



Alfredo Vigil, MD
Secretary

DEPARTMENT OF

Building a Healthy New Mexico!

Bill Richardson, Governor



Katrina Hotrum
Deputy Secretary

Duffy Rodriguez
Deputy Secretary

Jessica Sutin
Deputy Secretary

Karen Armitage, MD
Chief Medical Officer

Date: October 9, 2008

To: Irene Evans, Executive Director
Provider: Sun Country Case Management
Address: 133 Wyatt Drive, Suite 4
State/Zip: Las Cruces, New Mexico 88005

CC: Richard Evans, Board Chair
Address: P.O. Box 38
State/Zip: Mesilla, New Mexico 88046

Region: Southwest
Survey Date: September 22 - 25, 2008
Program Surveyed: Developmental Disabilities Waiver
Service Surveyed: Case Management
Survey Type: Routine
Team Leader: Valerie V. Valdez, M.S., Health Program Manager, Division of Health Improvement/Quality Management Bureau
Team Members: Debbie Russell, B.S., Healthcare Surveyor Division of Health Improvement/Quality Management Bureau
Survey #: Q09.01.D0325.SW.001.RTN.01

Dear Ms. Evans,

The Division of Health Improvement Quality Management Bureau has completed a quality review 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.

Quality Management Approval Rating:

The Division of Health Improvement is pleased to grant your agency a "MERIT" certification for compliance with DDSD Standards and regulations.

As part of your Merit certification, your agency will be required to complete an annual quality self-assessment and submit it to the Quality Management Bureau. Contact the Quality Management Bureau for additional information on completing the self-assessment process.

Plan of Correction:

The attached Report of Findings identifies deficiencies found during your agency's survey. You are required to complete and implement a Plan of Correction (POC). Please submit your agency's Plan of Correction (POC) in the space on the two right columns of the Report of Findings. See attachment A for additional guidance in completing the POC. The response is due to the parties below within 10 working days of the receipt of this letter:

1. Quality Management Bureau, Attention: Plan of Correction Coordinator
5301 Central Ave. NE Suite 900 Albuquerque, NM 87108

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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 within 45 working days. If your plan of correction is denied, you must resubmit a revised plan ASAP for approval. All remedies must still be completed within 45 working days of the original submission.

Failure to submit, complete or implement your POC within the required time frames will 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 determination of noncompliance (finding) you have 10 working 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 #900
Albuquerque, NM 87108
Attention: IRF request

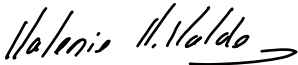
A request for an IRF will not delay the implementation of your Plan of Correction which must be completed within 45 working days. Providers may not appeal the nature or interpretation of the standard or regulation, the team composition, sampling methodology or the Scope and Severity of the finding.

If the IRF approves the change or removal of a finding, you will be advised of any changes.

This IRF process is separate and apart from the Informal Dispute Resolution (IDR) and Fair Hearing Process for Sanctions from DOH.

Please call the Team Leader at 575-528-5037, if you have questions about the survey or the report. Thank you for your cooperation and for the work you perform.

Sincerely,



Valerie V. Valdez, M.S.
Team Lead/Health Program Manager
Division of Health Improvement
Quality Management Bureau

Survey Process Employed:

Entrance Conference Date: September 22, 2008

Present: **Sun Country Case Management**
Gail Idstein, Quality Assurance

DOH/DHI/QMB
Valerie V. Valdez, M.S., Team Lead/Health Program Manager
Debbie Russell, B.S., Healthcare Surveyor

Exit Conference Date: September 24, 2008

Present: **Sun Country Case Management**
Gail Idstein, Quality Assurance

Roxana Gats, Administrator
Carrie Lyon, Case Manager Supervisor
Carla Walker, Case Manager Supervisor
Rebekah Lujan, Processing Clerk

DOH/DHI/QMB
Valerie V. Valdez, M.S., Team Lead/Health Program Manager
Debbie Russell, B.S., Healthcare Surveyor

