NEW MEXICO
Department of Health
Division of Health Improvement

MICHELLE LUJAN GRISHAM
Governor

PATRICK M. ALLEN
Cabinet Secretary

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|---|---|
| Date: | April 4, 2024 |
| To: | Michelle Harmon, Clinical Services Director |
| Provider:<br>Address:<br>State/Zip: | ARCA<br>11300 Lomas Blvd<br>Albuquerque, New Mexico 87112 |
| E-mail Address: | mharmon@arcaspirit.org |
| CC:<br>E-mail Address: | Edward Kaul, CEO / President<br>Ekaul@arcaspirit.org |
| Region:<br>Survey Date: | Metro<br>February 26 – March 7, 2024 |
| Program Surveyed: | Developmental Disabilities Waiver |
| Service Surveyed: | Supported Living, Family Living, Customized In-Home Supports, Customized Community Supports, and Community Integrated Employment Services |
| Survey Type: | Routine |
| Team Leader: | Verna Newman-Sikes, AA, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau |
| Team Members: | Karlene Anderson, LMSW, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Kayla Benally, BSW, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Kathryn Conticelli, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Nicole Devoti, BA, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Heather Driscoll, AA, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; William Easom, MPA, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Ashley Gueths, BA, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Jessica Maestas, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Armida Medina, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Marie Passaglia, BA, Advanced Healthcare Surveyor/Plan of Correction Coordinator, Division of Health Improvement/Quality Management Bureau; Sally Rel, MS, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Kaitlyn Taylor, BSW, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Lundy Tvedt, BA, JD, Healthcare Surveyor Supervisor, Division of Health Improvement/Quality Management Bureau; Elizabeth Vigil, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau |

Dear Ms. Harmon;

The Division of Health Improvement/Quality Management Bureau has completed a compliance 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. This Report of Findings will be shared with the Developmental Disabilities Supports Division for their use in determining your current and future provider agreements. Upon receipt of this letter and Report of Findings your agency must immediately correct all deficiencies which place Individuals served at risk of harm.

**Determination of Compliance:**

The Division of Health Improvement, Quality Management Bureau has determined your agency is in:

***Partial Compliance with Standard Level Tags and Conditions of Participation Level Tags:*** This determination is based on noncompliance with one to five (1 – 5) Condition of Participation Level Tags *(refer to Attachment D for details)*. The attached QMB Report of Findings indicates Standard Level and Condition of Participation Level deficiencies identified and requires completion and implementation of a Plan of Correction.

The following tags are identified as Condition of Participation Level:

- Tag # LS14 Residential Service Delivery Site Case File (ISP and Healthcare Requirements)
- Tag # 1A22 Agency Personnel Competency
- Tag # 1A09 Medication Delivery Routine Medication Administration
- Tag # 1A09.1 Medication Delivery PRN Medication Administration

The following tags are identified as Standard Level:

- Tag # 1A08.1 Administrative and Residential Case File: Progress Notes
- Tag # 1A32 Administrative Case File: Individual Service Plan Implementation
- Tag # 1A32.1 Administrative Case File: Individual Service Plan Implementation (Not Completed at Frequency)
- Tag # 1A32.2 Individual Service Plan Implementation (Residential Implementation)
- Tag # LS14.1 Residential Service Delivery Site Case File (Other Req. Documentation)
- Tag # 1A20 Direct Support Professional Training
- Tag # 1A43.1 General Events Reporting: Individual Reporting
- Tag # 1A08.2 Administrative Case File: Healthcare Requirements & Follow-up
- Tag # 1A09.2 Medication Delivery Nurse Approval for PRN Medication
- Tag # 1A33 Board of Pharmacy: Med. Storage
- Tag # 1A39 Assistive Technology and Adaptive Equipment
- Tag # LS25 Residential Health & Safety (Supported Living / Family Living / Intensive Medical Living)
- Tag # IS25 Community Integrated Employment Services Reimbursement
- Tag # IH32 Customized In-Home Supports Reimbursement

**Plan of Correction:**

The attached Report of Findings identifies the deficiencies found during your agency's on-site compliance review. You are required to complete and implement a Plan of Correction. Your agency has a total of 45 business days (10 business days to submit your POC for approval and 35 days to implement your *approved* Plan of Correction) from the receipt of this letter.

You were provided information during the exit meeting portion of your on-site survey. Please refer to this information (Attachment A) for specific instruction on completing your Plan of Correction. At a minimum your Plan of Correction should address the following for each Tag cited:

**Corrective Action for Current Citation**:

- How is the deficiency going to be corrected? (i.e. obtained documents, retrain staff, individuals and/or staff no longer in service, void/adjusts completed, etc.) This can be specific to each deficiency cited or if possible an overall correction, i.e. all documents will be requested and filed as appropriate.

**On-going Quality Assurance/Quality Improvement Processes:**

- What is going to be done on an ongoing basis? (i.e. file reviews, etc.)
- How many individuals is this going to effect? (i.e. percentage of individuals reviewed, number of files reviewed, etc.)
- How often will this be completed? (i.e. weekly, monthly, quarterly, etc.)
- Who is responsible? (responsible position within your agency)
- What steps will be taken if issues are found? (i.e. retraining, requesting documents, filing RORA, etc.)
- How is this integrated in your agency's QIS, QI Committee reviews and annual report?

**Submission of your Plan of Correction:**
Please submit your agency's Plan of Correction in the available space on the two right-hand columns of the Report of Findings. *(See attachment "A" for additional guidance in completing the Plan of Correction)*.

Within 10 business days of receipt of this letter your agency Plan of Correction must be submitted to the parties below:

1. **Quality Management Bureau, Marie Passaglia, Plan of Correction Coordinator** at Marie.Passaglia@doh.nm.gov

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 to come into compliance. If your Plan of Correction is denied, you must resubmit a revised plan as soon as possible for approval, as your POC approval and all remedies must be completed within 45 business days of the receipt of this letter.

Failure to submit your POC within the allotted 10 business days or complete and implement your Plan of Correction within the total 45 business days allowed may result in the imposition of a $200 per day Civil Monetary Penalty until it is received, completed and/or implemented.

**Billing Deficiencies:**
If you have deficiencies noted in this report of findings under the *Service Domain: Medicaid Billing/Reimbursement*, you must complete a "Void/Adjust" claim or remit the identified overpayment via a check within 30 calendar days of the date of this letter to HSD/OIG/PIU, *though this is not the preferred method of payment*. If you choose to pay via check, please include a copy of this letter with the payment. Make the check payable to the New Mexico Human Services Department and mail to:

Attention: *Lisa Medina-Lujan*
HSD/OIG/Program Integrity Unit
PO Box 2348
1474 Rodeo Road
Santa Fe, New Mexico 87505

If you have questions and would like to speak with someone at HSD/OIG/PIU, please contact:

*Lisa Medina-Lujan (Lisa.Medina-Lujan@hsd.nm.gov)*

Please be advised that there is a one-week lag period for applying payments received by check to Void/Adjust claims. During this lag period, your other claim payments may be applied to the amount you owe even though you have sent a refund, reducing your payment amount. For this reason, we recommend that you allow the system to recover the overpayment instead of sending in a check.

**Request for Informal Reconsideration of Findings (IRF):**
If you disagree with a finding of deficient practice, you have 10 business days upon receipt of this notice to request an IRF. Submit your request for an IRF in writing to:

ATTN: QMB Bureau Chief
Request for Informal Reconsideration of Findings
5300 Homestead Rd NE, Suite 300-331

Albuquerque, NM 87110
Attention: IRF request/QMB

See Attachment "C" for additional guidance in completing the request for Informal Reconsideration of Findings. The request for an IRF will not delay the implementation of your Plan of Correction which must be completed within 45 total business days (10 business days to submit your POC for approval and 35 days to implement your *approved* Plan of Correction). Providers may not appeal the nature or interpretation of the standard or regulation, the team composition or sampling methodology. If the IRF approves the modification or removal of a finding, you will be advised of any changes.

Please contact the Plan of Correction Coordinator, Marie Passaglia at 505-819-7344 or email Marie.Passaglia@doh.nm.gov if you have questions about the Report of Findings or Plan of Correction. Thank you for your cooperation and for the work you perform.

Sincerely,

Verna Newman-Sikes, AA

Verna Newman-Sikes, AA
Team Lead/Healthcare Surveyor
Division of Health Improvement
Quality Management Bureau

**Survey Process Employed:**

Administrative Review Start Date: February 26, 2024

Contact:

**ARCA**
Michelle Harmon, Clinical Services Director

**DOH/DHI/QMB**
Verna Newman-Sikes, AA, Team Lead/Healthcare Surveyor

Entrance Conference Date: February 26, 2024

Present:

**ARCA**
Michelle Harmon, Clinical Services Director
Edward Kaul, CEO / President
Doreen Salazar, Administrative Operations Director
Melissa Wright, Supported Living Division Director
Cecile Evola, Supported Living Division Director
Eduardo Villagomez, Supported Living Quality Operations Manager
Dave Matillano, Community Supports Division Director
Crucita Powell, Community Supports Department Manager
Jennifer Madrid, FBS Department Manager
Kayana Romo, FBS Quality Administrator
Karen Hughes, Human Resources Director
Kimberely Daye, Human Resources Generalist
Budd Berkman, Training Manager
Nalisha Dickenson, Billing Specialist
Severiana Meyer, Case Records Manager
Lee Ann Major, Incident Manager

**DOH/DHI/QMB**
Verna Newman-Sikes, AA, Team Lead/Healthcare Surveyor
Karlene Anderson, LMSW, Healthcare Surveyor
Kayla Benally, BSW, Healthcare Surveyor
Kathryn Conticelli, Healthcare Surveyor
Nicole Devoti, BA, Healthcare Surveyor
Heather Driscoll, AA, Healthcare Surveyor
Ashley Gueths, BA, Healthcare Surveyor
Armida Medina, Healthcare Surveyor
Marie Passaglia, BA, Advanced Healthcare Surveyor/Plan of Correction Coordinator
Sally Rel, MS, Healthcare Surveyor
Lundy Tvedt, BA, JD, Healthcare Surveyor Supervisor
Elizabeth Vigil, Healthcare Surveyor
Amanda Castaneda-Holguin, MPA, Healthcare Surveyor Supervisor

Exit Conference Date: March 7, 2024

Present:

**ARCA**
Michelle Harmon, Clinical Services Director
Edward Kaul, CEO / President
Doreen Salazar, Administrative Operations Director
Melissa Wright, Supported Living Division Director
Cecile Evola, Supported Living Division Director
Eduardo Villagomez, Supported Living Quality Operations Manager
Dave Matillano, Community Supports Division Director
Crucita Powell, Community Supports Department Manager

Jennifer Madrid, FBS Department Manager
Kayana Romo, FBS Quality Administrator
Karen Hughes, Human Resources Director
Kimberely Daye, Human Resources Generalist
Budd Berkman, Training Manager
Nalisha Dickenson, Billing Specialist
Severiana Meyer, Case Records Manager
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Kayla Benally, BSW, Healthcare Surveyor
Kathryn Conticelli, Healthcare Surveyor
Nicole Devoti, BA, Healthcare Surveyor
Heather Driscoll, AA, Healthcare Surveyor
William Easom, MPA, Healthcare Surveyor
Ashley Gueths, BA, Healthcare Surveyor
Jessica Maestas, Healthcare Surveyor
Armida Medina, Healthcare Surveyor
Marie Passaglia, BA, Advanced Healthcare Surveyor/Plan of Correction Coordinator
Sally Rel, MS, Healthcare Surveyor
Kaitlyn Taylor, BSW, Healthcare Surveyor
Lundy Tvedt, BA, JD, Healthcare Surveyor Supervisor
Elizabeth Vigil, Healthcare Surveyor
Amanda Castaneda-Holguin, MPA, Healthcare Surveyor Supervisor

