

Date: February 22, 2010

To: Yvette Jaramillo, Operations Coordinator  
Provider: New Mexico Behavioral Health Institute  
Address: 700 Friedman Ave.  
State/Zip: Las Vegas, NM 87701

E-mail Address: Yvette.Jaramillo@state.nm.us

CC: Corinne F. Dominguez, Division Director  
Address: 700 Friedman Ave.  
State/Zip: Las Vegas, NM 87701

Board chair  
E-Mail Address: [corrine.dominguez@state.nm.us](mailto:corrine.dominguez@state.nm.us)

Region: Northeast & Southeast  
Survey Date: January 12 – 14, 2010  
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: Barbara Czinger, MSW, LISW, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau & Linda Dwyer, Bachelor in Education, Case Management Coordinator, Developmental Disabilities Support Division /Northeast Regional Office

Dear Ms. Jaramillo,

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 issue your agency a “MERIT” rating for compliance with DDSD Standards and regulations.

**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



*“Assuring safety and quality of care in New Mexico’s health facilities and community-based programs.”*

**David Rodriguez, Division Director • Division of Health Improvement**

Quality Management Bureau • 5301 Central Ave. NE Suite 400 • Albuquerque, New Mexico 87108  
(505) 222-8623 • FAX: (505) 222-8661 • <http://dhi.health.state.nm.us>

DHI Quality Review Survey Report – New Mexico Behavioral Health Institute - Northeast & Southeast Region - January 12 - 14, 2010

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 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 #400  
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 505-690-4693, if you have questions about the survey or the report. 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: January 12, 2010

Present: **New Mexico Behavioral Health Institute**  
Yvette Jaramillo, Operations Coordinator

**DOH/DHI/QMB**

Deb Russell, BS, Team Lead/Healthcare Surveyor  
Barbara Czinger, MSW, LISW, Healthcare Surveyor

**DDSD – Northeast Regional Office**

Linda Dwyer, Bachelor in Education, Case Management Coordinator

Exit Conference Date: January 14, 2010

Present: **New Mexico Behavioral Health Institute**  
Marcine Vigil, Case Manager

Marisa Salazar-Vigil, Case Manager

Amina-Mercy Ngock, Intern

Yvette Jaramillo, Operations Coordinator

Corinne F. Dominguez, Division Director

Elizabeth Sandoval, Case Management Supervisor

**DOH/DHI/QMB**

Deb Russell, BS, Team Lead/Healthcare Surveyor  
Barbara Czinger, MSW, LISW, Healthcare Surveyor

**DDSD – Northeast Regional Office**

Linda Dwyer, Bachelor in Education, Case Management Coordinator

Administrative Locations Visited Number: 1

Total Sample Size Number: 18  
3 - Jackson Class Members  
15 - Non-Jackson Class Members

Case Manager Personnel Record Review: Number: 4

Case Managers Interviewed Number: 4

Records Reviewed (Persons Served) Number: 18

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

## 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 505-222-8647.
- 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 (505-222-8661), 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 505-222-8647 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, hard copies or scanned and electronically submitted copies are fine. Originals must be maintained in the agency/client file(s) as per DDSD 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.

### **The QMB Approval Rating**

The QMB approval rating is the provider incentive to encourage quality service and correlates the review outcome with the QMB review frequency and its recommendation to DDS to determine the length of the provider agreement. The "Approval rating" is based on the Scope and Severity of the review findings. There are five levels of "Approval" that a provider may receive. They are:

#### Quality Approval Rating:

The QMB DD Manager will review the Report of Findings and determine if the provider qualifies for a Quality Rating. To qualify for a QMB Quality rating of approval and a three (3) year QMB review cycle and provider agreement recommendation, the provider must not have any findings that are a condition of participation and no findings of F level or higher on the Scope and Severity Matrix with no more than three (3) D or E level findings.

