

Revision: HCFA-PM-95-4 (HSQB)  
JUNE 1995

Attachment 4.35-A

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: \_\_\_\_\_

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

The State uses other factors described below to determine the seriousness of deficiencies in addition to those described at §488.404(b)(1)

California does not use other factors to determine the seriousness of deficiencies issued for violation of federal regulations.

TN No. 95-018  
Supersedes  
TN No. 90-05

Approval Date: APR 15 1996

Effective Date: ~~JUL 01 1995~~

JUL 01 1995

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: California

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

Termination of Provider Agreement: Describe the criteria (as required at §1919(h)(2)(A)) for applying the remedy.

Specified Remedy

(Will use the criteria and notice requirements specified in the regulation.)

TN No. 95-018

Supersedes

TN No. 93-003

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JUL 01 1995

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: California

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

Temporary Management: Describe the criteria (as required at §1919(h)(2)(A)) for applying the remedy.

Specified Remedy

(Will use the criteria and notice requirements specified in the regulation.)

Alternative Remedy

(Describe the criteria and demonstrate that the alternative remedy is as effective in deterring non-compliance. Notice requirements are as specified in the regulations.)

TN No. 95-018  
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TN No. 93-004

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**JUL 01 1995**

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In January of 1990, Medicaid Program Memorandum 90-2 was issued. This memorandum includes a State Plan Amendment provision for an incentive program (attached). Subsequently, State Operations Manual (SOM) Transmittal 248, dated February 1992, was also issued. This transmittal clarifies how states may apply incentive programs for high quality care in NFs (attached). The state option to establish an incentive program is in Section 1919(h)(2)(F) of the Social Security Act (attached).

Incentive programs may be in the form of a public recognition award to NFs. This appears consistent with the Best Practices Program established by Licensing and Certification. SOM 248 states that the expenses incurred in carrying out such a program are considered expenses necessary for the proper and efficient administration of the State Plan under Medicaid, and references Section 1903(a)(7) of the Social Security Act (attached).

California's Best Practices Program is designed to identify exemplary practices in long-term care facilities and to publicly acknowledge the facilities who have developed and implemented these practices. Inherent in this program is the dissemination of the models to other facilities. The program will include a presentation conference(s) for care providers, and the publication of a manual which will compile the selected "Best Practices".

TN No. 93-004

Supersedes

TN No. ~~99-05~~Approval Date AUG 10 1993Effective Date APR 01 1993

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A "Best Practice" can be drawn from any care area of the resident's life. Loosely described, it is any intervention a facility has developed which improves the residents' lives or living conditions. The practice may relate to a variety of issues including residents' rights, provision of care, or administrative practices which result in improved care.

The program has an annual cycle with a focus on a selected topic. Focusing on a specific topic each year will result in development of a manual which will be a resource to caregivers to review and consider numerous options of care models.

The critical program steps include selection of the "Best practices" models, acknowledgement of the facilities who have developed the practices, dissemination of information and assisting other providers in replicating the care models.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: California

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

Denial of Payment for New Admissions: Describe the criteria (as required at §1919(h)(2)(A)) for applying the remedy.

Specified Remedy

(Will use the criteria and notice requirements specified in the regulation.)

Alternative Remedy

(Describe the criteria and demonstrate that the alternative remedy is as effective in deterring non-compliance. Notice requirements are as specified in the regulations.)

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Enforcement of Compliance for Nursing Facilities

Civil Money Penalty: Describe the criteria (as required at §1919(h)(2)(A)) for applying the remedy.

Specified Remedy

(Will use the criteria and notice requirements specified in the regulation.)

Alternative Remedy

(Describe the criteria and demonstrate that the alternative remedy is as effective in deterring non-compliance. Notice requirements are as specified in the regulations.)

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Enforcement of Compliance for Nursing Facilities

State Monitoring: Describe the criteria (as required at §1919(h)(2)(A)) for applying the remedy.

Specified Remedy

(Will use the criteria and notice requirements specified in the regulation.)

Alternative Remedy

(Describe the criteria and demonstrate that the alternative remedy is as effective in deterring non-compliance. Notice requirements are as specified in the regulations.)

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ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

Transfer of residents; Transfer of residents with closure of facility: Describe the criteria (as required at §1919(h)(2)(A)) for applying the remedy.

Specified Remedy

(Will use the criteria and notice requirements specified in the regulation.)

Alternative Remedy

(Describe the criteria and demonstrate that the alternative remedy is as effective in deterring non-compliance. Notice requirements are as specified in the regulations.)

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**State: California**

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Section 1919 of the Social Security Act (42 U.S.C. 1396r) provides at Subsection (h) (2) (F) that “a State may establish a program to reward, through public recognition, incentive payments, or both nursing facilities that provide the highest quality care to residents who are entitled to medical assistance under this title. For purposes of Section 1903 (a) (7), proper expenses incurred by a State in carrying out such a program shall be considered to be expenses necessary for the proper and efficient administration of the State plan under this title.”

California's Health and Safety Code Section 1417.4 establishes a Quality Awards Program for nursing homes. The statute provides that “the department shall establish criteria under the program, after consultation with stakeholder groups for recognizing skilled nursing facilities that provide exemplary care to residents” and that “monetary awards shall be made to Quality Awards Program recipients that serve high proportions of Medi-Cal residents to the extent funds are appropriated each year in the annual Budget Act.” These monetary awards are to be passed along to employees of the recipient facilities in the form of bonuses.

The Quality Awards Program provides monetary awards to facilities that provide the highest quality care. The Department's criteria for awards are based on a facility's actual performance. For example, facilities would only be eligible for the Quality Award if, over a specified period of time and at the time of the Award, they had received no federal deficiencies or state citations that indicate sub-standard quality of care. Monetary awards would only be available to those whose resident population contains a high proportion of Medi-Cal residents -- residents entitled to medical assistance under the State plan.

The Quality Awards Program complements the Best Practices Program, which more generally recognizes any particularly noteworthy intervention developed by a facility to improve quality of care or quality of life for skilled nursing residents.

The Quality Awards Program will operate on an annual cycle. Administration of the Program will entail establishment and ongoing refinement of selection criteria, selection of facilities for receipt of either general recognition or a monetary award (depending on the proportion of Medi-Cal recipients they serve), distribution of the Awards, and monitoring the appropriate use of monetary awards.