**DDSD – Metro Regional Office**
Linda Clark, Assistant Regional Director
Marie Velasco, DDW Program Manager

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| Administrative Locations Visited: | 1 *(11200 Lomas, Albuquerque, NM 87112)* |
| Total Wellness Visits Completed (Individuals Seen): | 61 |
| Total Compliance Survey Sample Size: | 36 |
| | 13 - Supported Living<br>11 - Family Living<br>11 - Customized In-Home Supports<br>12 - Customized Community Supports<br>8 - Community Integrated Employment |
| Total Compliance Survey Homes Visits | 34 |
| ❖ Supported Living Homes Visited | 12<br>*Note: The following Individuals share a SL residence:*<br>• #13, 26 |
| ❖ Family Living Homes Visited | 11 |
| ❖ Customized In-Home Support Home Visited | 11 |
| Persons Served Records Reviewed | 36 |
| Persons Served Interviewed | 36 |

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| Direct Support Professional Records Reviewed | 189 *(Two DSP performs dual role as Service Coordinator)* |
| Direct Support Professional Interviewed | 42 |
| Substitute Care/Respite Personnel Records Reviewed | 17 |
| Service Coordinator Records Reviewed | 7 *(Two Service Coordinator performs dual role as a DSP)* |
| Nurse Interview | 1 |

Administrative Processes and Records Reviewed:

- Medicaid Billing/Reimbursement Records for all Services Provided
- Oversight of Individual Funds
- Individual Agency / Residential / Site Case Files, including, but not limited to:
    - Individual Service Plans
    - Progress on Identified Outcomes
    - Healthcare Plans
    - Medication Administration Records
    - Physician Orders
    - Therapy Plans
    - Healthcare Documentation Regarding Appointments and Required Follow-Up
    - Other Required Health Information / Therap Required Documents
- Internal Incident Management Reports and System Process / General Events Reports
- Personnel Files:
    - Training Records
    - Caregiver Criminal History Screening Records
    - Consolidated Online Registry/Employee Abuse Registry
- Interviews with the Individuals and Agency Personnel
- Human Rights Committee Notes and Meeting Minutes
- Quality Assurance / Improvement Plan
- Agency Policy and Procedure Manual

CC: Distribution List: DOH - Division of Health Improvement
DOH - Developmental Disabilities Supports Division
HSD - Medical Assistance Division

**Attachment A**

**Provider Instructions for Completing the QMB Plan of Correction (POC) Process**

***Introduction:***
After a QMB Compliance Survey, your QMB Report of Findings will be sent to you via e-mail.

Each provider must develop and implement a Plan of Correction (POC) that identifies specific quality assurance and quality improvement activities the agency will implement to correct deficiencies and prevent continued deficiencies and non-compliance.

Agencies must submit their Plan of Correction within ten (10) business days from the date you receive the QMB Report of Findings. (Providers who do not submit a POC within 10 business days may be referred to the DDSD Regional Office for purposes of contract management or the Internal Review Committee [IRC] for possible actions or sanctions).

Agencies must fully implement their approved Plan of Correction within 45 business days (10 business days to submit your POC for approval and 35 days to implement your approved Plan of Correction) from the date they receive the QMB Report of Findings. Providers who fail to complete a POC within the 45-business days allowed will be referred to the IRC for possible actions or sanctions.

Requests for technical assistance must be requested through your Regional DDSD Office.

The POC process cannot resolve disputes regarding findings. If you wish to dispute a finding on the official Report of Findings, you must file an Informal Reconsideration of Findings (IRF) request within ten (10) business days of receiving your report. Please note that you must still submit a POC for findings that are in question (see Attachment C).

***Instructions for Completing Agency POC:***

***Required Content***
Your Plan of Correction should provide a step-by-step description of the methods to correct each deficient practice cited to prevent recurrence and information that ensures the regulation cited comes into and remains in compliance. The remedies noted in your POC are expected to be added to your Agency's required, annual Quality Assurance (QA) Plan.

If a deficiency has already been corrected since the on-site survey, the plan should state how it was corrected, the completion date (date the correction was accomplished), and how possible recurrence of the deficiency will be prevented.

*The following details should be considered when developing your Plan of Correction:*

***The Plan of Correction must address each deficiency cited in the Report of Findings unless otherwise noted with a "No Plan of Correction Required statement." The Plan of Correction must address the five (5) areas listed below:***

1. How the specific and realistic corrective action will be accomplished for individuals found to have been affected by the deficient practice.
2. How the agency will identify other individuals who have the potential to be affected by the same deficient practice, and how the agency will act to protect those individuals in similar situations.
3. What Quality Assurance measures will be put into place and what systemic changes made to ensure the deficient practice will not recur.
4. Indicate how the agency plans to monitor its performance to make certain solutions are sustained. The agency must develop a QA plan for ensuring correction is achieved and sustained. This QA plan must be implemented, and the corrective action is evaluated for its effectiveness. The plan of correction is integrated into the agency quality assurance system; and
5. Include dates when corrective actions will be completed. The corrective action completion dates must be acceptable to the State.

*The following details should be considered when developing your Plan of Correction:*

- Details about how and when Individual Served, agency personnel and administrative and service delivery site files are audited by agency personnel to ensure they contain required documents;
- Information about how medication administration records are reviewed to verify they contain all required information before they are distributed to service sites, as they are being used, and after they are completed;
- Your processes for ensuring that all required agency personnel are trained on required DDSD required trainings;
- How accuracy in billing/reimbursement documentation is assured;
- How health, safety is assured;
- For Case Management providers, how Individual Service Plans are reviewed to verify they meet requirements, how the timeliness of level of care (LOC) packet submissions and consumer visits are tracked;
- Your process for gathering, analyzing and responding to quality data indicators; and,
- Details about Quality Targets in various areas, current status, analyses about why targets were not met, and remedies implemented.

***Note:*** **Instruction or in-service of staff alone may not be a sufficient plan of correction.** This is a good first step toward correction, but additional steps must be taken to ensure the deficiency is corrected and will not recur.

***Completion Dates***

- The plan of correction must include a **completion date** (entered in the far right-hand column) for each finding. Be sure the date is **realistic** in the amount of time your Agency will need to correct the deficiency; not to exceed 45 total business days.
- Direct care issues should be corrected immediately and monitored appropriately.
- Some deficiencies may require a staged plan to accomplish total correction.
- Deficiencies requiring replacement of equipment, etc., may require more time to accomplish correction but should show reasonable time frames.

***Initial Submission of the Plan of Correction Requirements***

1. The Plan of Correction must be completed on the official QMB Survey Report of Findings/Plan of Correction Form and received by QMB within ten (10) business days from the date you received the report of findings.
2. For questions about the POC process, call the POC Coordinator, Marie Passaglia at 505-819-7344 or email Marie.Passaglia@doh.nm.gov for assistance.
3. For Technical Assistance (TA) in developing or implementing your POC, contact your respective Regional DDSD Office.
4. Submit your POC to via email to Marie.Passaglia@doh.nm.gov. Please also submit your POC to your Developmental Disabilities Supports Division Regional Office for region of service surveyed.
5. ***Do not submit supporting documentation*** (evidence of compliance) to QMB ***until after*** **your POC has been approved** by the QMB.
6. QMB will notify you when your POC has been "approved" or "denied."
    a. During this time, whether your POC is "approved," or "denied," you will have a maximum of 45-business days from the date of receipt of your Report of Findings to correct all survey deficiencies.
    b. If your POC is denied, it must be revised and resubmitted as soon as possible, as the 45-business day limit is in effect.
    c. If your POC is denied a second time your agency may be referred to the Internal Review Committee.
    d. You will receive written confirmation when your POC has been approved by QMB and a final deadline for completion of your POC.
    e. Please note that all POC correspondence will be sent electronically unless otherwise requested.
7. Failure to submit your POC within 10 business days without prior approval of an extension by QMB will result in a referral to the Internal Review Committee and the possible implementation of monetary penalties and/or sanctions.

***POC Document Submission Requirements***

Once your POC has been approved by the QMB Plan of Correction Coordinator, you must submit copies of documents as evidence that all deficiencies have been corrected. You must also submit evidence of the ongoing Quality Assurance/Quality Improvement processes.

1. Your internal documents are due within a *maximum* of 45-business days of receipt of your Report of Findings.
2. Please submit your documents electronically according to the following: If documents do not contain protected Health information (PHI) then you may submit your documents electronically scanned and attached to the State email account. If documents contain PHI **do not** submit PHI directly to the State email account. *You may submit PHI **only** when **replying** to a **secure** email received from the State email account*. When possible, please submit requested documentation using a "zipped/compressed" file to reduce file size. You may also submit documents via S-Comm (Therap), or another electronic format, i.e., flash drive.
3. All submitted documents *must be annotated*; please be sure the tag numbers and Identification numbers are indicated on each document submitted. Documents which are not annotated with the Tag number and Identification number may not be accepted.
4. Do not submit original documents; Please provide copies or scanned electronic files for evidence. Originals must be maintained in the agency file(s) per DDSD Standards.
5. In lieu of some documents, you may submit copies of file or home audit forms that clearly indicate cited deficiencies have been corrected, other attestations of correction must be approved by the Plan of Correction Coordinator prior to their submission.
6. When billing deficiencies are cited, you must provide documentation to justify billing and/or void and adjust forms submitted to Xerox State Healthcare, LLC for the deficiencies cited in the Report of Findings.

**Revisions, Modifications or Extensions to your Plan of Correction (post QMB approval) must be made in writing and submitted to the Plan of Correction Coordinator, prior to the due date and are approved on a case-by-case basis. No changes may be made to your POC or the timeframes for implementation without written approval of the POC Coordinator.**

**Attachment B**

**Department of Health, Division of Health Improvement**
**QMB Determination of Compliance Process**

The Division of Health Improvement, Quality Management Bureau (QMB) surveys compliance of the Developmental Disabilities Waiver (DDW) standards and other state and federal regulations. For the purpose of the LCA / CI survey the CMS waiver assurances have been grouped into four (4) Service Domains: Plan of Care (ISP Implementation); Qualified Providers; Health, Welfare and Safety; and Administrative Oversight (note that Administrative Oversight listed in this document is not the same as the CMS assurance of Administrative Authority. Used in this context it is related to the agency's operational policies and procedures, Quality Assurance system and Medicaid billing and reimbursement processes.)

The QMB Determination of Compliance process is based on provider compliance or non-compliance with standards and regulations identified during the on-site survey process and as reported in the QMB Report of Findings. All areas reviewed by QMB have been agreed to by DDSD and DHI/QMB and are reflective of CMS requirements. All deficiencies (non-compliance with standards and regulations) are identified and cited as either a Standard level deficiency or a Condition of Participation level deficiency in the QMB Reports of Findings. All deficiencies require corrective action when non-compliance is identified.

Each deficiency in your Report of Findings has been predetermined to be a Standard Level Deficiency, a Condition of Participation Level Deficiency, if below 85% compliance or a non-negotiable Condition of Participation Level Deficiency. Your Agency's overall Compliance Determination is based on a Scope and Severity Scale which takes into account the number of Standard and Condition Level Tags cited as well as the percentage of Individuals affected in the sample.

**Conditions of Participation (CoPs)**

CoPs are based on the Centers for Medicare and Medicaid Services, Home and Community-Based Waiver required assurances, in addition to the New Mexico Developmental Disability Waiver (DDW) Service Standards. The Division of Health Improvement (DHI), in conjunction with the Developmental Disability Support Division (DDSD), has identified certain deficiencies that have the potential to be a Condition of Participation Level, if the tag falls below 85% compliance based on the number of people affected. Additionally, there are what are called non-negotiable Conditions of Participation, regardless if one person or multiple people are affected. In this context, a CoP is defined as an essential / fundamental regulation or standard, which when out of compliance directly affects the health and welfare of the Individuals served. If no deficiencies within a Tag are at the level of a CoP, it is cited as a Standard Level Deficiency.