#### Merit Approval Rating:

The QMB DD Manager will review the Report of Findings and determine if the provider qualifies for a Merit Rating. To qualify for a QMB Merit rating of approval and a two (2) year QMB review cycle and provider agreement recommendation, the provider must not have more than three (3) findings that are a condition of participation and no more than three (3) F level findings with no findings of a G level or higher on the Scope and Severity Matrix and no more than six (6) D or E level findings.

#### Standard Approval Rating:

The QMB DD Manager will review the Report of Findings and determine if the provider qualifies for a Standard Rating. To qualify for a QMB Standard rating of approval and a one (1) year QMB review cycle and provider agreement recommendation, the provider must not have more than six (6) findings that are a condition of participation and no more than six (6) F level findings with no findings of a G level or higher on the Scope and Severity Matrix and no more than six (6) D or E level findings.

#### "Sub-Standard" Approval Rating:

The QMB DD Manager will review the Report of Findings and determine if the provider has Sub-standard performance. To qualify for a QMB Sub-Standard rating of approval and a three to six month QMB review cycle, with a referral to the Internal Review Committee and provider agreement recommendation, the provider may have any of the following findings:

- seven (7) or more findings that are a condition of participation
- seven (7) or more F level findings
- any findings of a G level or higher
- nine (9) or more D or E level findings

A referral to the IRC is required for any Sub-standard rating. Depending upon the egregious nature of the findings the IRC shall take appropriate sanction actions up to and including contract termination.

#### Provisional Approval Rating:

New DD service providers may qualify for a QMB Provisional Approval Rating upon successfully completing their initial QMB Quality Survey. The QMB DD Manager will review the Report of Findings and determine if the provider has achieved at least a standard rating of approval or above. If successful, the provider may receive a one (1) year contract extension recommendation. QMB will notify the DDS Contract unit of the Provisional approval rating.

## Attachment C

# 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: <http://dhi.health.state.nm.us/qmb>) 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 DDS 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:** New Mexico Behavioral Health Institute – Northeast & Southeast Region  
**Program:** Developmental Disabilities Waiver  
**Service:** Case Management  
**Monitoring Type:** Routine Survey  
**Date of Survey:** January 12 – 14, 2010

Statute	Deficiency	Agency Plan of Correction and Responsible Party	Date Due
<b>Tag # 1A08 Agency Case File</b>	<b>Scope and Severity Rating: B</b>		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><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.</p> <p><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:</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>(2) The individual's complete and current ISP, with all supplemental plans specific to the individual,</p>	<p>Based on record review, the Agency failed to maintain at the administrative office a confidential case file for 14 of 18 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>• Individual Specific Training Section (ISP) (#15)</li> <li>• <b>ISP Teaching &amp; Support Strategies</b> <ul style="list-style-type: none"> <li>◦ Individual #8 - TASS not found for:               <ul style="list-style-type: none"> <li>➢ "Prepare dessert"</li> <li>➢ "Attend class"</li> <li>➢ "Will walk"</li> </ul> </li> <li>◦ Individual #14 - TASS not found for:               <ul style="list-style-type: none"> <li>➢ "Use transportation services"</li> <li>➢ "Expand computer knowledge &amp; skills"</li> </ul> </li> <li>◦ Individual #17 - TASS not found for:               <ul style="list-style-type: none"> <li>➢ "Do things with roommates"</li> <li>➢ "Participate in activities of his choosing"</li> </ul> </li> </ul> </li> <li>• Positive Behavioral Crisis Plan (#1)</li> <li>• Speech Therapy Plan (#17)</li> <li>• Physical Therapy Plan (#11)</li> <li>• <b>Health Care Plans</b></li> </ul>		