DDSD SW Regional Office
Cheryl Dunfee, SW Case Management Coordinator

Administrative Locations Visited Number: 1

Total Sample Size Number: 34

Case Managers Interviewed Number: 11

Records Reviewed (Persons Served) Number: 34

Administrative Files Reviewed

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

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

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2008

Report #: Q09.01.D0325.SW.001.RTN.01

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

- After a QMB Quality Review, your Survey Report will be sent to you via certified mail. You may request that it also be sent to you electronically by calling George Perrault, Plan of Correction Coordinator at 505-222-8624.
- Within 10 business days of the date you received your survey report, you must develop and send your Plan of Correction response to the QMB office. (Providers who do not pick up their mail will be referred to the Internal Review Committee [IRC]).
- For each Deficiency in your Survey Report, include specific information about HOW you will correct each Deficiency, WHO will fix each Deficiency (“Responsible Party”), and by WHEN (“Date Due”).
- Your POC must not only address HOW, WHO and WHEN each Deficiency will be corrected, but must also address overall systemic issues to prevent the Deficiency from reoccurring, i.e., Quality Assurance (QA). Your description of your QA must include specifics about your self-auditing processes, such as HOW OFTEN you will self-audit, WHO will do it, and WHAT FORMS will be used.
- Corrective actions should be incorporated into your agency’s Quality Assurance/Quality Improvement policies and procedures.
- You may send your POC response electronically to George.Perrault@state.nm.us, by fax (505-841-5815), or by postal mail.
- Do not send supporting documentation to QMB until after your POC has been approved by QMB.
- QMB will notify you if your POC has been “Approved” or “Denied”.
- Whether your POC is “Approved” or “Denied”, you have a maximum of 45 business days to correct all survey Deficiencies from the date of receipt of your Survey Report. If your POC is “Denied” it must be revised and resubmitted ASAP, as the 45 working day limit is in effect. Providers whose revised POC is denied will be referred to the IRC.
- The POC must be completed on the official QMB Survey Report and Plan of Correction Form, unless approved in advance by the POC Coordinator.
- The following Deficiencies must be corrected within the deadlines below (after receipt of your Survey Report):
 - CCHS and EAR: 10 working days
 - Medication errors: 10 working days
 - IMS system/training: 20 working days
 - ISP related documentation: 30 working days
 - DDSD Training 45 working days
- If you have questions about the POC process, call the QMB POC Coordinator, George Perrault at 505-222-8624 for assistance.
- For Technical Assistance (TA) in developing or implementing your POC, contact your local DDSD Regional Office.
- Once your POC has been approved by QMB, the POC may not be altered or the dates changed.

- Requests for an extension or modification of your POC (post approval) must be made in writing and submitted to the POC Coordinator at QMB, and are approved on a case-by case basis.
- When submitting supporting documentation, organize your documents by Tag #s, and annotate or label each document using Individual #s.
- Do not submit original documents, copies are fine. Originals must be maintained in the agency/client file(s) as per DDS Standards.
- Failure to submit, complete or implement your POC within the required timeframes will result in a referral to the IRC and the possible imposition of a \$200 per day Civil Monetary Penalty until it is received, completed and/or implemented.

QMB Scope and Severity Matrix of survey results

Each deficiency in your Report of Findings is scored on a Scope and Severity Scale. The culmination of each deficiency’s Scope and Severity is used to determine degree of compliance to standards and regulations and level of QMB Certification.

			SCOPE		
			Isolated 01% - 15%	Pattern 16% - 79%	Widespread 80% - 100%
SEVERITY	High Impact	Immediate Jeopardy to individual health and or safety	J.	K.	L.
		Actual harm	G.	H.	I.
	Medium Impact	No Actual Harm Potential for more than minimal harm	D.	E.	F. (3 or more)
			D. (2 or less)		F. (no conditions of participation)
Low Impact	No Actual Harm Minimal potential for harm.	A.	B.	C.	

Scope and Severity Definitions:

Key to Scope scale:

Isolated:

A deficiency that is limited to 1% to 15% of the sample, usually impacting no more than one or two individuals in the sample.

Pattern:

A deficiency that impacts a number or group of individuals from 16% to 79% of the sample is defined as a pattern finding. Pattern findings suggest the need for system wide corrective actions.