***Service Domains and CoPs for <u>Living Care Arrangements and Community Inclusion</u> are as follows:***

**<u>Service Domain: Service Plan: ISP Implementation -</u>** *Services are delivered in accordance with the service plan, including type, scope, amount, duration and frequency specified in the service plan.*

**Potential Condition of Participation Level Tags, if compliance is below 85%:**

- **1A08.3 –** Administrative Case File: Individual Service Plan / ISP Components
- **1A32 –** Administrative Case File: Individual Service Plan Implementation
- **LS14 –** Residential Service Delivery Site Case File (ISP and Healthcare Requirements)
- **IS14 –** CCS / CIES Service Delivery Site Case File (ISP and Healthcare Requirements)

**<u>Service Domain: Qualified Providers -</u>** *The State monitors non-licensed/non-certified providers to assure adherence to waiver requirements. The State implements its policies and procedures for verifying that provider training is conducted in accordance with State requirements and the approved waiver.*

**Potential Condition of Participation Level Tags, if compliance is below 85%:**

- **1A20 -** Direct Support Professional Training
- **1A22 -** Agency Personnel Competency

- **1A37 –** Individual Specific Training

**Non-Negotiable Condition of Participation Level Tags (one or more Individuals are cited):**
- **1A25.1 –** Caregiver Criminal History Screening
- **1A26.1 –** Consolidated On-line Registry Employee Abuse Registry

**Service Domain: Health, Welfare and Safety -** *The State, on an ongoing basis, identifies, addresses and seeks to prevent occurrences of abuse, neglect and exploitation. Individuals shall be afforded their basic human rights. The provider supports individuals to access needed healthcare services in a timely manner.*

**Potential Condition of Participation Level Tags, if compliance is below 85%:**
- **1A08.2 –** Administrative Case File: Healthcare Requirements & Follow-up
- **1A09 –** Medication Delivery Routine Medication Administration
- **1A09.1 –** Medication Delivery PRN Medication Administration
- **1A15.2 –** Administrative Case File: Healthcare Documentation (Therap and Required Plans)
- **1A09.2 –** Medication Delivery Nurse Approval for PRN Medication

**Non-Negotiable Condition of Participation Level Tags (one or more Individuals are cited):**
- **1A05 –** General Requirements / Agency Policy and Procedure Requirements
- **1A07 –** Social Security Income (SSI) Payments
- **1A15 –** Healthcare Coordination - Nurse Availability / Knowledge
- **1A31 –** Client Rights/Human Rights
- **LS25.1 –** Residential Reqts. (Physical Environment - Supported Living / Family Living / Intensive Medical Living)

**Attachment C**

**Guidelines for the Provider**
**Informal Reconsideration of Finding (IRF) Process**

**Introduction:**
Throughout the QMB Survey process, surveyors are openly communicating with providers. Open communication means surveyors have clarified issues and/or requested missing information before completing the review through the use of the signed/dated "Document Request," or "Administrative Needs," etc. forms. Regardless, there may still be instances where the provider disagrees with a specific finding. Providers may use the following process to informally dispute a finding.

**Instructions:**
1. The Informal Reconsideration of the Finding (IRF) request must be received in writing to the QMB Bureau Chief **within 10 business days** of receipt of the final Report of Findings **(*Note: No extensions are granted for the IRF)*.**
2. The written request for an IRF *must* be completed on the QMB Request for Informal Reconsideration of Finding form available on the QMB website: Microsoft Word - IRF-QMB-Form.doc (nmhealth.org)
3. The written request for an IRF must specify in detail the request for reconsideration and why the finding is inaccurate.
4. The IRF request must include all supporting documentation or evidence.
5. If you have questions about the IRF process, email the IRF Chairperson, Valerie V. Valdez at valerie.valdez@doh.nm.gov for assistance.

**The following limitations apply to the IRF process:**
- The written request for an IRF and all supporting evidence must be received within 10 business 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 or requested 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 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 DHI/QMB determination of compliance or the length of their DDSD provider contract.

A Provider forfeits the right to an IRF if the request is not received within 10 business days of receiving the report and/or does not include all supporting documentation or evidence to show compliance with the standards and regulations.

The IRF Committee will review the request; 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 removed or modified, it will be noted and removed or modified from the Report of Findings. 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.

**Attachment D**

## QMB Determinations of Compliance

**Compliance:**

The QMB determination of *Compliance* indicates that a provider has either no deficiencies found during a survey or that no deficiencies at the Condition of Participation Level were found. The agency has obtained a level of compliance such that there is a minimal potential for harm to individuals' health and safety. To qualify for a determination of *Compliance*, the provider must have received no Conditions of Participation Level Deficiencies and have a minimal number of Individuals on the sample affected by the findings indicated in the Standards Level Tags.

**Partial-Compliance with Standard Level Tags:**

The QMB determination of *Partial-Compliance with Standard Level Tags* indicates that a provider is in compliance with all Condition of Participation Level deficiencies but is out of compliance with a certain percentage of Standard Level deficiencies. This partial-compliance, if not corrected, may result in a negative outcome or the potential for more than minimal harm to individuals' health and safety. There are two ways to receive a determination of Partial Compliance with Standard Level Tags:

1. Your Report of Findings includes 16 or fewer Standards Level Tags with between 75% and 100% of the survey sample affected in any tag.

2. Your Report of Findings includes 17 or more Standard Level Tags with between 50% to 74% of the survey sample affected in any tag.

**Partial-Compliance with Standard Level Tags and Condition of Participation Level Tags:**

The QMB determination of *Partial-Compliance with Standard Level Tags and Condition of Participation Level Tags* indicates that a provider is out of compliance with one to five (1 – 5) Condition of Participation Level Tags. This partial-compliance, if not corrected, may result in a serious negative outcome or the potential for more than minimal harm to individuals' health and safety.

**Non-Compliance:**

The QMB determination of *Non-Compliance* indicates a provider is significantly out of compliance with both Standard Level deficiencies and Conditions of Participation level deficiencies. This non-compliance, if not corrected, may result in a serious negative outcome or the potential for more than minimal harm to individuals' health and safety. There are three ways an agency can receive a determination of Non-Compliance:

1. Your Report of Findings includes 17 or more total Tags with 0 to 5 Condition of Participation Level Tags with 75% to 100% of the survey sample affected in any Condition of Participation Level tag.

2. Your Report of Findings includes any amount of Standard Level Tags with 6 or more Condition of Participation Level Tags.

| Compliance Determination | Weighting | | | | | | |
|---|---|---|---|---|---|---|---|
| | LOW | | MEDIUM | | | HIGH | |
| Total Tags: | up to 16 | 17 or more | up to 16 | 17 or more | Any Amount | 17 or more | Any Amount |
| | and | and | and | and | And/or | and | And/or |
| COP Level Tags: | 0 COP | 0 COP | 0 COP | 0 COP | 1 to 5 COP | 0 to 5 CoPs | 6 or more COP |
| | and | and | and | and | | and | |
| Sample Affected: | 0 to 74% | 0 to 49% | 75 to 100% | 50 to 74% | | 75 to 100% | |
| ***"Non-Compliance"*** | | | | | | **17 or more** Total Tags with **75 to 100%** of the Individuals in the sample cited in any CoP Level tag. | **Any Amount** of Standard Level Tags and **6 or more** Conditions of Participation Level Tags. |
| ***"Partial Compliance with Standard Level tags and Condition of Participation Level Tags"*** | | | | | **Any Amount** Standard Level Tags, plus **1 to 5** Conditions of Participation Level tags. | | |
| ***"Partial Compliance with Standard Level tags"*** | | | **up to 16** Standard Level Tags with **75 to 100%** of the individuals in the sample cited in any tag. | **17 or more** Standard Level Tags with **50 to 74%** of the individuals in the sample cited any tag. | | | |
| ***"Compliance"*** | **Up to 16** Standard Level Tags with **0 to 74%** of the individuals in the sample cited in any tag. | **17 or more** Standard Level Tags with **0 to 49%** of the individuals in the sample cited in any tag. | | | | | |

**Agency:** **ARCA - Metro Region**
Program: Developmental Disabilities Waiver
Service: Supported Living, Family Living, Customized In-Home Supports; Customized Community Supports, and Community Integrated Employment Services
Survey Type: Routine
**Survey Date:** **February 26 – March 7, 2024**

| Standard of Care | Deficiencies | Agency Plan of Correction, On-going QA/QI and Responsible Party | Completion Date |
|---|---|---|---|
| ***Service Domain: Service Plans: ISP Implementation –*** *Services are delivered in accordance with the service plan, including type, scope, amount, duration and frequency specified in the service plan.* | | | |
| **Tag # 1A08.1 Administrative and Residential Case File: Progress Notes** | **Standard Level Deficiency** | | |
| Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary.<br>DD Waiver Provider Agencies are required to adhere to the following: …<br>5. Provider Agencies must maintain records of all documents produced by agency personnel or contractors on behalf of each person, including any routine notes or data, annual assessments, semi-annual reports, evidence of training provided/received, progress notes, and any other interactions for which billing is generated.<br>6. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of service delivery, as well as data tracking only for the services provided by their agency.<br>7. The current Client File Matrix found in Appendix A: Client File Matrix details the | Based on record review, the Agency did not maintain progress notes and other service delivery documentation for 5 of 36 Individuals.<br><br>Review of the Agency administrative individual case files revealed the following items were not found and/or did not meet the requirement:<br><br>**Residential Case File:**<br><br>**Supported Living Progress Notes/Daily Contact Logs:**<br>• Individual #1 - None found for 2/26 – 28, 2024. *(Date of home visit: 2/29/2024)*<br><br>• Individual #14 - None found for 2/25/2024. *(Date of home visit: 2/26/2024)*<br><br>• Individual #17 - None found for 2/25/2024. *(Date of home visit: 2/26/2024)*<br><br>• Individual #23 - None found for 2/25/2024. *(Date of home visit: 2/26/2024)*<br><br>**Family Living Progress Notes/Daily Contact Logs:**<br>• Individual #36 - None found for 2/20 – 26, 2024. *(Date of home visit: 2/27/2024)* | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)***:** →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)***:** → | |

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| minimum requirements for records to be stored in agency office files, the delivery site, or with DSP while providing services in the community. | | | |

| Tag # 1A32 Administrative Case File: Individual Service Plan Implementation | Standard Level Deficiency | | |
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| **NMAC 7.26.5.16.C and D Development of the ISP. Implementation of the ISP.** The ISP shall be implemented according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan.<br><br>C. The IDT shall review and discuss information and recommendations with the individual, with the goal of supporting the individual in attaining desired outcomes. The IDT develops an ISP based upon the individual's personal vision statement, strengths, needs, interests and preferences. The ISP is a dynamic document, revised periodically, as needed, and amended to reflect progress towards personal goals and achievements consistent with the individual's future vision. This regulation is consistent with standards established for individual plan development as set forth by the commission on the accreditation of rehabilitation facilities (CARF) and/or other program accreditation approved and adopted by the developmental disabilities division and the department of health. It is the policy of the developmental disabilities division (DDD), that to the extent permitted by funding, each individual receive supports and services that will assist and encourage independence and productivity in the community and attempt to prevent regression or loss of current capabilities. Services and supports include specialized and/or generic services, training, education and/or treatment as determined by the IDT and documented in the ISP.<br><br>D. The intent is to provide choice and obtain opportunities for individuals to live, work and play with full participation in their communities. The following principles provide direction and purpose in planning for individuals with developmental disabilities. [05/03/94; 01/15/97; Recompiled 10/31/01] | Based on administrative record review, the Agency did not implement the ISP according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan for 2 of 36 individuals.<br><br>As indicated by Individuals ISP the following was found with regards to the implementation of ISP Outcomes:<br><br>**Family Living Data Collection/Data Tracking/Progress with regards to ISP Outcomes:**<br><br>Individual #4<br>• None found regarding: Live Outcome/Action Step: "With support, … will measure and pour soup" for 11/2023 - 1/2024. Action step is to be completed 1 time per week.<br><br>**Customized In-Home Supports Data Collection/Data Tracking/Progress with regards to ISP Outcomes**:<br><br>Individual #20<br>• None found regarding: Live Outcome/Action Step: "… will demonstrate how to store and prepare foods safely with only verbal prompting from staff" for 12/2023 - 1/2024. Action step is to be completed 3 times per month. *Note: Document maintained by the provider was blank.*<br><br>• None found regarding: Live Outcome/Action Step: "… will learn/practice how to use two new kitchen appliances independently" for 12/2023 - 1/2024. Action step is to be completed 4 times per month. *Note: Document maintained by the provider was blank.* | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)***:** →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)***:** → | |