<p>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>	<ul style="list-style-type: none"> <li>• Seizures <ul style="list-style-type: none"> <li>◦ Individual #10 - As indicated by the IST section of ISP the individual is required to have a plan.</li> <li>◦ Individual #12 - As indicated by the IST section of ISP the individual is required to have a plan.</li> </ul> </li> <li>• Constipation <ul style="list-style-type: none"> <li>◦ Individual #13 - As indicated by the IST section of ISP the individual is required to have a plan.</li> </ul> </li> <li>• Bradycardia <ul style="list-style-type: none"> <li>◦ Individual #13 - As indicated by the IST section of ISP the individual is required to have a plan.</li> </ul> </li> <li>• Health Care Plan <ul style="list-style-type: none"> <li>◦ Individual #9 - According to Health Assessment Tool - Level 4 the individual is required to have a plan.</li> </ul> </li> <li>• <b>Crisis Plans</b> <ul style="list-style-type: none"> <li>• GERD <ul style="list-style-type: none"> <li>◦ Individual #4 - As indicated by the IST section of ISP the individual is required to have a plan.</li> <li>◦ Individual #6 – As indicated by the IST section of ISP the individual is required to have a plan.</li> <li>◦ Individual #13 – As indicated by the IST section of ISP the individual is required to have a plan.</li> </ul> </li> <li>• Seizures <ul style="list-style-type: none"> <li>◦ Individual #12 – As indicated by the IST section of ISP the individual is required to have a plan.</li> </ul> </li> <li>• Constipation <ul style="list-style-type: none"> <li>◦ Individual #13 - As indicated by the IST section of ISP the individual is required to have a plan.</li> </ul> </li> </ul> </li> </ul> <p><b>Other Individual Specific Evaluations &amp; Examinations:</b></p>		
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	<ul style="list-style-type: none"> <li>• <b>Nutritional Evaluation</b> <ul style="list-style-type: none"> <li>◦ Individual #10 - Per ISP Assessment Checklist evaluation was completed. No evidence of evaluation was found.</li> </ul> </li> <li>• <b>Dental Exam</b> <ul style="list-style-type: none"> <li>◦ Individual #2 - As indicated by the documentation reviewed, exam was completed on 6/22/06. Follow-up was to be completed in 6 months. No evidence of follow-up found.</li> <li>◦ Individual #11 – As indicated by the documentation reviewed, exam was completed on 7/23/08. Follow-up was to be completed 2/2009. No evidence of follow-up found.</li> <li>◦ Individual #15 - As indicated by the ISP Assessment Checklist, the exam was completed 10/2009. No evidence of exam was found.</li> </ul> </li> <li>• <b>Vision Exam</b> <ul style="list-style-type: none"> <li>◦ Individual #12 - As indicated by the ISP Assessment Checklist, the exam was completed on 6/11/2009. No evidence of exam was found.</li> </ul> </li> <li>• <b>Blood Levels</b> <ul style="list-style-type: none"> <li>◦ Individual #18 - As indicated by the ISP Assessment Checklist, lab work was ordered on 3/5/2009. No evidence found to verify it was completed.</li> </ul> </li> <li>• Speech/Language Therapy Evaluation (#17)</li> <li>• Guardianship Documentation (#8)</li> </ul>		
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Tag # 4C05 (CoP) - Review & Approval of the LTCAA by NMMUR	Scope and Severity Rating: D		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 4 III. CASE MANAGEMENT SERVICE REQUIREMENTS</b></p> <p><b>C. Review and Approval of the LTCAA by the New Mexico Medicaid Utilization Review (NMMUR) Agent</b></p> <p>(1) The Case Manager will submit the LTCAA packet to the NMMUR agent for review and approval. If it is an initial allocation, submission shall occur within 60 days from the date the DDS receives the individual's allocation letter for the DD Waiver. For re-determinations, submission shall occur between 45 days and 30 days prior to the ISP expiration date.</p> <p>(2) Prior to service delivery, the NMMUR agent shall approve:</p> <p>(a) All initial LTCAAs;</p> <p>(b) Any LTCAAs that result in a change in the level of care for the individual; and</p> <p>(c) Any re-admit LTCAAs to the DD Waiver.</p> <p>(3) In addition to initial allocations, the NMMUR agent reviews and approves the LTCAA every three years for individuals on the Waiver.</p> <p>(4) The Case Manager shall respond to NMMUR within specified timelines when the LTCAA packet is returned for corrections or additional information.</p>	<p>Based on record review, the Agency failed to maintain documentation of NMMUR review and approval of LTCAA for 1 of 18 individuals.</p> <p>The following items were not found, incomplete and/or not current:</p> <p><b>Re-Admit:</b></p> <ul style="list-style-type: none"> <li>• Level of Care (#6)</li> </ul>		

