

Adjud vs. Relinquish  
Involuntary suspension

Comparable Sanction Data 2012- 2016

don't respond  
adjudicated  
(not in 5 yrs)

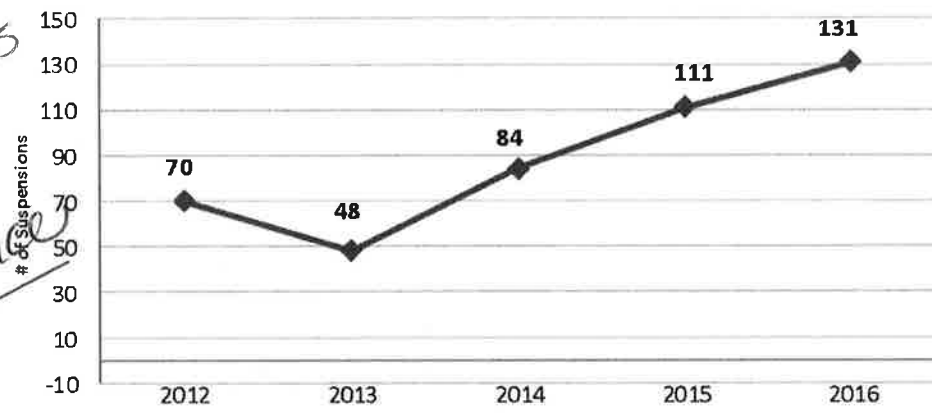
In 2016, OPSR initiated 131 suspensions of certifications and/or licenses and 79 revocation notifications. Thirty-one revocations were adjudicated. The charts below show the sanction statistics over the past five years.

(same kinds of citations)

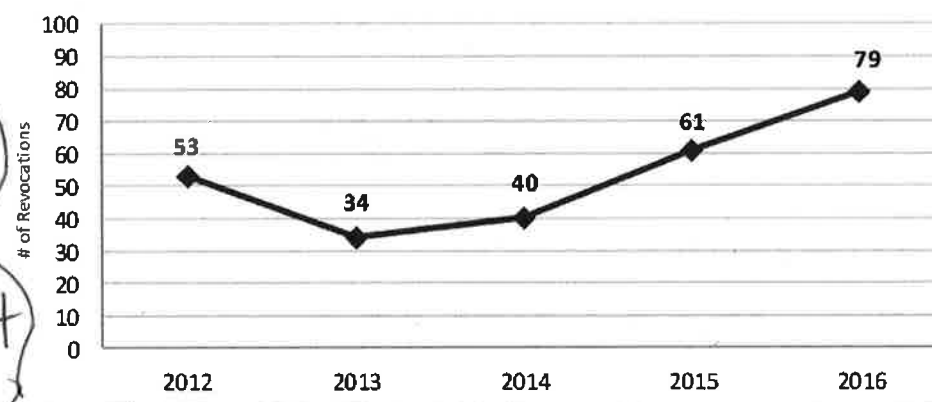
a good # of suspensions get lifted  
Pattern of noncompliance

a lot for 7-7-7  
quarter of them appeal  
many don't respond

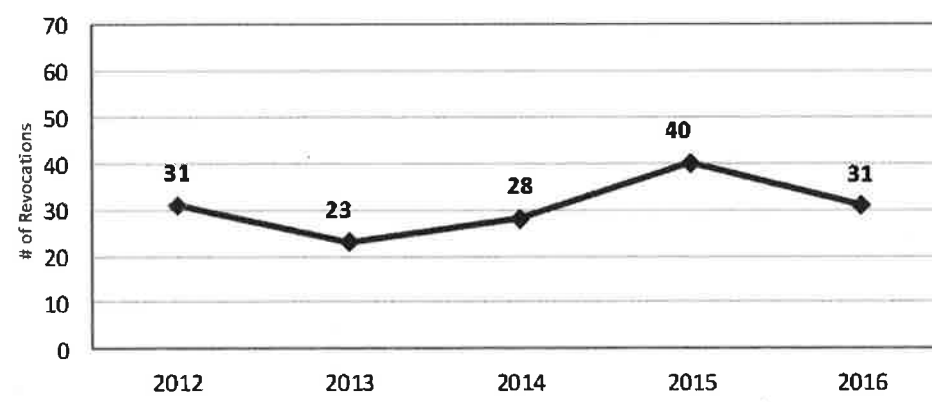
**Total Suspensions Initiated 2012 -2016**



**Total Revocations Initiated 2012-2016**



**Total Revocations Adjudicated 2012-2016**



Reasons:  
① 7-7-7  
not cooperat/  
not responding  
② changes in way  
look @ information