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| Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 6: 6.10 ISP Implementation and Monitoring:** All DD Waiver Provider Agencies with a signed SFOC are required to provide services as detailed in the ISP. The ISP must be readily accessible to Provider Agencies on the approved budget. (See Chapter 20: Provider Documentation and Client Records) … All DD Waiver Provider Agencies are required to cooperate with monitoring activities conducted by the CM and the DOH. Provider Agencies are required to respond to issues at the individual level and agency level as described in Chapter 16: Qualified Provider Agencies.<br><br>**Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary.<br>DD Waiver Provider Agencies are required to adhere to the following: …<br>6. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of service delivery, as well as data tracking only for the services provided by their agency.<br>7. The current Client File Matrix found in Appendix A: Client File Matrix details the minimum requirements for records to be stored in agency office files, the delivery site, or with DSP while providing services in the community. | | | |

| Tag # 1A32.1 Administrative Case File: Individual Service Plan Implementation *(Not Completed at Frequency)* | Standard Level Deficiency | | |
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| **NMAC 7.26.5.16.C and D Development of the ISP. Implementation of the ISP.** The ISP shall be implemented according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan.<br><br>C. The IDT shall review and discuss information and recommendations with the individual, with the goal of supporting the individual in attaining desired outcomes. The IDT develops an ISP based upon the individual's personal vision statement, strengths, needs, interests and preferences. The ISP is a dynamic document, revised periodically, as needed, and amended to reflect progress towards personal goals and achievements consistent with the individual's future vision. This regulation is consistent with standards established for individual plan development as set forth by the commission on the accreditation of rehabilitation facilities (CARF) and/or other program accreditation approved and adopted by the developmental disabilities division and the department of health. It is the policy of the developmental disabilities division (DDD), that to the extent permitted by funding, each individual receive supports and services that will assist and encourage independence and productivity in the community and attempt to prevent regression or loss of current capabilities. Services and supports include specialized and/or generic services, training, education and/or treatment as determined by the IDT and documented in the ISP.<br><br>D. The intent is to provide choice and obtain opportunities for individuals to live, work and play with full participation in their communities. The following principles provide direction and | Based on administrative record review, the Agency did not implement the ISP according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan for 5 of 36 individuals.<br><br>As indicated by Individuals ISP the following was found with regards to the implementation of ISP Outcomes:<br><br>**Customized In-Home Supports Data Collection / Data Tracking/Progress with regards to ISP Outcomes**:<br><br>Individual #12<br>• According to the Live Outcome; Action Step for "… will use his paycheck stub to make sure the correct amount of hours is on his paycheck" is to be completed 1 time per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 11/2023 - 1/2024.<br><br>• According to the Live Outcome; Action Step for "… will use his paycheck stub to make sure the correct amount of money is on his paycheck" is to be completed 1 time per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 11/2023 - 1/2024.<br><br>Individual #25<br>• According to the Live Outcome; Action Step for "… will learn independent living skills such [sic], food shopping, get ready for work, ride his bike/city bus to and from work" is to be completed 3 times per week. Evidence found indicated it was not being completed | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)***:** →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)***:** → | |

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| purpose in planning for individuals with developmental disabilities. [05/03/94; 01/15/97; Recompiled 10/31/01]<br><br>Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 6: 6.10 ISP Implementation and Monitoring:** All DD Waiver Provider Agencies with a signed SFOC are required to provide services as detailed in the ISP. The ISP must be readily accessible to Provider Agencies on the approved budget. (See Chapter 20: Provider Documentation and Client Records) … All DD Waiver Provider Agencies are required to cooperate with monitoring activities conducted by the CM and the DOH. Provider Agencies are required to respond to issues at the individual level and agency level as described in Chapter 16: Qualified Provider Agencies.<br><br>**Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary.<br>DD Waiver Provider Agencies are required to adhere to the following: …<br>6. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of service delivery, as well as data tracking only for the services provided by their agency.<br>7. The current Client File Matrix found in Appendix A: Client File Matrix details the minimum requirements for records to be stored in agency office files, the delivery site, | at the required frequency as indicated in the ISP for 11/2023.<br><br>Individual #33<br>• According to the Live Outcome; Action Step for "… will write his scheduled activities on his planner" is to be completed 1 time per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 12/2023 - 1/2024.<br><br>• According to the Live Outcome; Action Step for "… will follow his planner" is to be completed 1 time per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 11/2023 - 1/2024.<br><br>**Customized Community Supports Data Collection/Data Tracking/Progress with regards to ISP Outcomes**:<br><br>Individual #7<br>• According to the Fun Outcome; Action Step for "… will take an exercise class" is to be completed 4 times per month. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 12/2023.<br><br>Individual #13<br>• According to the Work/Learn Outcome; Action Step for "… will choose and participate what activity he would like to participate in" is to be 8 times per month. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 11/2023 - 1/2024.<br><br>**Community Integrated Employment Services Data Collection/Data Tracking / Progress with regards to ISP Outcomes:** | | |

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| or with DSP while providing services in the community. | Individual #25<br>• According to the Work/Learn Outcome; Action Step for "… will review previous shifts frustrations, negative and/or positive interactions with his job coach" is to be completed 2 times per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 11/2023. | | |

| Tag # 1A32.2 Individual Service Plan Implementation (Residential Implementation) | Standard Level Deficiency | | |
|---|---|---|---|
| **NMAC 7.26.5.16.C and D Development of the ISP. Implementation of the ISP.** The ISP shall be implemented according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan.<br><br>C. The IDT shall review and discuss information and recommendations with the individual, with the goal of supporting the individual in attaining desired outcomes. The IDT develops an ISP based upon the individual's personal vision statement, strengths, needs, interests and preferences. The ISP is a dynamic document, revised periodically, as needed, and amended to reflect progress towards personal goals and achievements consistent with the individual's future vision. This regulation is consistent with standards established for individual plan development as set forth by the commission on the accreditation of rehabilitation facilities (CARF) and/or other program accreditation approved and adopted by the developmental disabilities division and the department of health. It is the policy of the developmental disabilities division (DDD), that to the extent permitted by funding, each individual receive supports and services that will assist and encourage independence and productivity in the community and attempt to prevent regression or loss of current capabilities. Services and supports include specialized and/or generic services, training, education and/or treatment as determined by the IDT and documented in the ISP.<br><br>D. The intent is to provide choice and obtain opportunities for individuals to live, work and play with full participation in their communities. The following principles provide direction and purpose in planning for individuals with developmental disabilities. [05/03/94; 01/15/97; Recompiled 10/31/01] | Based on residential record review, the Agency did not implement the ISP according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan for 3 of 24 individuals.<br><br>As indicated by Individuals ISP the following was found with regards to the implementation of ISP Outcomes:<br><br>**Supported Living Data Collection/Data Tracking / Progress with regards to ISP Outcomes**:<br><br>Individual #8<br>• According to the Live Outcome; Action Step for "… will go shopping and purchase needed items" is to be completed 1 time per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 2/1 – 23, 2024. *(Date of home visit: 2/27/2024)*<br><br>• According to the Live Outcome; Action Step for "… will work on hygiene routine while she makes her recipe" is to be completed 1 time per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 2/1 – 23, 2024. *(Date of home visit: 2/27/2024)*<br><br>• According to the Live Outcome; Action Step for "… will prepare the recipe she has selected" is to be completed 1 time per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 2/1 – 23, 2024. *(Date of home visit: 2/27/2024)* | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: → | |

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| Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 6: 6.10 ISP Implementation and Monitoring:** All DD Waiver Provider Agencies with a signed SFOC are required to provide services as detailed in the ISP. The ISP must be readily accessible to Provider Agencies on the approved budget. (See Chapter 20: Provider Documentation and Client Records) … All DD Waiver Provider Agencies are required to cooperate with monitoring activities conducted by the CM and the DOH. Provider Agencies are required to respond to issues at the individual level and agency level as described in Chapter 16: Qualified Provider Agencies.<br><br>**Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary.<br>DD Waiver Provider Agencies are required to adhere to the following: …<br>6. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of service delivery, as well as data tracking only for the services provided by their agency.<br>7. The current Client File Matrix found in Appendix A: Client File Matrix details the minimum requirements for records to be stored in agency office files, the delivery site, or with DSP while providing services in the community. | Individual #18<br>• None found regarding: Fun Outcome/Action Step: "… will take photos to make a photo album using his camera" for 2/1 – 23, 2024. Action step is to be completed 1 time per week. *(Date of home visit: 2/27/2024)*<br><br>**Family Living Data Collection/Data Tracking / Progress with regards to ISP Outcomes:**<br><br>Individual #4<br>• None found regarding: Live, Outcome/Action Step: "With support … will measure and pour soap" for 2/1 – 23, 2024. Action step is to be completed 1time per week. *(Date of home visit: 2/27/2024)* | | |

| Tag # LS14 Residential Service Delivery Site Case File (ISP and Healthcare Requirements) | Condition of Participation Level Deficiency | | |
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| Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary.<br>DD Waiver Provider Agencies are required to adhere to the following:<br>1. Client records must contain all documents essential to the service being provided and essential to ensuring the health and safety of the person during the provision of the service.<br>2. Records must contain information of concerns related to abuse, neglect or exploitation.<br>3. Provider Agencies must have readily accessible records in home and community settings in paper or electronic form. Secure access to electronic records through the Therap web-based system using computers or mobile devices are acceptable.<br>4. Provider Agencies are responsible for ensuring that all plans created by nurses, RDs, therapists or BSCs are present in all settings.<br>5. Provider Agencies must maintain records of all documents produced by agency personnel or contractors on behalf of each person, including any routine notes or data, annual assessments, semi-annual reports, evidence of training provided/received, | After an analysis of the evidence it has been determined there is a significant potential for a negative outcome to occur.<br><br>Based on record review, the Agency did not maintain a complete and confidential case file in the residence for 8 of 24 Individuals receiving Living Care Arrangements.<br><br>Review of the residential individual case files revealed the following items were not found, not current and/or did not meet the requirement:<br><br>**Annual ISP:**<br>• Not Found (#18, 32)<br><br>**ISP Teaching and Support Strategies:**<br>***Individual #18:***<br>*TSS not found for the following Live Outcome Statement / Action Steps:*<br>• "… will help with meal prep 2x a week. "<br><br>*TSS not found for the following Work / Learn; Outcome Statement / Action Steps:*<br>• "… will attend social and community activities 2x a month."<br><br>***Individual #21:***<br>*TSS not found for the following Live Outcome Statement / Action Steps:*<br>• "… will weigh himself 4x a month."<br><br>***Individual #22:***<br>*TSS not found for the following Live Outcome Statement / Action Steps:*<br>• "… will work on her book."<br><br>***Individual #32:*** | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: → | |

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| progress notes, and any other interactions for which billing is generated.<br>6. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of service delivery, as well as data tracking only for the services provided by their agency.<br>7. The current Client File Matrix found in Appendix A: Client File Matrix details the minimum requirements for records to be stored in agency office files, the delivery site, or with DSP while providing services in the community.<br><br>**20.3 Record Access for Direct Support Professionals (DSP) during Service Delivery:** DSP must have access to records, plans, and forms needed to adequately provide and document the type of service and specific scope of service being provided at the time.<br><br>**20.5 Communication and Documentation in Therap:** Therap is a secure online documentation system required to be used by specific New Mexico DD Waiver Provider Agencies. Use of the required elements of Therap are intended to improve agency monitoring, health care coordination for individuals, and overall quality of services.<br><br>**20.5.3 *Health Passport and Consultation Form***<br><br>**20.5.4 *Health Tracking***<br><br>**20.5.5 *Nursing Assessment Tracking***<br><br>**Chapter 13 Nursing Services: 13.2.9.1 Health Care Plans (HCP):** Health Care Plans are created to provide guidance for the Direct Support Professionals (DSP) to support health related issues. Approaches that are specific to nurses may also be incorporated into the HCP. | *TSS not found for the following Live Outcome Statement / Action Steps:*<br>• "… will independently complete activities of daily living. "<br><br>**Healthcare Passport:**<br>• Not Found (#4, 10, 21, 32)<br><br>• Not Current (#23)<br><br>**Health Care Plans:**<br>• Decline in Participation (#1)<br>• Falls (#18)<br>• Pain/Contractors (#18) | | |