Tag #: 4C07 - Individual Service Planning & Approval	Scope and Severity Rating: B		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 4 III. CASE MANAGEMENT SERVICE REQUIREMENTS</b></p> <p><b>E. Individualized Service Planning and Approval:</b></p> <p>(1) Individualized service planning is developed through a person-centered planning process in accordance with the rule governing ISP development (7.26.5 NMAC). A person-centered planning process shall be used to develop an ISP that includes:</p> <p>(a) Realistic and measurable desired outcomes for the individual as identified in the ISP which includes the individual's long-term vision, summary of strengths, preferences and needs, desired outcomes and an action plan and is:</p> <p>(i) An ongoing process, based on the individual's long-term vision, and not a one-time-a-year event; and</p> <p>(ii) Completed and implemented in response to what the IDT members learn from and about the person and involves those who can support the individual in achieving his or her desired outcomes (including family, guardians, friends, providers, etc.).</p> <p>(2) The Case Manager will ensure the ongoing assessment of the individual's strengths, needs and preferences and use this information to inform the IDT members and guide the development of the plan.</p>	<p>Based on record review the Agency failed to ensure Case Managers developed realistic and measurable desired outcomes for the individual as identified in the ISP which includes the individual's long-term vision, summary of strengths, preferences and needs, desired outcomes and an action plan for 7 of 18 Individuals.</p> <p>The following was found with regards to ISP Outcomes:</p> <ul style="list-style-type: none"> <li>• Individual #3: Keep my yard clean; Be a professional valued employee; Try new computer games. Outcomes did not indicate how and/or when it would be completed.</li> <li>• Individual #8: Attend classes at LCC that meet my needs &amp; interest. Outcome was does not indicate how and/or when it would be completed.</li> <li>• Individual #12: Clean room daily; Use backpack daily; attend dances 1 time per month. Outcomes did not indicate how and/or when they would be completed.</li> <li>• Individual #14: Independently awake to my alarm clock; Utilize public transportation services weekly; Expand my computer knowledge &amp; skills. Outcomes did not indicate how and/or when they would be completed.</li> <li>• Individual #15: Learn to relax; Explore restaurants to find the best tacos in town. Outcomes did not indicate how and/or when they would be completed.</li> <li>• Individual #16: Participating in activities I enjoy &amp; Keep my room clean. Outcomes did not indicate how and/or when they would be</li> </ul>		

	<p>completed.</p> <ul style="list-style-type: none"><li>• Individual #17: Be active in following a daily schedule; Attend activities he likes; Get to know housemates &amp; develop a relationship respect for one another; Build his strength to aid in recovery &amp; prevent further bone breaks. Outcomes did not indicate how and/or when they would be completed.</li></ul>		
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Tag # 4C09 - Secondary FOC	Scope and Severity Rating: A		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 4 III. CASE MANAGEMENT SERVICE REQUIREMENTS</b></p> <p><b>G. Secondary Freedom of Choice Process</b></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 current Secondary Freedom of Choice documentation and ensure individuals obtained all services through the Freedom of Choice Process for 1 of 18 individuals.</p> <p>The following items were not found and/or not agency specific to the individual's current services:</p> <ul style="list-style-type: none"> <li>• <b>Secondary Freedom of Choice</b> <ul style="list-style-type: none"> <li>◦ Supported Living (#17)</li> </ul> </li> </ul>		