Widespread:

A deficiency that impacts most or all (80% to 100%) of the individuals in the sample is defined as widespread or pervasive. Widespread findings suggest the need for system wide corrective actions as well as the need to implement a Continuous Quality Improvement process to improve or build infrastructure. Widespread findings must be referred to the Internal Review Committee for review and possible actions or sanctions.

Key to Severity scale:

Low Impact Severity: (Blue)

Low level findings have no or minimal potential for harm to an individual. Providers that have no findings above a "C" level may receive a "Quality" Certification approval rating from QMB.

Medium Impact Severity: (Tan)

Medium level findings have a potential for harm to an individual. Providers that have no findings above a "F" level and/or no more than two F level findings and no F level Conditions of Participation may receive a "Merit" Certification approval rating from QMB.

High Impact Severity: (Green or Yellow)

High level findings are when harm to an individual has occurred. Providers that have no findings above "I" level may only receive a "Standard" Approval rating from QMB and will be referred to the IRC.

High Impact Severity: (Yellow)

"J, K, and L" Level findings:

This is a finding of Immediate Jeopardy. If a provider is found to have "I" level findings or higher, with an outcome of Immediate Jeopardy, including repeat findings or Conditions of Participation they will be referred to the Internal Review Committee.

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

Introduction:

Throughout the process, surveyors are openly communicating with providers. Open communication means that surveyors have clarified issues and/or requested missing information before completing the review. Regardless, there may still be instances where the provider disagrees with a specific finding.

To informally dispute a finding the provider must request in writing an Informal Reconsideration of the Finding (IRF) to the QMB Deputy Bureau Chief **within 10 working days** of receipt of the final report.

The written request for an IRF must be completed on the **QMB Request for Informal Reconsideration of Finding Form** (available on the QMB website) and must specify in detail the request for reconsideration and why the finding is inaccurate. **The IRF request must include all supporting documentation or evidence that was not previously reviewed during the survey process.**

The following limitations apply to the IRF process:

- The request for an IRF and all supporting evidence must be received in 10 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 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 Scope and Severity of a finding.
- 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 QMB Quality Approval Rating and the length of their DDSD provider contract.

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

QMB has 30 working days to complete the review and notify the provider of the decision. The request will be reviewed by the IRF committee. 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 successfully reconsidered, it will be noted and will be removed or modified from the report. 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.

Administrative Review Process:

If a Provider desires to challenge the decision of the IRF committee they may request an Administrative Review by the DHI and DDS Director. The Request must be made in writing to the QMB Bureau Chief and received within 5 days of notification from the IRF decision.

Regarding IRC Sanctions:

The Informal Reconsideration of the Finding process is a separate process specific to QMB Survey Findings and should not be confused with any process associated with IRC Sanctions.

If a Provider desires to Dispute or Appeal an IRC Sanction that is a separate and different process. Providers may choose the Informal Dispute Resolution Process or the Formal Medicaid Fair Hearing Process to dispute or appeal IRC sanctions, please refer to the DOH Sanction policy and section 39 of the provider contract agreement.

Agency: Sun Country Case Management - Southwest Region
Program: Developmental Disabilities Waiver
Service: Case Management
Monitoring Type: Routine
Date of Survey: September 22 - 25, 2008

Statute	Deficiency	Agency Plan of Correction and Responsible Party	Date Due
Tag # 1A08 Agency Case File	Scope and Severity Rating: C		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: 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.</p> <p>D. Provider Agency Case File for the Individual: 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:</p> <p>(1) Emergency contact information, including the 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>Based on record review, the Agency failed to maintain at the administrative office a confidential case file for 28 of 34 individuals.</p> <p>Review of the Agency individual case files revealed the following items were missing, incomplete, and/or not current:</p> <ul style="list-style-type: none"> • Current & Emergency & Personal Identification Information <ul style="list-style-type: none"> ◦ Health Care Plan Not Identified as per standard (#1, 6, 7, 10, 13, 14 & 30) • ISP Signature Page (#7) • Addendum A (#4 & 28) • Positive Behavioral Plan (#25, 26 & 30) • Speech Therapy Plan (#7, 9, 12 & 33) • Occupational Therapy Plan (#28) • Health Care Plans (#6, 7 & 32) • Health Assessment Tool (#7, 9, 16, 23, 25, 26, 29, 31 & 32) • Crisis Plans <ul style="list-style-type: none"> ◦ Aspiration (#6, 7 & 29) ◦ Seizures (#16, 21 & 26) 		