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| Healthcare Plans are based upon the eCHAT and the nursing assessment of the individual's needs.<br>1. The Primary Provider Agency nurse (PPN) is required to create HCPs that address all the areas identified as required in the most current e-CHAT summary report which is indicated by "R" in the HCP column. At the nurse's sole discretion, based on prudent nursing practice, HCPs may be combined where clinically appropriate. The nurse should use nursing judgment to determine whether to also include HCPs for any of the areas indicated by "C" on the e-CHAT summary report. The nurse may also create other HCPs that the nurse determines are warranted. | | | |

| Tag # LS14.1 Residential Service Delivery Site Case File (Other Req. Documentation) | Standard Level Deficiency | | |
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| Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary.<br>DD Waiver Provider Agencies are required to adhere to the following:<br>1. Client records must contain all documents essential to the service being provided and essential to ensuring the health and safety of the person during the provision of the service.<br>2. Records must contain information of concerns related to abuse, neglect or exploitation.<br>3. Provider Agencies must have readily accessible records in home and community settings in paper or electronic form. Secure access to electronic records through the Therap web-based system using computers or mobile devices are acceptable.<br>4. Provider Agencies are responsible for ensuring that all plans created by nurses, RDs, therapists or BSCs are present in all settings.<br>5. Provider Agencies must maintain records of all documents produced by agency personnel or contractors on behalf of each person, including any routine notes or data, annual assessments, semi-annual reports, evidence of training provided/received, progress notes, and any other interactions for which billing is generated. | Based on record review, the Agency did not maintain a complete and confidential case file in the residence for 3 of 24 Individuals receiving Living Care Arrangements.<br><br>Review of the residential individual case files revealed the following items were not found, not current and/or did not meet the requirement:<br><br>**Positive Behavioral Supports Plan:**<br>• Not Found (#18, 21)<br><br>• Not Current (#8) | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: → | |

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| 6. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of service delivery, as well as data tracking only for the services provided by their agency.<br>7. The current Client File Matrix found in Appendix A: Client File Matrix details the minimum requirements for records to be stored in agency office files, the delivery site, or with DSP while providing services in the community. | | | |

| Standard of Care | Deficiencies | Agency Plan of Correction, On-going QA/QI and Responsible Party | Completion Date |
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| ***Service Domain: Qualified Providers –*** *The State monitors non-licensed/non-certified providers to assure adherence to waiver requirements. The State implements its policies and procedures for verifying that provider training is conducted in accordance with State requirements and the approved waiver.* | | | |
| **Tag # 1A20 Direct Support Professional Training** | **Standard Level Deficiency** | | |
| Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 17 Training Requirements: 17.1 Training Requirements for Direct Support Professional and Direct Support Supervisors:** Direct Support Professional (DSP) and Direct Support Supervisors (DSS) include staff and contractors from agencies providing the following services: Supported Living, Family Living, CIHS, IMLS, CCS, CIE and Crisis Supports… The training shall address at least the following:<br>• Individual Specific Training<br>• First Aid<br>• CPR<br>• Assisting With Medication Delivery (AWMD) Part 1 Session 1 & 2 **…**<br><br>**17.1.13 Training Requirements for Service Coordinators (SC):** Service Coordinators (SCs) refer to staff at agencies providing the following services: Supported Living, Family Living, Customized In-home Supports, Intensive Medical Living, Customized Community Supports, Community Integrated Employment, and Crisis Supports…The training shall address at least the following:<br>• Individual Specific Training<br>• First Aid<br>• CPR<br>• Assisting With Medication Delivery (AWMD) Part 1 Session 1 & 2 …<br><br>***(see DDW Standards Chapter 17 Training Requirements for all training specifics)*** | Based on record review, the Agency did not ensure Orientation and Training requirements were met for 2 of 194 Direct Support Professional, Direct Support Supervisory Personnel and / or Service Coordinators.<br><br>Review of Agency training records found no evidence of the following required DOH/DDSD trainings being completed:<br><br>**CPR:**<br>• Expired (#606)<br><br>**Assisting with Medication Delivery:**<br>• Expired (#609) | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)***:** →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)***:** → | |

| Tag # 1A22 Agency Personnel Competency | Condition of Participation Level Deficiency | | |
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| Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 17 Training Requirements:**<br>**17.9 Individual-Specific Training Requirements:** The following are elements of IST: defined standards of performance, curriculum tailored to teach skills and knowledge necessary to meet those standards of performance, and formal examination or demonstration to verify standards of performance, using the established DDSD training levels of awareness, knowledge, and skill.<br>Reaching an **awareness level** may be accomplished by reading plans or other information. The trainee is cognizant of information related to a person's specific condition. Verbal or written recall of basic information or knowing where to access the information can verify awareness.<br>Reaching a **knowledge level** may take the form of observing a plan in action, reading a plan more thoroughly, or having a plan described by the author or their designee. Verbal or written recall or demonstration may verify this level of competence.<br>Reaching a **skill level** involves being trained by a therapist, nurse, designated or experienced designated trainer. The trainer shall demonstrate the techniques according to the plan. The trainer must observe and provide feedback to the trainee as they implement the techniques. This should be repeated until competence is demonstrated. Demonstration of skill or observed implementation of the techniques or strategies verifies skill level competence. Trainees should be observed on more than one occasion to ensure appropriate techniques are maintained and to provide additional coaching/feedback. Individuals shall receive services from competent and qualified Provider Agency personnel who must | After an analysis of the evidence it has been determined there is a significant potential for a negative outcome to occur.<br><br>Based on interview, the Agency did not ensure training competencies were met for 12 of 42 Direct Support Professional.<br><br>**When DSP were asked, if the Individual had Positive Behavioral Supports Plan (PBSP), If have they had been trained on the PBSP and what does the plan cover, the following was reported:**<br><br>• DSP #536 stated, "No." According to the Health and Safety Section of the ISP, the Individual requires a Positive Behavioral Supports Plan and DSP are required to be trained. (Individual #19)<br><br>• DSP #651 stated, "He has a lot of people coming in to visit with him before I get here. I am not sure if he has a behavior plan." According to the Individual Specific Training Section of the ISP, the Individual requires a Positive Behavioral Supports Plan and DSP are required to be trained. (Individual #31)<br><br>• DSP #592 stated, "Yes, [redacted], it used to be [redacted]. No, but since he is family, I know what to do. They just got me on it, the Extended Reach." According to the Individual Specific Training Section of the ISP, the Individual requires a Positive Behavioral Supports Plan and DSP are required to be trained. (Individual #33)<br><br>**When DSP were asked, if the Individual had Behavioral Crisis Intervention Plan (BCIP), If have they had been trained on the BCIP** | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: → | |

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| successfully complete IST requirements in accordance with the specifications described in the ISP of each person supported… | **and what does the plan cover, the following was reported:**<br><br>• DSP #660 stated, "No, if there is one I do not have access to it right here, I am not in the office." According to the Individual Specific Training Section of the ISP, the Individual requires a Behavioral Crisis Intervention Plan and DSP are required to be trained. (Individual #6)<br><br>• DSP #645 stated, "No." According to the Individual Specific Training Section of the ISP, the individual requires a Behavioral Crisis Intervention Plan and DSP are required to be trained. (Individual #25)<br><br>**When DSP were asked, if they knew what the Individual's health condition / diagnosis or when the information could be found, the following was reported:**<br><br>• DSP #543 stated, "His psych is the main thing, but I don't remember." Per the Health Passport the Individual has a diagnosis of Hyperlipidemia, Schizoaffective disorder, Obsessive Compulsive disorder, Intellectual disabilities, Constipation, Chronic Kidney disease, and Fatty Liver. (Individual #23)<br><br>**When DSP were asked about the specifics related to food, liquids and positioning as outlined in the Comprehensive Aspiration Risk Management Plan (CARMP), the following was reported:**<br><br>• DSP #582 stated, "It doesn't say" (DSP was referencing the Comprehensive Aspiration Management Plan). Per the Comprehensive Aspiration Risk Management Plan (CARMP) the individual requires the following as it relates to positioning: Sitting upright for 30 minutes after meals. (Individual #3) | | |

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| | • DSP #582 stated, "She has to take about four or five bites before she drinks out of the straw, I feed her." Per the Comprehensive Aspiration Risk Management Plan (CARMP) the individual requires the following as it relates to food: 2-3 small bites need to be alternated with 1-2 sips. (Individual #3)<br><br>**When DSP were asked, if the Individual's had Health Care Plans, where could they be located and if they had been trained, the following was reported:**<br><br>• DSP #547 stated, "Yes, he has CARMP for aspiration, allergies, constipation, respiratory for oxygen, falls, skin wounds, and urine retention." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual also requires a Health Care Plan for Decline in Participation. (Individual #1)<br><br>• DSP #660 stated, "Her health care plans are umm, oh I don't know. I do not have access right now; I don't have my computer." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Health Care Plans for Body Mass Index and Acute Pain. (Individual #6)<br><br>• DSP #631 stated, "No, he doesn't he just has his medication he takes for his acne." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Health Care Plans for Body Mass Index and Falls. (Individual #7)<br><br>• DSP #640 stated, "There was nothing on file in annual or semiannual Health Care Plan, so I don't see one at this moment." As indicated by the Electronic Comprehensive | | |

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| | Health Assessment Tool, the Individual requires Health Care Plans for Body Mass Index, Pain, and Falls. (Individual #18)<br><br>• DSP #536 stated, "If he does, none that would involve me. Not to my knowledge." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires a Health Care Plan for Seizures. (Individual #19)<br><br>**When DSP were asked, if the Individual had any food and / or medication allergies that could be potentially life threatening, the following was reported:**<br><br>• DSP #629 stated, "No food allergies. No medication allergies that I know of." As indicated by the Health Passport the individual is allergic to Sulfa. (Individual #5)<br><br>• DSP #655 stated, "Active allergies. The first one is Fluphenazine, Haloperidol, Methylphenidate, Sulfa antibiotics, Sulfamethoxazole, Thioridazine." As indicated by the Health Passport the individual is also allergic to Citrus. (Individual #13) | | |

| Tag # 1A43.1 General Events Reporting: Individual Reporting | Standard Level Deficiency | | |
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| Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 19 Provider Reporting Requirements: *19.2 General Events Reporting (GER):***<br>The purpose of General Events Reporting (GER) is to report, track and analyze events, which pose a risk to adults in the DD Waiver program, but do not meet criteria for ANE or other reportable incidents as defined by the IMB. Analysis of GER is intended to identify emerging patterns so that preventative action can be taken at the individual, Provider Agency, regional and statewide level. On a quarterly and annual basis, DDSD analyzes GER data at the provider, regional and statewide levels to identify any patterns that warrant intervention. Non-compliance with GER requirements may result in DDSD Contract Management actions including but not limited to the imposition of Civil Monetary Penalties. Provider Agency use of GER in Therap is required as follows:<br><br>1. DD Waiver Provider Agencies approved to provide Customized In- Home Supports, Family Living, IMLS, Supported Living, Customized Community Supports, Community Integrated Employment, Adult Nursing and Case Management must use the GER …<br>2. The following events must be reported in GER:<br>a. Emergency Room/Urgent Care/Emergency Medical Services<br>b. Falls Without Injury<br>c. Person not eating, drinking or receiving nutritional or hydration support for more than 48 hours<br>d. Injury (including Falls, Choking, Skin Breakdown and Infection)<br>e. Law Enforcement Use<br>f. All Medication Errors | Based on record review, the Agency did not follow the General Events Reporting requirements as indicated by standards for 1 of 36 individuals.<br><br>**The following events were not reported in the General Events Reporting System as required by policy:**<br><br>**Individual #14**<br>• Documentation reviewed indicates on 1/7/2024 the Individual missed the 8 pm dose of Atorvastatin 20mg (Medication Error). No GER was found.<br><br>• Documentation reviewed indicates on 1/7/2024 the Individual missed the 8 pm dose of Austedo 9mg (Medication Error). No GER was found.<br><br>• Documentation reviewed indicates on 1/7/2024 the Individual missed the 8 pm dose of Baclofen 5mg (Medication Error). No GER was found.<br><br>• Documentation reviewed indicates on 1/7/2024 the Individual missed the 8 pm dose of Docusate Sodium 100mg (Medication Error). No GER was found.<br><br>• Documentation reviewed indicates on 1/7/2024 the Individual missed the 8 pm dose of Donepezil HCL 5 mg (Medication Error). No GER was found.<br><br>• Documentation reviewed indicates on 1/7/2024 the Individual missed the 8 pm dose of Doxazosin Mesylate 8mg (Medication Error). No GER was found. | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: → | |