③ Referrals from Regional Reviewers  
(16 or more mgr review)

projected increase:  
↑ more # AG (slower atty spr)  
# hearing officers

many times chose other providers  
suspension / revocation

## **FACTORS FOR SUSPENSIONS**

### **Suspensions**

- Noncompliance
  - Failure to complete Background Checks timely
    - Includes issuance of immediate citations and/or situations where the provider is recited
  - Failure to complete Abuser Registry/Nurse Aide Registry Checks timely
    - Includes issuance of immediate citations and/or situations where the provider is recited
  - Failure to complete CPR/First Aid Training timely
    - Includes issuance of immediate citations and/or situations where the provider is recited
  - Failure to complete staff training timely
  - Failure to meet minimum documentation requirements
- Non-Medical Transportation Requirements
  - Physician statements/drug tests completed timely
    - Includes issuance of immediate citations and/or situations where the provider is recited
  - Documentation requirements
  - Significant billing issues (billing incorrectly for trip vs mile; using incorrect vehicle, etc.)
- Significant health and safety issues
- Disqualifying Offense Charge (includes Medicaid Fraud indictments)
  - Agency CEO's
  - Independent Providers
  -
- 16 or more citations
  - For a licensed facility- automatic suspension of admissions
  - For a certified provider- manager review that may result in a suspension

## **FACTORS FOR PROPOSED REVOCATIONS**

### **Proposed Revocation**

- Noncooperation with review process (which may include 7-7-7 process)
  - Failure to schedule an initial review
  - Failure to show-up for a scheduled review
  - Failure to provide an acceptable POC
  - Failure to implement POC's
- Significant Noncompliance / Reissuance of same or similar citations from previous reviews
  - Failure to complete Background Checks
    - Includes issuance of immediate citations and/or situations where the provider is recited
  - Failure to complete Abuser Registry/Nurse Aide Registry Checks
    - Includes issuance of immediate citations and/or situations where the provider is recited
  - Failure to complete CPR/First Aid Training
  - Failure to complete staff training
  - Repeated failure to meet minimum requirements, as defined in 5123 (including failure to have a department approved CEO)
- Substantiated MUI's (related to health and safety)
  - Demonstrating continuing system issues
- Disqualifying Offense Convictions
  - MF convictions are an automatic ODM suspension and termination of all Medicaid Contracts
- Dishonesty on initial provider application or renewal
  - Failure to disclose a relationship to a provider who has had sanctions levied against them
  - Providing false information during the application process
- ODM Termination
- Federal Exclusions

***\*For any proposed revocation that is issued, a suspension is also issued.***

## Basic Work Flow for Provider Sanctions:

### Certified Providers

1. OPSR receives information for review and consideration. This information can be the results of a Provider Compliance Review which shows a serious pattern of non-compliance, confirmed abuse, neglect, financial irresponsibility, conviction of a disqualifying offense, or health related fraud conviction.
2. Manager needs to research the provider's performance, services provided, number of individual(s) served and counties in which they operate.
3. Within 7 days of receiving all necessary information (this may include receiving IA file), OPSR will make a determination if information supports Legal review.
4. If OPSR recommends Legal review then a suspension letter is drafted (see sample) using the following information:
  - Provider Contact Information (from RDS web)
  - Certification Information (from RDS web)
  - Reason for Sanction (review, conviction, etc)
  - Counties providing services in (Data Warehouse billing)
  - Notifications
  - Superintendent(s) (From CB Roster)
  - John Maynard, ODM
  - Brad Singer, Chief Legal Counsel, DODD
  - Lyndsay Nash, Associate General Counsel, DODD
  - Kat Ingles, Manager, Provider Certification, DODD
  - \_\_\_\_\_, Review Manager, DODD
  - Theresa Ryan, Review Manager, DODD
  - Julie Gregg, Review Manager, DODD
  - Reviewer, COG/Department
  - Journal Entry
  - File
5. Legal provides feedback to notice.
6. Upon approval, Theresa Ryan forwards the notice to support staff to be sent.
7. Support staff check the certification information and make any final edits.
8. A copy of notice is sent electronic to all parties and filed electronically and in Journal Entry
9. An email is sent to CB Service and Support Director regarding required notifications to waiver recipients being served by provider
10. In most cases, the Provider submits a plan of compliance within 14 days. Plan of Compliance (for reviews conducted by DODD) will be entered into CMO.
11. Within 20 days, the Department will send a response
12. DODD conducts a POCV as arranged with provider
13. Upon verification that the provider has corrected all areas leading to the suspension, a letter is sent to Legal to review for suspension lifting.
14. Within 7 days of approval, a notice will be sent to provider via certified mail and email. A copy will be provided to all those copied on initial notice.