<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> <ul style="list-style-type: none"> (a) Complete file for the past 12 months; (b) ISP and quarterly reports from the current and prior ISP year; (c) Intake information from original admission to services; and (d) When applicable, the Individual Transition Plan at the time of discharge from Los Lunas Hospital and Training School or Ft. Stanton Hospital. 	<ul style="list-style-type: none"> ◦ Diabetes (#7 & 13) ◦ Asthma (#13, 15 & 26) • Special Health Care Needs <ul style="list-style-type: none"> ◦ Meal Time Plan (#7 & 29) ◦ Low Fat Diet (#13) • Dental Exam (#9, 18, 24, 27 & 32) • Auditory Exam (#3, 18, 24, 25, 31 & 32) • Vision Exam (#3, 5, 7, 10, 13, 18, 24, 27, 31 & 32) • Pap (#11, 18, 31 & 33) • Mammogram (#11) • Prostate Check (#32) • Prostate Specific Antigen (#32) • Neurological Evaluation (#5, 9, 17 & 26) • Nutritional Evaluation (#13) • Occupational Therapy Evaluation (#28) • Speech/Language Therapy Evaluation (#7, 12 & 33) • Vocational Assessment (#13, 16, 17, 21 & 33) • Career Development Plan (#13, 16, 17, 21 & 33) • Guardianship Documentation (#27) 		
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Tag # 1A37 Individual Specific Training	Scope and Severity Rating: B		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 IV. GENERAL REQUIREMENTS FOR PROVIDER AGENCY SERVICE PERSONNEL: The objective of this section is to establish personnel standards for DD Medicaid Waiver Provider Agencies for the following services: Community Living Supports, Community Inclusion Services, Respite, Substitute Care and Personal Support Companion Services. These standards apply to all personnel who provide services, whether directly employed or subcontracting with the Provider Agency. Additional personnel requirements and qualifications may be applicable for specific service standards.</p> <p>C. Orientation and Training Requirements: Orientation and training for direct support staff and his or her supervisors shall comply with the DDSD/DOH Policy Governing the Training Requirements for Direct Support Staff and Internal Service Coordinators Serving Individuals with Developmental Disabilities to include the following:</p> <p>(2) Individual-specific training for each individual under his or her direct care, as described in the individual service plan, prior to working alone with the individual.</p> <p>Developmental Disabilities Supports Division (DDSD) Policy T-002 - Training Requirements for Case Management Agency Staff Policy Eff. 3/1/2007</p> <p>II. POLICY STATEMENTS:</p> <p>B. Case management staff shall complete individual-specific (formerly known as "Addendum B") training requirements in accordance with the specifications described in the individual service plan (ISP) of each individual served.</p>	<p>Based on record review, the Agency failed to ensure that Individual Specific Training requirements were met for 8 of 17 Agency Personnel.</p> <ul style="list-style-type: none"> Individual Specific Training (#64, 66, 69, 70, 71, 73, 74 & 75) 		

Tag #4C02 Scope of Services	Scope and Severity Rating: A		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 4 II. SCOPE OF CASE MANAGEMENT SERVICES: Case Management shall include, but is not limited to, the following services:</p> <p>T. Assure individuals obtain all services through the Freedom of Choice process.</p>	<p>Based on record review, the Agency failed to maintain documentation assuring individuals obtained all services through the Freedom of Choice Process for 3 of 34 individuals.</p> <p>No evidence was found of the following:</p> <ul style="list-style-type: none"> • Primary Freedom of Choice (#2, 32 & 33) 		