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| g. Medication Documentation Errors<br>h. Missing Person/Elopement<br>**i.** Out of Home Placement- Medical: Hospitalization, Long Term Care, Skilled Nursing or Rehabilitation Facility Admission<br>j. PRN Psychotropic Medication<br>k. Restraint Related to Behavior<br>l. Suicide Attempt or Threat<br>3. Reporting Provider Agencies must have a system in place to enter information into and approve GERs per Appendix B GER Requirements and as identified by DDSD.<br>4. Each agency that is required to participate in General Event Reporting via Therap should ensure information from the staff and/or individual with the most direct knowledge is part of the report. Provider agencies may use GER reporting for events that are not required at their discretion. When using the GER to report such events, the report must have a modification level that must be low, be entered and approved within two business days of the event. Events that are tracked for internal agency purposes and do not meet reporting requirements per DD Waiver Service Standards must be marked with a notification level of "Low" to indicate that it is being used internal to the provider agency.<br><br>**Appendix B GER Requirements** | • Documentation reviewed indicates on 1/20/2024 the Individual missed the 9 pm dose of Chlorhexidine 0.12% (Medication Error). No GER was found.<br><br>*Note: Per Standards, Medication errors must be entered into GER on at least a monthly basis.* | | |

| Standard of Care | Deficiencies | Agency Plan of Correction, On-going QA/QI and Responsible Party | Completion Date |
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| ***Service Domain: Health and Welfare –*** *The state, on an ongoing basis, identifies, addresses and seeks to prevent occurrences of abuse, neglect and exploitation. Individuals shall be afforded their basic human rights. The provider supports individuals to access needed healthcare services in a timely manner.* | | | |
| **Tag #1A08.2 Administrative Case File: Healthcare Requirements & Follow-up** | **Standard Level Deficiency** | | |
| Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 3 Safeguards: 3.1 Decisions about Health Care or Other Treatment: Decision Consultation Process:** There are a variety of approaches and available resources to support decision making when desired by the person. The decision consultation process assists participants and their health care decision makers to document their decisions. It is important for provider agencies to communicate with guardians to share with the Interdisciplinary Team (IDT) Members any medical, behavioral, or psychiatric information as part of an individual's routine medical or psychiatric care.<br><br>**3.1.1 Decision about Health Care or Other Treatment Decision Consultation:** Decisions are the sole domain of waiver participants; their guardians or healthcare decision makers and decisions can be made that are compatible with their personal and cultural values. Provider Agencies and Interdisciplinary Teams (IDTs) are required to support the informed decisions made by supporting access to medical consultation, information, and other available resources according to the following: The Decision Consultation Process (DCP) is documented on the Decision Consultation Form (DCF) and is used for recommendations when a person or his/her guardian/healthcare decision maker has concerns, needs more information, or has decided not to follow all or part of a recommendation from a professional or clinician… | Based on record review, the Agency did not provide documentation of annual physical examinations and/or other examinations as specified by a licensed physician for 3 of 36 individuals receiving Living Care Arrangements and Community Inclusion.<br><br>Review of the Agency administrative individual case files revealed the following items were not found, not current and/or did not meet the requirement:<br><br>**Annual Physical *(LCA Only)*:**<br>• Not Found (#6, 20)<br><br>**Blood Levels:**<br>• Individual #19 - As indicated by collateral documentation reviewed, lab work was ordered on 6/26/2023. No evidence of lab results were found. | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: → | |

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| **Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary.<br>DD Waiver Provider Agencies are required to adhere to the following:<br>1. Client records must contain all documents essential to the service being provided and essential to ensuring the health and safety of the person during the provision of the service.<br>2. Records must contain information of concerns related to abuse, neglect or exploitation.<br>3. Provider Agencies must have readily accessible records in home and community settings in paper or electronic form. Secure access to electronic records through the Therap web-based system using computers or mobile devices are acceptable.<br>4. Provider Agencies are responsible for ensuring that all plans created by nurses, RDs, therapists or BSCs are present in all settings.<br>5. Provider Agencies must maintain records of all documents produced by agency personnel or contractors on behalf of each person, including any routine notes or data, annual assessments, semi-annual reports, evidence of training provided/received, progress notes, and any other interactions for which billing is generated.<br>6. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of | | | |

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| service delivery, as well as data tracking only for the services provided by their agency.<br>7. The current Client File Matrix found in Appendix A: Client File Matrix details the minimum requirements for records to be stored in agency office files, the delivery site, or with DSP while providing services in the community.<br>8. All records must be retained for six (6) years and must be made available to DDSD upon request, upon the termination or expiration of a provider agreement, or upon provider withdrawal from services.<br><br>**20.5 Communication and Documentation in Therap:** Therap is a secure online documentation system required to be used by specific New Mexico DD Waiver Provider Agencies. Use of the required elements of Therap are intended to improve agency monitoring, health care coordination for individuals, and overall quality of services.<br><br>**20.5.3 *Health Passport and Consultation Form:*** The Health Passport and Consultation form are generated within Therap. The standardized combination of documents includes all information that are required for medical consultation during an appointment and other health coordination activities:<br>1. The Primary Provider must keep the Health Passport and Consultation form updated in concert with critical information and changes from the IDT, including secondary provider agencies, medical providers for the individual. The Health Passport pulls from Individual Demographics, Health Tracking and eCHAT. a. The primary provider must notify secondary providers when a new eCHAT is completed or contact information is updated.<br><br>2. The Primary and Secondary Provider Agencies must ensure that a current copy of the *Health Passport* and *Consultation* forms | | | |

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| are printed and available at all service delivery sites. a. Updated forms must be sent to each site after eCHAT and/or Contact Updates. b. Outdated version of both unused forms must be removed from all sites.<br><br>3. Primary and Secondary Provider Agencies must assure that the current *Health Passport* and *Consultation* form accompany each person when taken by the provider to a medical appointment, urgent care/emergency room visits, emergency service encounter, or are admitted to a hospital or nursing home for details see Health Tracking: Appointments<br><br>**20.5.4 *Health Tracking***<br><br>**20.5.5 *Nursing Assessment Tracking***<br><br>**Chapter 13 Nursing Services: 13.2.3 General Requirements Related to Orders, Implementation, and Oversight:**<br>1. Each person has a licensed primary care practitioner and receives an annual physical examination, dental care and specialized medical/behavioral care as needed. PPN communicate with providers regarding the person as needed.<br>2. Orders from licensed healthcare providers are implemented promptly and carried out until discontinued.<br>a. The nurse will contact the ordering or on call practitioner as soon as possible if the order cannot be implemented due to the person's or guardian's refusal or due to other issues delaying implementation of the order. The nurse must clearly document the issues and all attempts to resolve the problems with all involved parties.<br>b. Not implementing orders by a licensed healthcare provider is considered neglect, unless a Decision Consultation Form is filled out by participant or guardian, or a healthcare decision maker making this decision. | | | |

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| c. Based on prudent nursing practice, if a nurse determines to hold a practitioner's order, they are required to immediately document the circumstances and rationale for this decision and to notify the ordering or on call practitioner as soon as possible, but no later than the next business day.<br>d. If the person resides with their biological family, and there are no nursing services budgeted, the family is responsible for implementation or follow up on all orders from all providers. | | | |

| Tag # 1A09 Medication Delivery Routine Medication Administration | Condition of Participation Level Deficiency | | |
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| Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 10 Living Care Arrangements (LCA): 10.3.5 Medication Assessment and Delivery:** Living Supports Provider Agencies must support and comply with:<br>1. the processes identified in the DDSD AWMD training;<br>2. the nursing and DSP functions identified in the Chapter 13.3 Adult Nursing Services;<br>3. all Board of Pharmacy regulations as noted in Chapter 16.5 Board of Pharmacy; and<br>4. documentation requirements in a Medication Administration Record (MAR) as described in Chapter 20 5.7 Medication Administration Record (MAR)<br><br>**Chapter 20 Provider Documentation and Client Records: 20.5.7 Medication Administration Record (MAR):**<br>Administration of medications apply to all provider agencies of the following services: living supports, customized community supports, community integrated employment, intensive medical living supports.<br>1. Primary and secondary provider agencies are to utilize the Medication Administration Record (MAR) online in Therap.<br>2. Medication/Treatment must be recorded online per assisting with medication delivery per the DDSD Assisting with Medication Delivery (AWMD) program.<br>3. Family Living Providers may opt not to use MARs if they are the **sole** provider who supports the person and are related by affinity or consanguinity. However, if there are services provided by unrelated DSP, ANS for Medication Oversight must be budgeted, a MAR online in Therap must be created and used by the DSP.<br>4. Provider Agencies must configure and use the MAR when assisting with medication. | After an analysis of the evidence it has been determined there is a significant potential for a negative outcome to occur.<br><br>Medication Administration Records (MAR) were reviewed for the months of January and February 2024.<br><br>Based on record review, 6 of 14 individuals had Medication Administration Records (MAR), which contained missing medications entries and/or other errors:<br><br>Individual #1<br>February 2024<br>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:<br>• Bupropion HCL SR 150 mg (2 times daily) – Blank 2/26 (12:00 PM)<br><br>Individual #5<br>January 2024<br>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:<br>• Estradiol 0.5 mg (1 time daily) – Blank 1/27 - 28 (8:00 PM)<br>• Fexofenadine HCL 180 mg (1 time daily) – Blank 1/27 - 28 (8:00 PM)<br>• Gabapentin 600 mg (2 times daily) – Blank 1/27 - 28 (8:00 PM)<br><br>February 2024<br>Medication Administration Records contained missing entries. No | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: → | |

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| 5. Provider Agencies Continually communicate any changes about medications and treatments between Provider Agencies to assure health and safety.<br>6. Provider agencies must include the following on the MAR: a. The name of the person, a transcription of the physician's or licensed health care provider's orders including the brand and generic names for all ordered routine and PRN medications or treatments, and the diagnoses for which the medications or treatments are prescribed.<br>b. The prescribed dosage, frequency and method or route of administration; times and dates of administration for all ordered routine and PRN medications and other treatments; all over the counter (OTC) or "comfort" medications or treatments; all self-selected herbal preparation approved by the prescriber, and/or vitamin therapy approved by prescriber.<br>c. Documentation of all time limited or discontinued medications or treatments.<br>d. The initials of the person administering or assisting with medication delivery.<br>e. Documentation of refused, missed, or held medications or treatments.<br>f. Documentation of any allergic reaction that occurred due to medication or treatments.<br>g. For PRN medications or treatments including all physician approved over the counter medications and herbal or other supplements:<br>i. instructions for the use of the PRN medication or treatment which must include observable signs/symptoms or circumstances in which the medication or treatment is to be used and the number of doses that may be used in a 24-hour period;<br>ii. clear follow-up detailed documentation that the DSP contacted the agency nurse or physician service prior to assisting with the medication or treatment; and | documentation found indicating reason for missing entries:<br>• Estradiol 0.5 mg (1 time daily) – Blank 2/10 (8:00 PM)<br>• Fexofenadine HCL 180 mg (1 time daily) – Blank 2/10 (8:00 PM)<br>• Gabapentin 600 mg (2 times daily) – Blank 2/10 (8:00 PM)<br>• Olanzapine 2.5 mg (1 time daily) – Blank 2/10 (8:00 PM)<br>• Simvastatin 10 mg (1 time daily) – Blank 2/10 (8:00 PM)<br>• Simvastatin 20 mg (1 time daily) – Blank 2/10 (8:00 PM)<br>• Trazodone 50 mg (1 time daily) – Blank 2/10 (8:00 PM)<br><br>Individual #8<br>January 2024<br>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:<br>• Chlorhexidine 0.12% (1 time daily) – Blank 1/31 (7:00 PM)<br><br>Individual #14<br>January 2024<br>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:<br>• Atorvastatin 20 mg (1 time daily) – Blank 1/7 (8:00 PM)<br>• Austedo 9 mg (2 times daily) – Blank 1/7 (8:00 PM) | | |