Tag # 4C12 (CoP) - Monitoring & Evaluation of Services	Scope and Severity Rating: E		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 4 III. CASE MANAGEMENT SERVICE REQUIREMENTS</b></p> <p><b>J. Case Manager Monitoring and Evaluation of Service Delivery</b></p> <p>(1) The Case Manager shall use a formal ongoing monitoring process that provides for the evaluation of quality, effectiveness, and appropriateness of services and supports provided to the individual as specified in the ISP.</p> <p>(2) Monitoring and evaluation activities shall include, but not be limited to:</p> <p>(a) Face-To-Face Contact: A minimum of twelve (12) face-to-face contact visits annually (1 per month) is required to occur between the Case Manager and the individual served as described in the ISP; an exception is that children may receive a minimum of four visits per year;</p> <p>(b) Jackson Class members require two (2) face-to-face contacts per month, one of which occurs at a location in which the individual spends the majority of the day (i.e., place of employment, habilitation program) and one at the person's residence;</p> <p>(c) For non-Jackson Class members who receive Community Living Services, at least every other month, one of the face-to-face visits shall occur in the individual's residence;</p> <p>(d) For adults who are not Jackson Class members and who do not receive Community Living Services, at least one face-to-face visit per quarter shall be in his or her home;</p>	<p>Based on record review, the Agency failed to use a formal ongoing monitoring process that provides for the evaluation of quality, effectiveness, and appropriateness of services and supports provided to the individual for 5 of 18 individuals.</p> <p><b>Record review of Agency files found NO evidence indicating face-to-face visits were completed as required for the following individuals:</b></p> <ul style="list-style-type: none"> <li>• Individual #12 – No face-to-face visit summary forms found for 3/2009.</li> <li>• Individual #14 – No face-to-face visit summary forms found for 3/2009.</li> </ul> <p><b>Record review of Agency files found face-to-face visits were NOT ALTERNATING between Community Sites and Residence Sites as required by standard for the following individuals:</b></p> <p>Individual #8 (Non-Jackson)</p> <ul style="list-style-type: none"> <li>• 4 home visits were noted between 1/2009 - 11/2009. <ul style="list-style-type: none"> <li>◦ 11/30/2009 – Community</li> <li>◦ 10/27/2009 – Community</li> <li>◦ 9/30/2009 – Community</li> <li>◦ 8/11/2009 – Community</li> <li>◦ 7/16/2009 – Home</li> <li>◦ 6/24/2009 – Community</li> <li>◦ 5/19/2009 – Home</li> <li>◦ 4/28/2009 – Community</li> <li>◦ 3/12/2009 – Home</li> <li>◦ 2/26/2009 – Community</li> <li>◦ 1/28/2009 – Home</li> </ul> </li> </ul> <p>Individual #10 (Non-Jackson)</p>		