Tag # 4C04 (CoP) - Assessment Activities	Scope and Severity Rating: D		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 4 III. CASE MANAGEMENT SERVICE REQUIREMENTS</p> <p>B. Case Management Assessment Activities: Assessment activities shall include but are not limited to the following requirements:</p> <p>(1) Complete and compile the elements of the Long Term Care Assessment Abstract (LTCAA) packet to include:</p> <ul style="list-style-type: none"> (a) LTCAA form (MAD 378); (b) Comprehensive Individual Assessment (CIA); (c) Current physical exam and medical/clinical history; (d) Norm-referenced adaptive behavioral assessment; and (e) A copy of the Allocation Letter (initial submission only). <p>(2) Prior to service delivery, obtain a copy of the Medical Assistant Worker (MAW) letter to verify that the county Income Support Division (ISD) office of the Human Services Department (HSD) has completed a determination that the individual meets financial and medical eligibility to participate in the DD Waiver program.</p> <p>(3) Provide a copy of the MAW letter to service providers listed on the ISP budget (MAD 046).</p>	<p>Based on record review, the Agency failed to complete and compile the elements of the Long Term Care Assessment Abstract (LTCAA) packet for 9 of 34 individuals.</p> <p>The following items were not found:</p> <ul style="list-style-type: none"> • Annual Physical (#7, 23 & 26) • Level of Care (#21 & 28) • MAW Letter (#1, 9, 16, 26 & 27) 		

Tag # 4C08 (CoP)- ISP Development Process	Scope and Severity Rating: D		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 4 III. CASE MANAGEMENT SERVICE REQUIREMENTS</p> <p>F. Case Manager ISP Development Process:</p> <p>(1) The Case Manager meets with the individual in advance of the ISP meeting in order to enable the person to review current assessment information, prepare for the meeting, plan to facilitate or co-facilitate the meeting if the individual wishes and to ensure greater and more informed participation.</p> <p>(2) The Case Manager will discuss and offer the optional Personal Plan Facilitation service to the individual to supplement the ISP planning process; if selected, the Case Manager will assist in obtaining this service through the FOC process. This service is funded within the individual's ARA.</p> <p>(3) The Case Manager convenes the IDT members and a service plan is developed in accordance with the rule governing ISP development (7.26.5 NMAC).</p> <p>(4) The Case Manager will advise the individual of his or her rights and responsibilities related to receipt of services, applicable federal and state laws and guidelines, DOH policies and procedures pertaining to the development and implementation of the ISP, confidentiality, abuse, neglect, exploitation, and appropriate grievance and appeal procedures. In addition, the Case Manager shall provide the individual and/or guardian with a copy of the Case Management Code of Ethics at this time.</p> <p>(5) The Case Manager will clarify the individual's long-term vision through direct communication with the individual, and if needed, through communication with family, guardians, friends and support providers and others who know the individual. Information gathered shall include, but</p>	<p>Based on record review, the Agency failed to provide documentation of Employment being offered as a preferred day service over other day service options for 4 of 34 individuals.</p> <ul style="list-style-type: none"> • Documentation of Employment 1st Principle (#22, 24, 27 & 29) 		

is not limited to the following:

- (a) Strengths;
- (b) Capabilities;
- (c) Preferences;
- (d) Desires;
- (e) Cultural values;
- (f) Relationships;
- (g) Resources;
- (h) Functional skills in the community;
- (i) Work interests and experiences;
- (j) Hobbies;
- (k) Community membership activities or interests;
- (l) Spiritual beliefs or interests; and
- (m) Communication and learning styles or preferences to be used in development of the individual's service plan.

(6) Case Managers shall operate under the presumption that all working age adults with developmental disabilities are capable of working given the appropriate supports. Individuals will be offered employment as a preferred day service over other day service options. It is the responsibility of the Case Manager and all IDT members to ensure that employment decisions are based on informed choices.

(a) The Case Manager shall verify that all Jackson Class members who express an interest in work or who have employment-related desired outcome(s) in the ISP have an initial or updated vocational assessment that has been completed within the preceding twelve (12) months.

(b) In cases when employment is not an immediate desired outcome, the ISP shall document the reasons for this decision and develop employment-related goals within the ISP that will be undertaken to explore employment options (e.g., volunteer activities,

career exploration, situational assessments, etc.) This discussion related to employment issues shall be documented within the ISP or on the DDS Decision Justification form.

