

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES



PROCEDURE	
Subject: Imposition of Adaptive Equipment Sanctions	Procedure No.: 2012-DDS-QMD –PR006
Responsible Program or Office: Developmental Disabilities Administration	Effective Date: January 1, 2013
	Number of Pages: 5
Cross References, Related Policies and Procedures, and Related Documents: Imposition of Sanctions Policy, Provider Performance Review Policy and Procedures, Enhanced Monitoring Policy and Procedures, Provider Certification Review Policy and Procedures, Immediate Response Committee Policy and Procedures	

1. PURPOSE

The purpose of this procedure is to establish the standards and guidelines by which the Department on Disability Services (“DDS”), Developmental Disabilities Administration (“DDA”), will sanction providers whose performance related to the procurement, repair, or maintenance of adaptive equipment is deficient, or which poses a serious threat to the health, safety and well being of the person(s) receiving services from the agency.

2. APPLICABILITY

This procedure applies to all DDA employees, contractors, providers and vendors that provide services and supports to people with intellectual and developmental disabilities who receive services as part of the DDA Service Delivery System, funded by DDA and/or the Department of Health Care Finance (“DHCF”).

3. PROCEDURES

A. Identification of Deficient Performance

1. Sources of Information and Types of Performance Issues

The types of performance issues related to adaptive equipment that are deficient or pose a threat to the health, safety and well being of the individuals receiving services that may invoke the use of this procedure include, but are not limited to the following:

- a. DDA's utilization of local funds to procure, repair, rent, lease and/or maintain adaptive equipment, in accordance with its policy and procedures;
- b. Substantiated serious reportable incidents of abuse, neglect, or serious physical injury that would demonstrate that the provider, home or site is experiencing continuing difficulties in providing competent adaptive equipment services;
- c. The Department of Health's Health Regulation and Licensing Administration's ("DOH/HRLA") identification of outstanding enforcement actions, violations of conditions of participation, immediate jeopardy, or recommendations for termination of Medicaid provider agreement stemming from deficiencies in adaptive equipment services;
- d. A serious reportable incident of death, abuse, neglect, or serious physical injury surrounding the procurement, repair, rent, lease and/or maintenance of adaptive equipment;
- e. Identification of a provider ceasing its current operations or closing
- f. DDA, through its Service Planning and Coordination monitoring ("SPCD"), Health and Wellness review, Provider Performance Review and/or Provider Certification Review, identifying a performance deficiency related to the procurement, repair, rent, lease and/or maintenance of adaptive equipment;
- g. DDA, DOH/HRLA, DHCF, the Department of Consumer and Regulatory Affairs, or the Office of the Chief Financial Officer identifying a provider's financial difficulties or insolvency such that continued operation of the provider, home or site is in serious jeopardy or would tend to place the individuals at serious risk of receiving deficient adaptive equipment services; or
- h. DDA, DOH/HRLA or DHCF identifying inadequate standard operating procedures, lacking organizational capacity/strength to provide adequate adaptive equipment supports and services to individuals, or experiencing any other situation or circumstance identified through the oversight and monitoring process (including information received from the *Evans* Special Master, the *Evans* Court Monitor, the *Evans* Independent Compliance Administrator, the Quality Trust for Individuals with Disabilities, Inc. ("QT"), or the *Evans* parties) that DDA determines to be a deficient performance issue related to adaptive equipment.

2. Referral to the DDS Quality Management Division & DDA SPCD

Upon identification of an immediate and serious risk to the person's health, safety or well-being related to the procurement, repair, or maintenance of adaptive equipment, the DDS/DDA staff identifying the problem required to contact the QMD and/or SPCD Director. The director contacted is to make an

immediate referral to Health and Wellness so that an appropriate clinician can be dispatched to ensure the health, safety, and well-being of the person. When there is no immediate risk as described above DDS/DDA staff must report issues and unmet needs in accordance with the Immediate Response Committee policy and procedures.

3. Decision by DDS QMD Director

- a. The QMD Director will review any documentation provided by the referring DDS/DDA staff related to the deficient performance issue(s), and may review any additional, relevant documentation, including, but not limited to, Provider Certification Reviews, Provider Performance Reviews, Health and Wellness Reviews, Service Coordination and Planning Monitoring tools, Enhanced Monitoring reports, the DDA provider Watch List, reports from the *Evans* Court Monitor, DOH/HRLA, and QT. The QMD Director must also consult with any relevant DDS/DDA managers, and may consult with contractors, or referring agencies.
- b. Based on the review of this information, the QMD Director will determine whether to sanction, and, if so, the appropriate sanction(s) to impose.

B. Time Frames for Action

1. As soon as is practical given the situation or circumstance, but in any event not later than three (3) business days following notification, the QMD Director will determine whether to sanction, and if so, the appropriate sanction(s).
2. The QMD Director shall include timelines for implementation of sanctions, based on the individual circumstances of the situation and the need to ensure the person's health, safety and well-being.

C. Sanctions

1. Sanctions are not mutually exclusive, mutually dependant, or progressive.
 - a. Providers may be required to have a goal added to their Provider Performance Review Continuous Improvement Plan relating to improving the quality of their performance related to the procurement, repair, or maintenance of adaptive equipment.
 - b. Providers may be required to implement a system for Competency-Based Training that includes an evaluation/measure of the effectiveness of staff training to ensure staff members demonstrate the skills necessary to consistently provide the individualized supports related to the procurement, repair, or maintenance of adaptive

- equipment.
 - c. DDS may impose enhanced monitoring in accordance with the enhanced monitoring policy and procedure.
 - d. DDS may place a provider on the “Watch List” and mandate a corrective action plan to address the deficient performance related to the procurement, repair, or maintenance of adaptive equipment.
 - e. DDS may refer the provider to DOH/HRLA, DHCF, and/ or the Office of the Inspector General for investigation.
 - f. DDS may make referrals to DOH for matters related to professional licensing.
 - g. DDS may recommend that DHCF revoke the Medicaid provider agreement.
 - h. DDS may remove a person or people to protect their health, safety or well-being.
 - i. DDS may suspend transitions and/ or place the provider on DDA’s “Do Not Refer” list.
 - j. DDS may recommend that Office of Contracting and Procurement revoke the Human Care Agreement.
 - k. DDS may impose any other sanction in accordance with DDS policies and procedures.
2. For providers with Human Care Agreements, in the event that DDS removes a person, suspends transitions, or places the provider on the “Watch List” or “Do Not Refer” list, after 30 days DDS may take a pro rata share of the vacancy and administrative rate for the vacancy caused by, or unable to be filled due to the provider’s deficient performance related to the procurement, repair, or maintenance of adaptive equipment.

D. Notification

SPCD shall notify the person, his or her family, and substitute decision maker of any sanction imposed through this protocol and offer to convene a support team meeting to discuss whether the person wishes to remain with the provider or would like to explore other options.

E. Provider Appeals of Sanctions

Providers may seek reconsideration of sanctions C. # h through j, above, by submitting a written request to the DDS Deputy Director for DDA within five (5) business days of notification. The written request must be signed by the organization’s Executive Officer/ Manager and must provide justification for the reconsideration. The DDS Deputy Director for DDA shall provide a final written determination to all parties within fifteen (15) calendar days of receiving the request for reconsideration.

F. Annual Report

QMD shall track, evaluate, and report on provider sanctions based on deficiencies in performance related to the procurement, repair, or maintenance of adaptive equipment, on at least an annual basis. The report shall be in an easy to understand format and shall be posted on the DDS website.