<p>(e) If concerns regarding the health or safety of the individual are documented during monitoring or assessment activities, the Case Manager shall immediately notify appropriate supervisory personnel within the Provider Agency and document the concern. If the reported 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 the Division of Health Improvement (DHI) as appropriate to the nature of the concern. Unless the nature of the concern is urgent, no more than fifteen (15) working days shall be allowed for remediation or development of an acceptable plan of remediation. This does not preclude the Case Managers' obligation to report abuse, neglect or exploitation as required by New Mexico Statute.</p> <p>(f) Service monitoring for children: When a parent chooses fewer than twelve (12) annual units of case management, the Case Manager will inform the parent of the parent's responsibility for the monitoring and evaluation activities during the months he or she does not receive case management services,</p> <p>(g) It is appropriate to conduct face-to-face visits with the individual both during the time the individual is receiving a service and during times the individual is not receiving a service. The preferences of the individual shall be taken into consideration when scheduling a visit. Visits may be scheduled in advance or be unannounced visits depending on the nature of the need in monitoring service delivery for the individual.</p>	<ul style="list-style-type: none"> <li>• 3 home visits were noted between 1/2009 - 12/2009. <ul style="list-style-type: none"> <li>◦ 12/30/2009 – Case Manager's Office</li> <li>◦ 11/23/2009 – Home</li> <li>◦ 10/29/2009 – Case Manager's Office</li> <li>◦ 9/25/2009 – ISP</li> <li>◦ 8/4/2009 – Home</li> <li>◦ 7/15/2009 – Case Manager's Office</li> <li>◦ 6/22/2009 – Case Manager's Office</li> <li>◦ 5/18/2009 – Case Manager's Office</li> <li>◦ 4/30/2009 – Home</li> <li>◦ 3/24/2009 - Case Manager's Office</li> <li>◦ 2/17/2009 – Case Manager's Office</li> <li>◦ 1/23/2009 – Case Manager's Office</li> </ul> </li> </ul> <p>Individual #12 (Non-Jackson)</p> <ul style="list-style-type: none"> <li>• 2 home visits were noted between 1/2009 - 11/2009. <ul style="list-style-type: none"> <li>◦ 11/3/2009 – Community</li> <li>◦ 10/7/2009 – Home</li> <li>◦ 9/1/2009 – Community</li> <li>◦ 8/12/2009 – Community</li> <li>◦ 7/14/2009 – Community</li> <li>◦ 6/17/2009 – Home</li> <li>◦ 5/20/2009 – Community</li> <li>◦ 4/23/2009 – Community</li> <li>◦ 2/10/2009 – Community</li> <li>◦ 1/28/2009 – Community</li> </ul> </li> </ul> <p>Individual #14 (Non-Jackson)</p> <ul style="list-style-type: none"> <li>• 2 home visits were noted between 1/2009 - 12/2009. <ul style="list-style-type: none"> <li>◦ 12/17/2009 – Home</li> <li>◦ 11/3/2009 – Day Hab</li> <li>◦ 10/16/2009 – IDT</li> <li>◦ 9/10/2009 – Dormitory</li> <li>◦ 8/19/2009 – DVR/IDT</li> <li>◦ 7/10/2009 – Day Hab</li> <li>◦ 6/24/2009 – DVR</li> <li>◦ 5/7/2009 – Audio Exam</li> </ul> </li> </ul>		
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<p>(h) Communication with IDT members: Case Managers shall facilitate and maintain communication with the individual or his or her representative, other IDT members, providers and other relevant parties to ensure the individual receives maximum benefit of his or her services. Case Managers need to ensure that any needed adjustments to the service plan are made, where indicated. Concerns identified through communication with teams that are not remedied within a reasonable period of time shall be reported in writing to the respective regional office and/or the Division of Health Improvements, as appropriate to the concerns.</p>	<ul style="list-style-type: none"> <li>◦ 4/8/2009 – DVR/IDT</li> <li>◦ 3/18/2009 – Annual IDT</li> <li>◦ 2/12/2009 – Travel to Roswell</li> <li>◦ 1/26/2009 – High School</li> </ul> <p>Individual #15 (Non-Jackson)</p> <ul style="list-style-type: none"> <li>• No home visits were noted between 9/2009 - 12/2009. <ul style="list-style-type: none"> <li>◦ 9/9/2009 – Site</li> <li>◦ 10/27/2009 – Site</li> <li>◦ 11/25/2009 – Site</li> <li>◦ 12/16/2009 – Site</li> </ul> </li> </ul>		
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Tag # 4C15 - QA Requirements - Bi-Annual Reports & Provider Quarterly Reports	Scope and Severity Rating: B		
<p><b>CHAPTER 4 IV. CASE MANAGEMENT PROVIDER AGENCY REQUIREMENTS</b></p> <p><b>C. Quality Assurance Requirements:</b> 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 assistance in obtaining required reports.</p> <p>(d) Assure at least quarterly that Crisis Prevention/Intervention Plans are in place in</p>	<p>Based on record review, the Agency failed to ensure that reports and ISP's meet required timelines and include the required contents for 7 of 18 individuals.</p> <p>The following quarterly/bi-annual reports were not found:</p> <ul style="list-style-type: none"> <li>• <b>Family Living Quarterly Reports:</b> <ul style="list-style-type: none"> <li>◦ Individual #12 – None found for April 2009 – September 2009.</li> <li>◦ Individual #16 – None found for January 2009 – September 2009.</li> </ul> </li> <li>• <b>Community Inclusion - Adult Habilitation Quarterly Reports:</b> <ul style="list-style-type: none"> <li>◦ Individual #2 – None found for April 2009 – December 2009.</li> <li>◦ Individual #5 – None found for April 2009 – December 2009.</li> <li>◦ Individual #16 – None found for October 2008 – September 2009.</li> </ul> </li> <li>• <b>Community Inclusion - Community Access Quarterly Reports:</b> <ul style="list-style-type: none"> <li>◦ Individual #5 – None found for January 2009 – December 2009.</li> <li>◦ Individual #12 – None found for July 2009 – December 2009.</li> </ul> </li> <li>• <b>Behavior Consultation Quarterly Reports:</b> <ul style="list-style-type: none"> <li>◦ Individual #2 – None found for June 2009 – August 2009.</li> <li>◦ Individual #15 – None found for March 2009 – April 2009.</li> </ul> </li> </ul>		