### Licensed Providers

1. OPSR receives information for review and consideration. This information can be the results of a Review which shows a serious pattern of non-compliance, confirmed abuse, neglect, financial irresponsibility, conviction of a disqualifying offense, or health related fraud conviction.
2. Manager needs to research the provider's performance, services provided, number of individual(s) served and counties in which they operate.
3. Within 7 days of receiving all necessary information, OPSR makes a determination if information supports Legal review.
4. If OPSR recommends Legal review then a suspension letter is drafted (see sample) using the following information:
  - Contact Information (from LDW)
  - Licensure Information (from LDW)
  - Reason for Sanction (review, conviction, etc)
  - Counties providing services
  - Notifications
  - Superintendent(s)-From CB Roster
  - John Maynard, ODM
  - Brad Singer, Chief Legal Counsel, DODD
  - Lyndsay Nash, Associate General Counsel, DODD
  - Kat Ingles, Manager, Provider Certification, DODD
  - \_\_\_\_\_, Review Manager, DODD
  - Theresa Ryan, Review Manager, DODD
  - Julie Gregg, Review Manager, DODD
  - \_\_\_\_\_, Reviewer, DODD
  - Journal Entry
5. Legal provides feedback to notice.
6. Upon approval, Theresa Ryan forwards the notice to support staff to be sent.
7. Support staff check the Licensure information and make any final edits.
8. A copy of notice is sent electronic to all parties and filed electronically and in Journal Entry
9. The Licensee is required to send notices to individuals and families of suspension within 3 days.
10. In most cases, the Provider submits a plan of compliance within 14 days. Plan of Compliance (for reviews conducted by DODD) will be entered into CMO.
11. Within 21 days, the Department will send a response
12. DODD conducts a POCV as arranged with provider

13. Upon verification that the provider has corrected all areas leading to the suspension, a letter is sent to the Assistant Deputy Director and Legal to review for suspension lifting.
14. Within 48 hours of approval, a notice will be sent to provider via certified mail and email. A copy will be provided to all those copied on initial notice.

#### For Revocations-

1. OPSR receives information for review and consideration. This information can be the results of a Provider Compliance Review which shows a serious pattern of non-compliance, confirmed abuse, neglect, financial irresponsibility, conviction of a disqualifying offense, or health related fraud conviction.
2. Manager needs to research the provider's performance, services provided, number of individual(s) served and counties in which they operate.
3. Within 7 days of receiving all necessary information (this may include receiving IA file), OPSR will make a determination if information supports Legal review.
4. If OPSR recommends Legal review then a suspension letter is drafted (see sample) using the following information:
5. Provider Contact Information (from RDS web) or Licensure Information
6. Certification Information (from RDS web)/Licensure Wizard
7. Reason for Sanction (review, conviction, etc.)
8. Counties providing services in (MBS billing)
9. Notifications:

#### Certified Providers-

- Superintendent(s) (From CB Roster)
- John Maynard, ODM
- Brad Singer, Chief Legal Counsel, DODD
- Lyndsay Nash, Associate General Counsel, DODD
- Kat Ingles, Manager, Provider Certification, DODD
- \_\_\_\_\_, Review Manager, DODD
- Theresa Ryan, Review Manager, DODD
- Julie Gregg, Review Manager, DODD
- Reviewer, COG/Department
- Journal Entry
- File

#### Licensed Providers-

- Superintendent(s)-From CB Roster
- Kim Irwin, Planning and Research, ODM
- Brad Singer, Chief Legal Counsel, DODD
- Kat Ingles, Associate General Counsel, DODD
- \_\_\_\_\_, Review Manager, DODD
- Theresa Ryan, Review Manager, DODD
- Julie Gregg, Review Manager, DODD
- \_\_\_\_\_, Reviewer, DODD
- Journal Entry

10. Legal provides feedback to notice.
11. Upon approval, Theresa Ryan forwards the notice to support staff to be sent.
12. Support staff check the certification/licensure information and make any final edits.
13. A copy of notice is sent electronic to all parties and filed electronically and in Journal Entry
14. An email is sent to CB Service and Support Director regarding required notifications to waiver recipients being served by provider for non-licensed waiver settings. In the case of licensed facilities, the Department is required to send a notification to individuals served of proposed revocation. (See sample of letter to individual served)
15. No POC will be accepted from the provider.
16. A provider has 30 day to request an Administrative Hearing.
17. If no hearing is requested, an affidavit is prepared. OPSR prepares and Legal will provide comments.
18. OPSR has affidavit signed/notarized.
19. Affidavit is sent to Legal.
20. Legal prepares an adjudication order for Director's consideration
21. If a hearing request is made, Manager will notify manager/CB and that process will be directed by Legal and the AG's office.
22. Upon receipt of the adjudication, OPSR sends notification to Provider Certification, County Board. Provider Certification notified JFS of final date that the provider can provide services.
23. Legal sends adjudication order to provider. Provider has 15 days to appeal in Court of Common Pleas in the county of residence.
24. If no appeal, then date set in adjudication order is last date of service and provider is considered revoked.