(c) In the context of employment, informed choices include the following:

- (i) Information regarding the range of employment options available to the individual
- (ii) Information regarding self-employment and customized employment options
- (iii) Job exploration activities including volunteer work and/or trial work opportunities

(7) The Case Manager will ensure discussion on Meaningful Day activities for the individual in the ISP meeting, and reflect such discussion in the ISP "Meaningful Day Definition" section.

(8) When a recipient of DD Waiver services has a HAT score of 4, 5, or 6, medical consultation shall be obtained for service planning and delivery, including the ISP and relevant Health Care and Crisis Prevention/Intervention Plans. Medical consultation may be from a Provider Agency Nurse, Primary Care Physician/Practitioner, Regional Office Nurse, Continuum of Care Nurses or Physicians including his or her Regional Medical Consultant and/or RN Nurse Case Manager.

(9) For new allocations, the Case Manager will submit the ISP to NMMUR only after a MAW letter has been received, indicating the individual meets financial and LOC eligibility.

(10) The Case Manager, with input from each Provider Agency, shall complete the Individual Specific Training Requirements section of the ISP form listing all training needs specific to the individual.

(11) The Case Manager shall complete the initial ISP development within ninety (90) days as required by DDSD.

Tag # 4C09 - Secondary FOC	Scope and Severity Rating: A		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 4 III. CASE MANAGEMENT SERVICE REQUIREMENTS</p> <p>G. Secondary Freedom of Choice Process</p> <p>(1) The Case Management Provider Agency will ensure that it maintains a current Secondary Freedom of Choice (FOC) form that includes all service providers offering services in that region.</p> <p>(2) The Case Manager will present the Secondary FOC form to the individual or authorized representative for selection of direct service providers.</p> <p>(3) At least annually, at the time rights and responsibilities are reviewed, individuals and guardians served will be reminded that they may change providers at any time, as well as change types of services. At this time, Case Managers shall offer to review the current Secondary FOC list with individuals and guardians served. If they are interested in changing, a new FOC shall be completed.</p>	<p>Based on record review, the Agency failed to maintain documentation assuring individuals obtained all services through the Freedom of Choice Process for 2 of 34 individuals.</p> <p>The following items were not found:</p> <ul style="list-style-type: none"> • Secondary Freedom of Choice <ul style="list-style-type: none"> ◦ Supported Employment (#26) ◦ Community Access (#26) ◦ Behavior Consultation (#26) ◦ Goods & Services (#26) ◦ Occupational Therapy (#27) 		

Tag # 4C15 - QA Requirements	Scope and Severity Rating: B		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 4 IV. CASE MANAGEMENT PROVIDER AGENCY REQUIREMENTS</p> <p>C. Quality Assurance Requirements: Case Management Provider Agencies will use an Internal Quality Assurance and Improvement Plan that must be submitted to and reviewed by the Statewide Case Management Coordinator, that shall include but is not limited to the following:</p> <p>(1) Case Management Provider Agencies are to:</p> <p>(a) Use a formal ongoing monitoring protocol that provides for the evaluation of quality, effectiveness and continued need for services and supports provided to the individual. This protocol shall be written and its implementation documented.</p> <p>(b) Assure that reports and ISPs meet required timelines and include required content.</p> <p>(c) Conduct a quarterly review of progress reports from service providers to verify that the individual's desired outcomes and action plans remain appropriate and realistic.</p> <p>(i) If the service providers' quarterly reports are not received by the Case Management Provider Agency within fourteen (14) days following the end of the quarter, the Case Management Provider Agency is to contact the service provider in writing requesting the report within one week from that date.</p> <p>(ii) If the quarterly report is not received within one week of the written request, the Case Management Provider Agency is to contact the respective DDS Regional Office in writing within one business day for</p>	<p>Based on record review, the Agency failed to ensure that reports and ISPs meet required timelines and included the required contents for 18 of 34 individuals.</p> <p>The following quarterly/bi-annual reports were not found:</p> <ul style="list-style-type: none"> • Behavior Consultation Quarterly Reports <ul style="list-style-type: none"> ◦ August 2007 - October 2007 (#7) ◦ October 2007 - June 2008 (#27 & 30) ◦ October 2007 - July 2008 (#33) ◦ December 2007 - June 2008 (#32) ◦ January 2008 - June 2008 (#9 & 26) ◦ March 2008 - June 2008 (#25) ◦ April 2008 - June 2008 (#6, 13 & 22) ◦ May 2008 - July 2008 (#28) • Speech/Language Therapy Bi-Annual Reports <ul style="list-style-type: none"> ◦ October 2007 - March 2008 (#7) ◦ July 2007 - July 2008 (#12 & 28) ◦ May 2007 - May 2008 (#25) • Occupational Therapy Bi-Annual Reports <ul style="list-style-type: none"> ◦ December 2007 - May 2008 (#7) ◦ July 2007 - July 2008 (#28) • Physical Therapy Bi-Annual Reports <ul style="list-style-type: none"> ◦ January 2008 - June 2008 (#7) • Community Living Quarterly Reports <ul style="list-style-type: none"> ◦ May 2007 - June 2008 (#6) ◦ August 2007 - January 2008 (#13) ◦ March, April, May, June & August 2008 (Note: Agency completes monthly reports) (#16) ◦ August 2007, November 2007, January, March, June, July & August 2008 (Note: 		

