DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S3-14-28
Baltimore, Maryland 21244-1850

CENTERS FOR MEDICARE & MEDICAID SERVICES
CENTER FOR MEDICAID & CHIP SERVICES

Financial Management Group

September 13, 2021

Jacey K. Cooper
Chief Deputy Director, Health Care Programs
California Department of Health Care Services
P.O. Box 997413, MS 0000
Sacramento, CA 95899-7413

RE: California State Plan Amendment Transmittal Number 20-0021

Dear Ms. Cooper:

We have reviewed the proposed amendment to Attachment 4.19-D of your Medicaid State plan submitted under transmittal number 20-0021. This amendment provides for updates to the Skilled Nursing Facility Quality and Accountability Supplement Payment (QASP) for the rate periods from August 1, 2020 to December 31, 2021.

We conducted our review of your submittal according to the statutory requirements at sections 1902(a)(2), 1902(a)(13), 1902(a)(30), and 1903(a) of the Social Security Act and the implementing Federal regulations at 42 CFR 447 Subpart C. This is to inform you that Medicaid State plan amendment 20-0021 is approved effective August 1, 2020. The CMS-179 and the amended plan page(s) are attached.

If you have any additional questions or need further assistance, please contact Mark Wong at (415) 744-3561 or mark.wong@cms.hhs.gov.

Sincerely,

[redacted]

For

Rory Howe
Acting Director

Enclosures

DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR MEDICARE & MEDICAID SERVICES

FORM APPROVED
OMB No. 0938-0193

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL

FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES

1. TRANSMITTAL NUMBER: 2 0 — 0 0 21

2. STATE: California

3. PROGRAM IDENTIFICATION: Title XIX of the Social Security Act (Medicaid)

TO: REGIONAL ADMINISTRATOR
CENTERS FOR MEDICARE & MEDICAID SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE: August 1, 2020

5. TYPE OF PLAN MATERIAL *(Check One)*

☐ NEW STATE PLAN ☐ AMENDMENT TO BE CONSIDERED AS NEW PLAN ☒ AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT *(Separate transmittal for each amendment)*

6. FEDERAL STATUTE/REGULATION CITATION: Title 42 § CFR 447 Subpart B & C

7. FEDERAL BUDGET IMPACT
a. FFY 2020 $4,955 $ ~~6,750~~ (in thousands)
b. FFY 2021 $29,670 $ ~~33,750~~ (in thousands)

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Supplement 4 to Attachment 4.19-D pages 20, 21, 23, 23a 24

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT *(If Applicable)*: Supplement 4 to Attachment 4.19-D pages 20, 21, 23, 24

10. SUBJECT OF AMENDMENT

Extends the Quality and Accountability Supplemental Payment program to December 31, 2021 and revises quality measures.

11. GOVERNOR'S REVIEW *(Check One)*

☐ GOVERNOR'S OFFICE REPORTED NO COMMENT
☐ COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
☐ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL
☒ OTHER, AS SPECIFIED

12. SIGNATURE OF STATE AGENCY OFFICIAL: [redacted]

13. TYPED NAME: Jacey Cooper

14. TITLE: State Medicaid Director

15. DATE SUBMITTED: September 22, 2020

16. RETURN TO
Department of Health Care Services
Attn: Director's Office
P.O. Box 997413, MS 0000
Sacramento, CA 95899-7413

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED: September 22, 2020

18. DATE APPROVED: September 13, 2021

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL: August 1, 2020

20. SIGNATURE OF REGIONAL OFFICIAL: [redacted]

21. TYPED NAME: Rory Howe

22. TITLE: Acting Director, Financial Management Group

23. REMARKS

For Box 11 "Other, As Specified," Please note: The Governor's Office does not wish to review the State Plan Amendment.

Pen-and-ink changes made to Boxes 7 and 8 by CMS with state concurrence.

IX. Quality and Accountability Supplemental Payment

A. For the rate periods August 1, 2020 through December 31, 2020, and January 1, 2021 through December 31, 2021 the Department will develop and implement the Skilled Nursing Facility Quality and Accountability Supplemental Payment (QASP) System. This program provides supplemental reimbursement for FS/NF-Bs, including FS/adult subacute facilities, that improve the quality of care rendered to its residents and would be in addition to the rate of payment FS/NF-Bs receive under the current reimbursement methodology.

B. The Department, in consultation with California Department of Public Health (CDPH) and representatives from the long-term care industry; organized labor; and consumers; has developed a three tiered scoring methodology, with improvement scoring, for supplemental payments. The Minimum Data Set data file is obtained from the Centers for Medicare & Medicaid Services (CMS). The Department has a data use agreement with the Health Services Advisory Group for such purposes.

1. 100 points are divided among the measurements with point values distributed for each quality indicator.

Measurement Area/Indicator	Possible Points:
Minimum Data Set Clinical	100.00
Physical Restraints: Long Stay	Monitor-only, not scored
Facility Acquired Pressure Ulcer: Long Stay	11.111
Influenza Vaccination: Short Stay	5.55575
Pneumococcal Vaccination: Short Stay	5.55575
Urinary Tract Infection: Long Stay	11.111
Control of Bowel/Bladder: Long Stay	11.111
Self-Report Pain: Short Stay	5.55575
Self-Report Pain: Long Stay	5.55575
Activities of Daily Living: Long Stay	11.111
California-specific Antipsychotic Medication: Long Stay	11.111
Direct Care Staff Retention	11.111
30 Day All-Cause Readmission	11.111
Total	100

2. A facility's score for each indicator is as follows: a facility's performance is less than statewide average: zero points; at or above statewide average, up to but not including 75th percentile: half points; at or above the 75th percentile: full points. Indicators may be added or removed in the future, subject to state and CMS approval.

