

NEBRASKA MEDICAID CIVIL MONEY PENALTY (CMP) **PROGRAM MANUAL**



NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES

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NEBRASKA CIVIL MONEY PENALTY (CMP) PROGRAM

The Nebraska Civil Money Penalty (CMP) Program was adopted by Medicaid & Long-Term Care (MLTC) as a result of mandated Federal and State legislation. The Civil Money Penalty (CMP) program is funded through the collection of civil money penalties imposed against certified nursing facilities as a result of qualifying survey deficiencies. DHHS Medicaid & Long-Term Care (MLTC) is responsible for the facilitation of Civil Money Penalty (CMP) payments to eligible stakeholders. Payments from the Civil Money Penalty (CMP) fund are separated into two classifications, emergency payments and grant projects. The criteria for emergency payments can be found at <http://dhhs.ne.gov/Pages/CMP-Emergency-Payments.aspx>. The criteria for the grant program can be found at <http://dhhs.ne.gov/Pages/Medicaid-CMP-Grants.aspx>

DHHS Medicaid & Long-Term Care (MLTC), in collaboration with DHHS Public Health and the Centers for Medicare and Medicaid Services (CMS), work together in reviewing all Civil Money Penalty (CMP) program emergency fund and grant application requests in order to determine appropriate payment based on both State and Federal Civil Money Penalty (CMP) program rules and regulations.

Eligible stakeholders for Civil Money Penalty (CMP) Grant funds:

- Nebraska nursing facilities and their residents
- Professional/state nursing home associations/advocacy groups
- Consumer advocacy organizations
- Resident or family councils
- Nursing facility resident quality improvement organizations, private contractors, etc.

DHHS Medicaid & Long-Term Care (MLTC) staff, in conjunction with DHHS Public Health and Centers for Medicare and Medicaid Services (CMS), have developed the following manual content in accordance with State and Federal regulations.



CIVIL MONEY PENALTY (CMP) GRANT PROGRAM OVERVIEW:

Civil Money Penalty (CMP) Grants are intended to improve the care and well-being of nursing facility residents and will be awarded once annually.

Grant applications are eligible for submission during the months of January and February of each year and are awarded on an annual basis to eligible entities for one-time or start-up projects. The Project must have a continuing and long term benefit on the quality of life of residents in certified nursing facilities. The project must be practical and stimulate resident quality of care.

A grant project may be continued however must do so without additional Civil Money Penalty (CMP) funding. The minimum grant amount will be \$5,000. **Annually, DHHS Medicaid & Long-Term Care (MLTC) will award up to three Civil Money Penalty (CMP) grant projects. Grant monies will be dispersed among the chosen grant projects (not to exceed \$50,000 in total).**

Projects may include:

- Training and support for the State and local long-term health care ombudsman regarding resident-centered care
- Direct improvement to quality of resident care
- Resident or family councils
- Consumer education
- Transition preparation
- Non-routine staff training focusing on industry advancements specific to quality services

Civil Money Penalty (CMP) funds may not be used for uses prohibited by law, regulation, or CMS policy. These include but are not limited to:

- Projects disapproved by CMS;
- Temporary manager salaries;
- Exceed three years;
- Include items or services that are not related to improving the quality of life and care of nursing home residents or to protecting such residents. For example, projects where the need or demand for services provided by the project does not exist; projects where nursing home residents are not the target beneficiaries or the nursing home setting is not the focus of the project; and research projects where the benefits are often unknown;
- Include funding for capital improvements to a nursing home (e.g., replacing a boiler, redesign of a nursing home);
- Include funding for nursing home services or supplies that are already the responsibility of the nursing home (e.g., staff, equipment, food);
- Include funding for survey and certification operations or state expenses;
- Include funding for refreshments;
- Include funding for incentives (e.g., for attending training or completing a survey—this includes items such as payments or gift cards);
- Include unclear or excessive expenses (e.g., budget items that are not clearly detailed or itemized, unreasonably high project staff salaries or travel expenses, excessive staff to implement a project, unreasonable marketing of projects, high indirect costs, or a large portion of the budget set aside for evaluation); or
- Include supplementary or duplicative federal or state funding (e.g., personnel performing the same duties as Ombudsman or Quality Improvement Organization (QIO) assistance, nurse aide training programs).

For information on allowable and unallowable uses, please see 42 CFR 488.433 and chapter seven (§ 7535) of the State Operations Manual.

Who can apply for Civil Money Penalty (CMP) Grant funds?

- Certified Nebraska nursing facilities and their residents
- Professional/state nursing home associations/advocacy groups
- Consumer advocacy organizations
- Resident or family councils

- Nursing facility resident quality improvement organizations, private contractors, etc.