<p>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> <p>(g) Perform annual satisfaction surveys with individuals regarding case management services. A copy of the summary is due each December 10th to the respective DDSD Regional Office, along with a description of actions taken to address suggestions and problems identified in the survey.</p>	<p>Agency completes monthly reports) (#27)</p> <ul style="list-style-type: none"> ◦ July & August 2008 (Note: Agency completes monthly reports) (#29) ◦ September 2007 - June 2008 (#31) ◦ March 2008 - June 2008 (#32) ◦ May 2008 - August 2008 (#33) <ul style="list-style-type: none"> • Community Inclusion (Adult Habilitation) Quarterly Reports <ul style="list-style-type: none"> ◦ August 2007 - August 2008 (#13) ◦ May 2008 - July 2008 (#16) ◦ February 2008 - July 2008 (#24) ◦ January 2008 - June 2008 (#26) ◦ November 2007 - July 2008 (#27) ◦ April 2008 - June 2008 (#31) ◦ May 2008 - August 2008 (#33) • Community Inclusion (Supported Employment) Quarterly Reports <ul style="list-style-type: none"> ◦ September 2007 - November 2007 (#10) ◦ August 2007 - August 2008 (#13) ◦ October 2007 - June 2008 (#16) ◦ January 2008 - June 2008 (#26) ◦ May 2008 - August 2008 (#33) • Community Inclusion (Community Access) Quarterly Reports <ul style="list-style-type: none"> ◦ July 2007 - June 2008 (#26) 		
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<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>			
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Tag # 4C15 - QA Requirements - Code of Ethics	Scope and Severity Rating: A		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 4 IV. CASE MANAGEMENT PROVIDER AGENCY REQUIREMENTS</p> <p>C. Quality Assurance Requirements: Case Management Provider Agencies will use an Internal Quality Assurance and Improvement Plan that must be submitted to and reviewed by the Statewide Case Management Coordinator, that shall include but is not limited to the following:</p> <p>(2) Case Managers and Case Management Provider Agencies are required to promote and comply with the Case Management 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 DDSD will be sent to the Case Manager's supervisor who is required to respond within 10 working days to DDSD with detailed actions taken. DDSD reserves the right to forward such complaints to the IRC.</p>	<p>Based on record review, the Agency failed to provide the individual and/or guardian with a copy of the Case Management Code of Ethics for 2 of 34 individuals.</p> <ul style="list-style-type: none"> • Case Manager Code of Ethics (#4 & 28) 		

