

State Administrating Agency Complaint Investigation Guidelines - PACE Program

PURPOSE

North Dakota Health & Human Service (NDHHS), Medical Services Division, through the State Administrating Agency (SAA) is required through [Title 42 Chapter IV Subchapter E Part 460-Programs of All-Inclusive Care for The Elderly \(PACE\)](#) Subpart K-Federal/State Monitoring, PACE Program Agreement, and Purchase of Service Agreement to conduct investigations when areas of noncompliance have come to the attention of the SAA.

APPLICABILITY

ELIGIBLE COMPLAINANTS

Anyone who has a concern or complaint regarding the PACE program may contact the PACE State Administrating Agency to submit a concern and/or complaint.

SUBMITTING A COMPLAINT

The SAA accepts oral or written complaints. Complaints can be submitted via email, mail or phone to:

North Dakota Health & Human Services-Medical Services Division
Attention: PACE State Administrating Agency
600 East Boulevard Ave Department 325
Bismarck, ND 58505-0250
Email address: dhspacetosaainfo@nd.gov
Phone number: 701-328-2838

INVESTIGATION PROCESS

1. NOTIFICATION

- A) The SAA will notify the PACE program via email that a complaint has been submitted within two business days of the submission, and an investigation by the SAA has been initiated.
- B) The following information will be provided to the PACE program:
 - Date complaint was submitted.
 - Who submitted the complaint, unless submitted anonymously;

- Participant's name; and
- Details of the complaint.

Once the complaint has been sent to the PACE program, they will have 24 hours to submit the attestation of notification to the SAA.

2. REQUESTED DOCUMENTATION

The PACE program will be required to provide the following:

- Documentation from the three months prior to the complaint; and
- Additional documentation, up to twelve months prior to the complaint, may be requested by SAA.

Once the attestation of receiving notification is sent to the SAA, the PACE program has 72 hours to provide the SAA with the following documents from the three months prior to the complaint being filed:

- PACE progress notes;
- Service Determination Requests;
- Any grievances received by PACE;
- The participant's service delivery schedule including delivered, canceled, and refused services;
- External providers the participant has received services from which may include but is not limited to: emergency room visits, hospital admissions, behavioral health services, consultations and, long-term care/basic care/assisted living;
- The participant's plan of care;
- The participant's medication list, including current medications and medications that were discontinued within three months prior to the complaint; and
- Interdisciplinary team meeting minutes discussing the participant's care.

3. INTERVIEW AND SITE VISITS

The SAA will conduct interviews and site visits as appropriate to include:

- Family members.
- Caregivers.
- PACE employees.
- Outside facility staff.
- PACE sites.
- Outside facilities.
- PACE participant.

4. REVIEW OF DOCUMENTATION

The SAA will review the documentation received from the PACE program, obtained interviews, and site visits. The SAA will reference [Title 42 Chapter IV Subchapter E Part 460-Programs of All-Inclusive Care for The Elderly](#), PACE Program Agreement, the Purchase of Service Agreement and make a determination if any areas of noncompliance are identified. The SAA may consult CMS for further clarification of federal regulation, if needed.

5. SAA SUMMARY OF FINDINGS

Upon completion of the investigation, the SAA will develop a Summary of Findings which will be made available to the PACE program within 30 days of receipt of the requested documentation. In the event that more time is needed to complete the investigation, the SAA will notify the PACE program that an extension is necessary. A Summary of Findings will state the facts of the investigation.

6. OUTCOMES

Based on the findings from the investigation if any areas of noncompliance are identified, the SAA may issue any or all the following:

- Corrective Active Plan
- Intermediate Sanctions
- Liquidated Damages
- Termination of the PACE Contract

DEFINITIONS

Corrective Active Plan - a step-by-step plan implemented to prevent recurring problems from happening again. It documents issues of non-compliance, identifies their root cause, and describes a plan for fixing them.

Intermediate Sanctions - a violation of the terms of the agreement as stated in the PACE contract.

Liquidated Damages - a sum of money that one party agrees to pay to the other if the contract is broken as stated in the PACE contract.

PACE - programs of all-inclusive care for the elderly.

PACE organization - an entity that has in effect a PACE program agreement to operate a PACE program under Title 42 Chapter IV Subchapter E Part 460-Programs of All-Inclusive Care for The Elderly.

PACE program - a program of all-inclusive care for the elderly that is operated by an approved PACE organization and that provides comprehensive healthcare services to PACE enrollees in accordance with a PACE program agreement.

PACE program agreement - an agreement between a PACE organization, CMS, and that State administering agency for the operation of a PACE program.

Participant - an individual who is enrolled in a PACE program.

SAA State administering agency - the State agency responsible for administering the PACE program agreement.

Termination of the PACE Contract - the process of ending a contract before the obligations within it have been fulfilled by all parties as stated in the PACE contract.

REFERENCES

- Title 42 Chapter IV Subchapter E Part 460-Programs of All-Inclusive Care for The Elderly

CONTACT

For questions related to the Complaint Investigation you may contact the State Administering Agency at 701-328-2838 or email dhspacetosaainfo@nd.gov.