<p>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 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>	<ul style="list-style-type: none"> <li>• <b>Speech &amp; Language Pathology Bi-Annual Progress Reports:</b> <ul style="list-style-type: none"> <li>◦ Individual #17 – None found for January 2009 – December 2009.</li> </ul> </li> <li>• <b>Physical Bi-Annual Progress Reports:</b> <ul style="list-style-type: none"> <li>◦ Individual #11 – None found for January 2009 – December 2009.</li> <li>◦ Individual #17 – None found for January 2009 – December 2009.</li> </ul> </li> </ul>		
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<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 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>			
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**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 18 of 18 individuals. Progress notes and billing records supported billing activities for the months of September, October and November 2009.

Date: March 24, 2010

To: Yvette Jaramillo, Operations Coordinator  
Provider: New Mexico Behavioral Health Institute  
Address: 700 Friedman Ave.  
State/Zip: Las Vegas, NM 87701

E-mail Address: [Yvette.Jaramillo@state.nm.us](mailto:Yvette.Jaramillo@state.nm.us)

Region: Northeast & Southeast  
Survey Date: January 12 – 14, 2010  
Program Surveyed: Developmental Disabilities Waiver  
Service Surveyed: Case Management  
Survey Type: Routine

RE: Request for an Informal Reconsideration of Findings

Dear Mr. Jaramillo,

Your request for a Reconsideration of Findings was received on March 8, 2010. Your request and the supporting evidence provided have been reviewed. Based on the review of applicable standards and regulations, review of the survey process and the evidence you provided, the following determinations have been made:

Regarding Tag # 1A08

Determination: The IRF committee is modifying the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, citations originally noted under tag number 1A08 for the following will be removed:

- Health Care Plans (Seizures)
  - Individual #12
- Health Care Plans (Constipation)
  - Individual #13
- Health Care Plans (Bradycardia)
  - Individual #13
- Crisis Plans (Constipation)
  - Individual #13

The remaining citations noted in this tag 1A08 were not disputed. The scope and severity rating will remain "B."

Regarding Tag # 4C15

Determination: The IRF committee is modifying the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, deficiencies noted in tag 4C15 regarding Individual #12's Community Inclusion – Community Access Quarterly Reports from July 2009 to August 2009 will be removed from the original report. The remaining citations noted in this tag were not disputed. The scope and severity rating for this tag will be changed to "B."

This concludes the Informal Reconsideration of Finding process. The IRF process is separate and apart from the Informal Dispute Resolution process or the Medicaid Fair Hearing process when DOH sanctions are imposed on a provider.

Thank you.

Respectfully,



Scott Good, MRC, CRC  
Deputy Bureau Chief/QMB  
Informal Reconsideration of Finding Committee Chair

