E-mail Address: [m\\_enox@hotmail.com](mailto:m_enox@hotmail.com)

CC: Ronald Tucker, Case Manager/Owner  
Address: 105 West 3<sup>rd</sup> Street  
State/Zip: Roswell, New Mexico 88201  
Board Chair E-Mail: [dbacinci@hotmail.com](mailto:dbacinci@hotmail.com)

Region: Southeast  
Survey Date: September 24 – 26, 2012  
Program Surveyed: Developmental Disabilities Waiver  
Service Surveyed: Case Management  
Survey Type: Routine

Dear Ms. Enox & Mr. Tucker;

The Division of Health Improvement/Quality Management Bureau has received, reviewed and approved the supporting documents you submitted for your Plan of Correction. The documents you provided verified that all previously cited survey Deficiencies have been corrected.

**The Plan of Correction process is now complete.**

**Furthermore, your agency is now determined to be in Compliance with all Conditions of Participation.**

To maintain ongoing compliance with standards and regulations, continue to use the Quality Assurance (self-auditing) processes you described in your Plan of Correction.

Consistent use of these Quality Assurance processes will enable you to identify and promptly respond to problems, enhance your service delivery, and result in fewer deficiencies cited in future QMB surveys.

Thank you for your cooperation with the Plan of Correction process, for striving to come into compliance with standards and regulations, and for helping to provide for the health, safety and personal growth of the people you serve.

Sincerely,



Crystal Lopez-Beck  
Plan of Correction Coordinator  
Quality Management Bureau/DHI

Q.13.3.DDW.73675768.4.001.RTN.09.024