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| iii. documentation of the effectiveness of the PRN medication or treatment.<br><br>**NMAC 16.19.11.8 MINIMUM STANDARDS:**<br>A. MINIMUM STANDARDS FOR THE DISTRIBUTION, STORAGE, HANDLING AND RECORD KEEPING OF DRUGS:<br>(d) The facility shall have a Medication Administration Record (MAR) documenting medication administered to residents, **including over-the-counter medications.**<br>This documentation shall include:<br>(i) Name of resident;<br>(ii) Date given;<br>(iii) Drug product name;<br>(iv) Dosage and form;<br>(v) Strength of drug;<br>(vi) Route of administration;<br>(vii) How often medication is to be taken;<br>(viii) Time taken and staff initials;<br>(ix) Dates when the medication is discontinued or changed;<br>(x) The name and initials of all staff administering medications.<br><br>**Model Custodial Procedure Manual**<br>***D. Administration of Drugs***<br>Unless otherwise stated by practitioner, patients will not be allowed to administer their own medications.<br>Document the practitioner's order authorizing the self-administration of medications.<br><br>All PRN (As needed) medications shall have complete detail instructions regarding the administering of the medication. This shall include:<br>➢ symptoms that indicate the use of the medication,<br>➢ exact dosage to be used, and<br>➢ the exact amount to be used in a 24-hour period. | • Baclofen 5 mg (1 time daily) – Blank 1/7 (8:00 PM)<br><br>• Docusate Sodium 100 mg (2 times daily) – Blank 1/7 (8:00 PM)<br><br>• Donepezil HCL 5 (1 time daily) – Blank 1/7 (8:00 PM)<br><br>• Doxazosin Mesylate 8 mg (1 time daily) – Blank 1/7 (8:00 PM)<br><br>• Chlorhexidine 0.12% (2 times daily) – Blank 1/20 (9:00 PM)<br><br>February 2024<br>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:<br>• Calcium 600 mg -VIT D3 10 mcg (2 times daily) – Blank 2/11, 18 (8:00 AM)<br><br>• Cranberry Concentrate 500 mg (1 time daily) – Blank 2/11, 18 (8:00 AM)<br><br>• Docusate Sodium 100 mg (2 times daily) – Blank 2/11 (8:00 AM)<br><br>• Escitalopram 20 mg (1 time daily) – Blank 2/11, 18 (8:00 AM)<br><br>• Levetiracetam 500 mg (2 times daily) – Blank 2/11 (8:00 AM), 2/18 (8:00 PM)<br><br>• Levothyroxine 50 mcg (1 time daily) – Blank 2/11,18 (8:00 AM)<br><br>• Lorazepam 1mg (1 time daily) – Blank 2/11, 18 (8:00 AM)<br><br>• Losartan Potassium 100 mg (1 time daily) – Blank 2/11, 18 (8:00 AM) | | |

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| | • Metamucil Powder (1 time daily) – Blank 2/18 (8:00 AM)<br>• Metoprolol Tartrate 50 mcg (2 times daily) – Blank 2/11, 18 (8:00 AM)<br>• Omeprazole DR 20 mg (1 time daily) – Blank 2/11, 18, 25 (6:30 AM)<br>• Polyethylene Glycol 3350 powder (1 time daily) – Blank 2/11, 18 (8:00 AM)<br>• Quetiapine Fumarate 300 mg (2 times daily) – Blank 2/15 (8:00 PM)<br>• Refresh Tears 0.5% (4 times daily) – Blank 2/11, 18 (8:00 AM), 2/15 (8:00 PM), 2/18 (4:00 PM)<br>• Thera Tears 1% (1 time daily) – Blank 2/15 (8:00 PM)<br><br>Individual #26<br>February 2024<br>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:<br>• Carvedilol 12.5 mg (2 times daily) – Blank 2/23 (5:00 PM)<br>• Daily-Vite (1 time daily) – Blank 2/23 (5:00 PM)<br>• Debrox 6.5% (2 times daily) – Blank 2/23 (5:00 PM)<br>• Fenofibrate 160 mg (1 time daily) – Blank 2/23 (5:00 PM)<br>• Olanzapine 10 mg (1 time daily) – Blank 2/23 (5:00 PM) | | |

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| | • Quetiapine Fumarate 300 mg (2 times daily) – Blank 2/23 (5:00 PM)<br><br>• Vitamin C 250 mg (1 time daily) – Blank 2/23 (5:00 PM)<br><br>Individual #35<br>January 2024<br>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:<br>• Amitriptyline HCL10 mg (1 time daily) – Blank 1/27 (8:00 PM)<br><br>• Buspirone HCL 15 mg (2 times daily) – Blank 1/27 (8:00 PM)<br><br>• Clonidine HCL 0.1 mg (3 times daily) – Blank 1/27 (8:00 PM)<br><br>• Lamotrigine 100 mg (2 times daily) – Blank 1/27 (8:00 PM)<br><br>• Olanzapine 2.5 mg (1 time daily) – Blank 1/27 (8:00 PM)<br><br>• Propranolol ER 80 mg (2 times daily) – Blank 1/27 (8:00 PM) | | |

| Tag # 1A09.1 Medication Delivery PRN Medication Administration | Condition of Participation Level Deficiency | | |
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| Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 10 Living Care Arrangements (LCA): 10.3.5 Medication Assessment and Delivery:** Living Supports Provider Agencies must support and comply with:<br>1. the processes identified in the DDSD AWMD training;<br>2. the nursing and DSP functions identified in the Chapter 13.3 Adult Nursing Services;<br>3. all Board of Pharmacy regulations as noted in Chapter 16.5 Board of Pharmacy; and<br>4. documentation requirements in a Medication Administration Record (MAR) as described in Chapter 20 5.7 Medication Administration Record (MAR)<br><br>**Chapter 20 Provider Documentation and Client Records: 20.5.7 Medication Administration Record (MAR):**<br>Administration of medications apply to all provider agencies of the following services: living supports, customized community supports, community integrated employment, intensive medical living supports.<br>1. Primary and secondary provider agencies are to utilize the Medication Administration Record (MAR) online in Therap.<br>2. Medication/Treatment must be recorded online per assisting with medication delivery per the DDSD Assisting with Medication Delivery (AWMD) program.<br>3. Family Living Providers may opt not to use MARs if they are the **sole** provider who supports the person and are related by affinity or consanguinity. However, if there are services provided by unrelated DSP, ANS for Medication Oversight must be budgeted, a MAR online in Therap must be created and used by the DSP.<br>4. Provider Agencies must configure and use the MAR when assisting with medication. | After an analysis of the evidence it has been determined there is a significant potential for a negative outcome to occur.<br><br>Medication Administration Records (MAR) were reviewed for the months of January and February 2024.<br><br>Based on record review, 9 of 14 individuals had PRN Medication Administration Records (MAR), which contained missing elements as required by standard:<br><br>Individual #1<br>January 2024<br>Physician's Orders indicated the following medication were to be given. The following Medications <u>were not documented on the Medication Administration Records</u>:<br>• Ibuprofen 200 mg (PRN)<br><br>February 2024<br>As indicated by the Medication Administration Records the following medication the following medication is to be taken, however was not found in the home:<br>• Acetaminophen 500 mg (PRN)<br><br>Individual #5<br>February 2024<br>As indicated by the Medication Administration Records the following medication the following medication is to be taken, however was not found in the home:<br>• Acetaminophen 500 mg (PRN)<br>• Banaphen 25 mg (PRN)<br>• Ibuprofen 200 mg (PRN)<br>• Loperamide 2 mg (PRN) | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: → | |

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| 5. Provider Agencies Continually communicate any changes about medications and treatments between Provider Agencies to assure health and safety.<br>6. Provider agencies must include the following on the MAR: a. The name of the person, a transcription of the physician's or licensed health care provider's orders including the brand and generic names for all ordered routine and PRN medications or treatments, and the diagnoses for which the medications or treatments are prescribed.<br>b. The prescribed dosage, frequency and method or route of administration; times and dates of administration for all ordered routine and PRN medications and other treatments; all over the counter (OTC) or "comfort" medications or treatments; all self-selected herbal preparation approved by the prescriber, and/or vitamin therapy approved by prescriber.<br>c. Documentation of all time limited or discontinued medications or treatments.<br>d. The initials of the person administering or assisting with medication delivery.<br>e. Documentation of refused, missed, or held medications or treatments.<br>f. Documentation of any allergic reaction that occurred due to medication or treatments.<br>g. For PRN medications or treatments including all physician approved over the counter medications and herbal or other supplements:<br>i. instructions for the use of the PRN medication or treatment which must include observable signs/symptoms or circumstances in which the medication or treatment is to be used and the number of doses that may be used in a 24-hour period;<br>ii. clear follow-up detailed documentation that the DSP contacted the agency nurse or physician service prior to assisting with the medication or treatment; and | • Milk of Magnesia 400 mg/5 ml (PRN)<br>• Polyethylene Glycol 3350 17 gram (PRN)<br><br>Individual #13<br>February 2024<br>As indicated by the observation of the medication in the home, the following medication was found. No Medication Administration Records was found for the medication:<br>• Debrox 6.5% (PRN)<br><br>No Effectiveness was noted on the Medication Administration Record for the following PRN Medication:<br>• Enema – PRN – 2/8 (given 1 time)<br>• Fleet Glycerin 2 mg Suppository – PRN – 2/6 (given 1 time)<br><br>Individual #14<br>February 2024<br>No Effectiveness was noted on the Medication Administration Record for the following PRN Medication:<br>• Acetaminophen 500 mg – PRN – 2/16, 20 (given 2 times) and 2/21, 23, 25 (given 1 time)<br>• Ibuprofen 200 mg – PRN – 2/16, 22, 25 (given 1 time)<br>• Milk of Magnesia 400 mg/5ml – PRN – 2/6 (given 1 time)<br>• Polyethylene Glycol 3350 17 gram – PRN – 2/19 (given 1 time)<br><br>Individual #17<br>February 2024<br>As indicated by the Medication Administration Records the following | | |