Tag # 4C17 (CoP) - Case Mgr. Qualifications	Scope and Severity Rating: D		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 4 IV. CASE MANAGEMENT PROVIDER AGENCY REQUIREMENTS</p> <p>E. Case Manager Qualifications: Case Managers, whether subcontracting or employed by a Provider Agency, shall meet these requirements:</p> <p>(1) Case Managers shall possess these qualifications:</p> <p>(a) Licensed social worker, as defined by the NM Board of Social Work Examiners; or</p> <p>(b) Licensed registered nurse as defined by the NM Board of Nursing; or</p> <p>(c) Bachelor's or Master's degree in social work, psychology, counseling, nursing, special education, or closely related field; and</p> <p>(d) Have one-year clinical experience, related to the target population, working in any of the following settings:</p> <p>(i) Home health or community health program;</p> <p>(ii) Hospital;</p> <p>(iii) Private practice;</p> <p>(iv) Publicly funded institution or long-term care program;</p> <p>(v) Mental health program;</p> <p>(vi) Community based social service program; or</p> <p>(vii) Other programs addressing the needs of special populations, e.g., school.</p> <p>(e) Have a working knowledge of the health and social resources available within a region.</p> <p>(3) Prior written approval from DDSD is required for any person providing services as an intern in Case Management. If approval is granted,</p>	<p>Based on record review, the Agency failed to ensure that Case Managers possessed the required qualifications for 1 of 17 Case Managers.</p> <p>Review of Case Manager personnel records found no evidence of the following:</p> <ul style="list-style-type: none"> • Bachelor's or Master's degree in social work, psychology, counseling, nursing, special education, or closely related field (#75) • An exception from the Case Manager Qualifications from the DDSD Central Office (#75) 		

<p>DDSD reserves the right to add conditions (i.e., supervisor review and sign off on quality of work) that shall be adhered to and may rescind the approval at any time for any reason.</p> <p>(4) Written approval from DDSD is required for any person applying to be a Case Management subcontractor before the person is hired.</p> <p>(5) Exception: If a Case Management Provider Agency has made reasonable efforts to recruit Case Management personnel with the required qualifications without success, that Case Management Provider Agency may request an exception from the Case Manager Qualifications from the DDSD Central Office as per the following procedure:</p> <p>(a) The requesting Provider Agency will describe and document all efforts made to recruit Case Managers with the required qualifications and the results of those efforts.</p> <p>(b) The requesting Provider Agency will describe and document in detail the relevant educational, employment, volunteer, familial, and other experience that will qualify the prospective candidate for successful employment as a Case Manager. Consideration may be given for unique skills needed by the Provider Agency such as fluency in a language other than English.</p> <p>(c) If the exception is granted, DDSD reserves the right to add conditions (e.g., specific training, supervisory oversight) that shall be adhered to and may rescind the exception at any time for any reason.</p>			
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Tag # 4C17 (CoP) - Case Mgr. Qualifications - Training	Scope and Severity Rating: B		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 4 IV. CASE MANAGEMENT PROVIDER AGENCY REQUIREMENTS</p> <p>E. Case Manager Qualifications: Case Managers, whether subcontracting or employed by a Provider Agency, shall meet these requirements:</p> <p>(2) Within specified timelines, Case Managers shall meet the requirements for training specified in the DDS policy governing the training requirements for Case Managers serving individuals with developmental disabilities. All Case Management Provider Agencies are required to report required personnel training status to the DDS Statewide Training Database as follows:</p> <p>(a) Initial comprehensive personnel status report (name, date of hire, identification number category) on all required personnel to be submitted to DDS Statewide Training Database within the first ninety (90) calendar days of providing services; &</p> <p>(b) Quarterly personnel update reports sent to DDS Statewide Training Database to reflect new hires, terminations, or agency position changes, and name changes.</p>	<p>Based on record review, the Agency failed to ensure that Training requirements were met for 4 of 17 Case Managers</p> <p>Review of Case Manager training records found no evidence of the following required DOH/DDS trainings being completed:</p> <ul style="list-style-type: none"> • Promoting Effective Teamwork (#60) • ISP Critique (#64, 65 & 71) 		

ADDITIONAL FINDINGS: Reimbursement Deficiencies

**BILLING
TAG #1A12**

Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007 Chapter 1. III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION

B. Billable Units: 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:

- (1) Date, start and end time of each service encounter or other billable service interval;
- (2) A description of what occurred during the encounter or service interval; and
- (3) The signature or authenticated name of staff providing the service.

Billing for Case Management services was reviewed for 34 of 34 individuals. Progress notes and billing records supported billing activities for the months of March, April & May 2008.