Applicants must:

- Be qualified and capable of carrying out the intended project(s) or use(s);
- Not have a conflict of interest relationship with the entity(ies) who will benefit from the intended project(s) or use(s); and
- Not be paid by a state or federal source to perform the same function as the project(s) or use(s) (e.g., CMP funds may not be used to enlarge or enhance an existing appropriation or statutory purpose that is substantially the same as the intended project(s) or use(s)).

Requesting and Payment of Civil Money Penalty (CMP) Grant Funds:

During the annual application acceptance period, DHHS Medicaid & Long-Term Care (MLTC) will announce to stakeholders and post a Request for Applications on the Civil Money Penalty (CMP) Program website. Applications will be accepted throughout the months of January and February. Limited funds are available. DHHS Medicaid & Long-Term Care (MLTC) must maintain a reserve amount of Civil Money Penalty (CMP) funds for emergency funding requests (discussed in the Emergency Fund Payment Program section of this manual).

Once a grant is awarded, Grantees must submit required receipts and documentation for reimbursement of approved budget items throughout the grant period as the Grantee acquires the costs. The State Medicaid Agency will review, approve and process the reimbursement requests within seven business days after receiving **all required** documentation.

In addition, The Grantee will be responsible for submitting a 6-month milestone tracking report and end of year tracking report no later than the 15th calendar day of the seventh and thirteenth month of the grant year. When grants are approved for more than one year, the Grantee will submit milestone tracking reports every six months and a final report at the end of the grant period no later than the 15th calendar day of the following month.

The final satisfaction survey report must be submitted no later than 90 calendar days after the end of the grant period.

A state grant award signed by the grantee representative requesting Civil Money Penalty (CMP) funds is required.



Budget Revisions:

There are circumstances for grantees to make line-item budget revisions after the budget has been approved by the Nebraska Department of Health and Human Services (DHHS). Should the following occur, DHHS prior approval is NOT required:

1. The cumulative change of all items is less than 10 percent of the total grant budget; AND
2. A change would neither add nor eliminate a line item; AND
3. A change in the budget does NOT change the goals and objectives of the project.

If any of these three (3) requirements are not met, a written request must be made to DHHS Medicaid & Long-Term Care (MLTC). To ensure reimbursement, such requests must be made before making budget changes. The grantee shall notify DHHS Medicaid & Long-Term Care (MLTC) staff of budget changes when the above criteria is met.

EMERGENCY FUND PAYMENT PROGRAM (EFPP):

The Emergency Fund Payment Program (EFPP) is a part of the Civil Money Penalty (CMP) Program and is intended to provide emergency financial assistance (per instance) as defined below:

- Provide financial assistance to Medicaid/dually-certified nursing facilities in the event of facility closure (voluntary/involuntary) to ensure for adequate care, safety, and discharge/relocation of residents;
- Loss of resident property in the event of a qualifying disaster.

A qualifying disaster is defined as any of the following events:

- Flood
- Fire/explosion
- Tornado
- Other storm damage (i.e. wind, hail, lightning)

In addition to satisfying the qualifying disaster criteria, reimbursement from the Emergency Fund Payment Program (EFPP) for resident property loss is covered only in the following circumstances:

- Nursing facility/other applicable insurance policy(ies) does not cover the resident property loss;
- Nursing facility insurance policy(ies)/other applicable insurance policy(ies) does not cover the entirety of the resident property loss (underinsured).

If the preceding condition criteria is satisfied, the following items are required to be submitted for review:

- Emergency Fund Payment Program (EFPP) request for assistance with concise explanation of the reason(s) for the financial assistance request (must include one of the reasons cited above);
- Nursing facility/other applicable insurance policy documentation that substantiates denial of coverage and/or underinsured coverage for qualifying disaster defined above;

- Emergency Fund Payment Program (EFPP) financial assistance requests/documentation may be sent to either of the following for review:

DHHS Medicaid & Long-Term Care
Attention: Dawn Sybrant
PO BOX 95026
Lincoln, NE 68509-5026
DHHS.Nebraskacmp@nebraska.gov

DHHS Licensure Unit: Long-Term Care Facilities
Attention: Daniel Taylor
PO BOX 94986
Lincoln, NE 68509-4986
Daniel.Taylor@Nebraska.gov

**DHHS must maintain a reserve Civil Money Penalty (CMP) fund amount in the event of a qualifying emergency.
DHHS cannot guarantee payment in all qualifying cases.**

CIVIL MONEY PENALTY (CMP) PROGRAM CONTACT INFORMATION:

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