The formula for determining the Tier 2 and Tier 3 per diems is as follows:

Total pool = (Aggregate Tier 2 Medi-Cal bed days* x Tier 2 per diem) + (Aggregate Tier 3 Medi-Cal bed days* x 1.5 x Tier 2 per diem)

Tier 3 per diem = Tier 2 per diem x 1.5

* Medi-Cal bed days total for the audit period includes Fee-For-Service and managed care days

The Department will utilize audited skilled nursing Medi-Cal Fee-For-Service and managed care bed days for determining payment amounts. The audited skilled nursing bed days are drawn from the audit reports used to establish the calendar year 2021 Fee-For-Service per diem rates. Note that any facility that does not have any Medi-Cal Fee-For-Service days from the audit period would not be included in the above computation and will not receive this payment.

will receive a supplement payment equal to the improvement per diem times its number of Medi-Cal days (including Fee-For-Service and managed care).

The Medi-Cal days are derived from the same source as Medi-Cal days in paragraph B.6. Note that any facility that does not have any Medi-Cal Fee-For-Service days in the audit period would not be included in the above computation and will not receive this payment.

8. The aggregate supplemental payment amount for the 2019/20 rate year will be funded by a pool of $88,000,000, of which $4,000,000 will be used to fund the delayed payment pool. The aggregate supplemental payment amount for the rate period of August 1, 2020 – December 31, 2020, and calendar year 2021 will be funded by a pool of $84,000,000, of which $6,000,000 will be used to fund the delayed payment pool. The pool will be divided in the amounts shown below for the applicable payment periods.

Primary Payment Pool Pay By Date (or soon after SPA approval date, if later)	Service Period	Primary Payment Pool	Delayed Payment Pool
4/30/2021	8/1/20 - 6/30/21	$50,500,000	$4,000,000
7/30/2021	7/1/21 - 9/30/21	$13,750,000	$1,000,000
10/31/2021	10/1/21 - 12/31/21	$13,750,000	$1,000,000

Ninety (90) percent of the primary payment pool remaining amount will be used to compute the Tier 2 and 3 per diems in paragraph B.6, and the remaining ten (10) percent will be used to compute the improvement per diem in paragraph B.7. Annually, including the August 1, 2020 – December 31, 2020 rate period, the pool amounts will be updated in the state plan and will be based on funds derived from the general fund related to setting aside 1% of the weighted average Medi-Cal per diem rate, plus the savings from the Professional Liability Insurance being applied at the 75th percentile and the administrative penalties collected for facilities' failure to meet the nursing hours per patient day requirement, minus administration costs.

9. The 2019/20 delayed payment pool will be used to fund delayed QASP payments which are made after the primary payment, but before June 30, 2021. For the rate periods beginning on or after August 1, 2020, the delayed payment pool for each service period will be available for two years after the first day of the respective service period and will be used to fund delayed QASP payments made after the respective primary lump sum supplemental payment.

An example of a delayed payment would be where a facility was originally determined to be ineligible in accordance with paragraph C.a, at the time of primary payment, but such determination was later successfully appealed by the facility within the above timeline. Delayed supplemental or improvement payments will be made on a per diem basis at the respective per diem rate established by the respective rate year or rate period calculation, as applicable. No rate year or rate period's per diem calculations will be altered by delayed payments, and no payments originally made to other facilities will be affected by delayed payments. A facility eligible for a delayed payment will receive the established Tier 2 or Tier 3 per diem, based on its own quality of care score. A facility eligible for a delayed payment will receive the established improvement per diem, if its improvement score ranks in the top 20th percentile when included in the ranking of all eligible facilities. Any remaining funds from the delayed payment pool will be applied to the following rate year or rate period's aggregate supplemental payments amount. If the amount in the delayed pool is insufficient to pay all computed delayed payments for the current rate year or rate period, additional funds will be made available by deducting from next rate year or rate period's total payment pool so that all facilities eligible for a delayed payment will be paid their computed payments in full.

C. For the service periods provided in paragraph B.8, the Department will pay a-lump sum Medi-Cal supplemental payment (as computed in paragraphs B.6 and B.7 above), by the respective pay by dates provided in paragraph B.8, (and delayed payments as provided in paragraph B.9), to eligible skilled nursing facilities. These payments will be based on the following performance measures as specified in W&I Code Section 14126.022 (i), and developed by the Department in coordination with CDPH:

1. Facility Acquired Pressure Ulcer: Long Stay
2. Influenza Vaccination: Short Stay
3. Pneumococcal Vaccination: Short Stay
4. Urinary Tract Infection: Long Stay
5. Control of Bowel/Bladder: Long Stay
6. Self-Reported Pain: Short Stay
7. Self-Reported Pain: Long Stay
8. Activities of Daily Living: Long Stay
9. California-specific Antipsychotic Medication: Long Stay
10. Direct Care Staff Retention
11. 30 Day All-Cause Readmission

a. The Department will determine a facility ineligible to receive supplemental payments if the facility fails to meet the following minimum qualifying criteria:

i. A facility fails to timely provide supplemental data as requested by the Department.

ii. CDPH determines that a skilled nursing facility fails to meet the nursing hours per patient per day requirements pursuant to Section 1276.5 or 1276.65 of the Health and Safety Code, as applicable.

iii. For the performance period, facility has Class AA/A citations. These citations are issued due to serious harm or death of a resident.

iv. For the audit period, facility does not have any Medi-Cal bed days. Furthermore, facility must have Medi-Cal Fee-For-Service bed days in the payment period in order to receive a Medi-Cal Fee-For-Service supplemental payment.