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| iii. documentation of the effectiveness of the PRN medication or treatment.<br><br>**NMAC 16.19.11.8 MINIMUM STANDARDS:**<br>A. MINIMUM STANDARDS FOR THE DISTRIBUTION, STORAGE, HANDLING AND RECORD KEEPING OF DRUGS:<br>(d) The facility shall have a Medication Administration Record (MAR) documenting medication administered to residents, **including over-the-counter medications.**<br>This documentation shall include:<br>(i) Name of resident;<br>(ii) Date given;<br>(iii) Drug product name;<br>(iv) Dosage and form;<br>(v) Strength of drug;<br>(vi) Route of administration;<br>(vii) How often medication is to be taken;<br>(viii) Time taken and staff initials;<br>(ix) Dates when the medication is discontinued or changed;<br>(x) The name and initials of all staff administering medications.<br><br>**Model Custodial Procedure Manual**<br>***D. Administration of Drugs***<br>Unless otherwise stated by practitioner, patients will not be allowed to administer their own medications.<br>Document the practitioner's order authorizing the self-administration of medications.<br><br>All PRN (As needed) medications shall have complete detail instructions regarding the administering of the medication. This shall include:<br>➢ symptoms that indicate the use of the medication,<br>➢ exact dosage to be used, and<br>➢ the exact amount to be used in a 24-hour period. | medication the following medication is to be taken, however was not found in the home:<br>• Banophen 25 mg (PRN)<br><br>• Ibuprofen 600 mg (PRN)<br><br>Individual #18<br>February 2024<br>As indicated by the Medication Administration Records the following medication the following medication is to be taken, however was not found in the home:<br>• Tussin DM 10-100 mg/5 ml (PRN)<br><br>Individual #19<br>February 2024<br>As indicated by the Medication Administration Records the following medication the following medication is to be taken, however was not found in the home:<br>• Banophen 25 mg (PRN)<br><br>Individual #24<br>February 2024<br>As indicated by the Medication Administration Records the following medication the following medication is to be taken, however was not found in the home:<br>• Loperamide 2 mg (PRN)<br><br>Individual #26<br>February 2024<br>As indicated by the Medication Administration Records the following medication the following medication is to be taken, however was not found in the home:<br>• Polyethylene Glycol 3350 17 gram (PRN) | | |

| Tag # 1A09.2 Medication Delivery Nurse Approval for PRN Medication | Standard Level Deficiency | | |
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| Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 13 Nursing Services:**<br>**13.3.2.3 Medication Oversight:** Medication Oversight by a DD Waiver nurse is required in Family Living when a person lives with a non-related Family Living provider; and whenever non-related DSP provide AWMD medication supports.<br>1. The nurse must respond to calls requesting delivery of PRN medications from AWMD trained DSP, non-related Family Living providers.<br>2. Family Living providers related by affinity or consanguinity (blood, adoption, or marriage) are not required to contact the nurse prior to assisting with delivery of a PRN medication.<br>3. Medication Oversight is optional if the person lives independently and can self-administer their medication or resides with their related family. If the person resides with their family and it is determined that Medication Oversight is not desired, the family must continue to provide any needed health supports or interventions based on guidance from the Primary Care Practitioner or specialists and all elements of medication administration and oversight are the sole responsibility of the person and their biological family. In addition, for Family Living participants the related family must:<br>a. Communicate as needed any change of condition with the agency nurse.<br>b. The agency is not responsible for providing a monthly MAR unless the family requests it and continually communicates all medication changes to the Provider Agency in a timely manner to ensure accuracy of the MAR.<br>4. Medication Oversight is not optional if substitute care is provided by DSP who are not related. | Based on record review, the Agency did not maintain documentation of PRN authorization as required by standard for 2 of 14 Individuals.<br><br>Individual #13<br>January 2024<br>No documentation of the verbal authorization from the Agency nurse prior to each administration / assistance of PRN medication was found for the following PRN medication:<br>• Acetaminophen 500 mg – PRN – 1/17 (given 1 time)<br><br>• Triple Antibiotic Ointment 3-5 mg-400 unit, 5000 unit/gram – PRN – 1/14, 20, 21 (given 1 time) and1/25 (given 2 times)<br><br>February 2024<br>No documentation of the verbal authorization from the Agency nurse prior to each administration / assistance of PRN medication was found for the following PRN medication:<br>• Constulose 10 gm/15 ml – PRN – 2/3, 4 (given 1 time)<br><br>Individual #26<br>February 2024<br>No documentation of the verbal authorization from the Agency nurse prior to each administration / assistance of PRN medication was found for the following PRN medication:<br>• Acetaminophen 500 mg – PRN – 2/3 (given 1 time)<br><br>• Triple Antibiotic – PRN – 2/3, 4, 5 (given 1 time) | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: → | |

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| a. A MAR is required for the substitute care provider to use.<br>b. Biological families (by affinity or consanguinity) are encouraged, but not required to use the MAR.<br>c. DSP who are related families (by affinity or consanguinity) must complete AWMD training. | | | |

| Tag # 1A33 Board of Pharmacy: Med. Storage | Standard Level Deficiency | | |
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| **New Mexico Board of Pharmacy Model Custodial Drug Procedures Manual**<br>**E. Medication Storage:**<br>1. Prescription drugs will be stored in a locked cabinet and the key will be in the care of the administrator or designee.<br>2. Drugs to be taken by mouth will be separate from all other dosage forms.<br>3. A locked compartment will be available in the refrigerator for those items labeled "Keep in Refrigerator." The temperature will be kept in the 36°F - 46°F range. An accurate thermometer will be kept in the refrigerator to verify temperature.<br>4. Separate compartments are required for each resident's medication.<br>5. All medication will be stored according to their individual requirement or in the absence of temperature and humidity requirements, controlled room temperature (68-77°F) and protected from light. Storage requirements are in effect 24 hours a day.<br>6. Medication no longer in use, unwanted, outdated, or adulterated will be placed in a quarantine area in the locked medication cabinet and held for destruction by the consultant pharmacist.<br><br>**8. References**<br>A. Adequate drug references shall be available for facility staff<br><br>**H. Controlled Substances (Perpetual Count Requirement)**<br>1. Separate accountability or proof-of-use sheets shall be maintained, for each controlled substance,<br>indicating the following information:<br>a. date<br>b. time administered<br>c. name of patient<br>d. dose | Based on observation, the Agency did not to ensure proper storage of medication for 11 of 14 individuals.<br><br>Observation included:<br><br>Individual #1<br>• Separate compartments were NOT kept for each individual living in the home.<br><br>Individual #3<br>• Separate compartments were NOT kept for each individual living in the home.<br><br>Individual #8<br>• Separate compartments were NOT kept for each individual living in the home.<br><br>Individual #13<br>• Separate compartments were NOT kept for each individual living in the home.<br><br>Individual #14<br>• Separate compartments were NOT kept for each individual living in the home.<br><br>Individual #17<br>• Separate compartments were NOT kept for each individual living in the home.<br><br>Individual #18<br>• Separate compartments were NOT kept for each individual living in the home.<br><br>Individual #23<br>• Separate compartments were NOT kept for each individual living in the home.<br><br>Individual #24<br>• Separate compartments were NOT kept for each individual living in the home. | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)***:** →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)***:** → | |

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| e. practitioner's name<br>f. signature of person administering or assisting with the administration the dose<br>g. balance of controlled substance remaining.<br><br>**NMAC 16.19.11 DRUG CONTROL**<br>**(a)** All state and federal laws relating to storage, administration and disposal of controlled substances and dangerous drugs shall be complied with.<br>**(b)** Separate sheets shall be maintained for controlled substances records indicating the following information for each type and strength of controlled substances: date, time administered, name of patient, dose, physician's name, signature of person administering dose, and balance of controlled substance in the container.<br>**(c)** All drugs shall be stored in locked cabinets, locked drug rooms, or state of the art locked medication carts.<br>**(d)** Medication requiring refrigeration shall be kept in a secure locked area of the refrigerator or in the locked drug room.<br>**(e)** All refrigerated medications will be kept in separate refrigerator or compartment from food items.<br>**(f)** Medications for each patient shall be kept and stored in their originally received containers, and stored in separate compartments. Transfer between containers is forbidden, waiver shall be allowed for oversize containers and controlled substances at the discretion of the drug inspector.<br>**(g)** Prescription medications for external use shall be kept in a locked cabinet separate from other medications.<br>**(h)** No drug samples shall be stocked in the licensed facility.<br>**(i)** All drugs shall be properly labeled with the following information:<br>**(i)** Patient's full name;<br>**(ii)** Physician's name; | Individual #26<br>• Separate compartments were NOT kept for each individual living in the home.<br><br>Individual #35<br>• Separate compartments were NOT kept for each individual living in the home. | | |

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| **(iii)** Name, address and phone number of pharmacy;<br>**(iv)** Prescription number;<br>**(v)** Name of the drug and quantity;<br>**(vi)** Strength of drug and quantity;<br>**(vii)** Directions for use, route of administration;<br>**(viii)** Date of prescription (date of refill in case of a prescription renewal);<br>**(ix)** Expiration date where applicable: The dispenser shall place on the label a suitable beyond-use date to limit the patient's use of the medication. Such beyond-use date shall be not later than (a) the expiration date on the manufacturer's container, or (b) one year from the date the drug is dispensed, whichever is earlier;<br>**(x)** Auxiliary labels where applicable;<br>**(xi)** The Manufacturer's name;<br>**(xii)** State of the art drug delivery systems using unit of use packaging require items i and ii above, provided that any additional information is readily available at the nursing station.<br><br>Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 10 Living Care Arrangement (LCA):**<br>**10.3.7 Requirements for Each Residence:**<br>Provider Agencies must assure that each residence is clean, safe, and comfortable, and each residence accommodates individual daily living, social and leisure activities. In addition, the Provider Agency must ensure the residence: …<br>8. has safe storage of all medications with dispensing instructions for each person that are consistent with the Assistance with Medication (AWMD) training or each person's ISP; … | | | |

| Tag # 1A39 Assistive Technology and Adaptive Equipment | Standard Level Deficiency | | |
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| Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 12 Professional and Clinical Services: 12.5.1 Participatory Approach:** The "Participatory Approach" is person-centered and asserts that no one is too severely disabled to benefit from assistive technology and other therapy supports that promote participation in life activities…<br><br>**12.5.7.3 Assistive Technology (AT) Services, Remote Personal Support Technology (RPST) and Environmental Modifications:** Therapists support the person to access and utilize AT, RPST and Environmental Modifications through the following requirements: …<br>2. Therapists are required to provide a current AT Inventory to each Living Supports and CCS site where AT is used, for each person using AT related to that therapist's scope of service.<br>a. The final AT inventory must be reviewed by the case manager and team for accuracy before it gets distributed to the entire IDT.<br><br>**Chapter 10 Living Care Arrangements (LCA): 10.3.8 Requirements for Each Residence: Scope of Living Supports (Supported Living, Family Living, and IMLS)** The scope of all Living Supports (Supported Living, Family Living and IMLS) includes, but is not limited to the following as identified by the IDT and ISP: …<br>8. ensuring readily available access to and assistance with use of a person's adaptive equipment, augmentative communication, remote personal support technology (RPST) and assistive technology (AT) devices, including monitoring and support related to maintenance of such equipment and devices to ensure they are in working order; … | Based on interview the Agency did not ensure the necessary support mechanisms and devices, including the rationale for the use of assistive technology or adaptive equipment is in place for 1 of 36 Individuals.<br><br>**When DSP were asked, if the Individual require any type assistive device or adaptive equipment and if they had been trained on the equipment, the following was reported:**<br><br>• DSP #595 stated, "Not that I am aware of but wants to get an iPad to use through them." Per the Health and Safety section of the ISP the individual requires a tablet. (Individual #30) | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: → | |

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| **Chapter 11 Community Inclusion:**<br>11.6.2 General Service Requirements for CCS Individual, Small Group and Group: CCS shall be selected and provided based on the interests of the person and Desired Outcomes listed in the ISP. Requirements include:<br>1. Conducting community-based situational assessments that include exposure to new experiences, discovery activities or other person-centered assessments. The assessment will be used to guide the IDT's planning for exposure to new community-based activities, overcoming barriers to employment and integrating clinical information, assistive technology, behavioral and therapy supports as necessary for the person to be successful in development of their meaningful day and employment. | | | |

| Tag # LS25 Residential Health & Safety (Supported Living / Family Living / Intensive Medical Living) | Standard Level Deficiency | | |
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| Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 10 Living Care Arrangement (LCA): 10.3.7 Requirements for Each Residence (SL, FL, IMLS):** Provider Agencies must assure that each residence is clean, safe, and comfortable, and each residence accommodates individual daily living, social and leisure activities. In addition, the Provider Agency must ensure the residence:<br>1. has basic utilities, i.e., gas, power, water, telephone, and internet access;<br>2. promotes a safe environment free of any abuse, neglect, and exploitation;<br>3. supports telehealth, and/ or family/friend contact on various platforms or using various devices;<br>4. has a battery operated or electric smoke detectors or a sprinkler system, carbon monoxide detectors, and fire extinguisher;<br>5. has a general-purpose first aid kit;<br>6. has accessible written documentation of evacuation drills occurring at least three times a year overall, one time a year for each shift;<br>7. has water temperature that does not exceed a safe temperature (1100 F). Anyone with a history of being unsafe in or around water while bathing, grooming, etc. or with a history of at least one scalding incident will have a regulated temperature control valve or device installed in the home;<br>8. has safe storage of all medications with dispensing instructions for each person that are consistent with the Assistance with Medication (AWMD) training or each person's ISP;<br>9. has an emergency placement plan for relocation of people in the event of an emergency evacuation that makes the residence unsuitable for occupancy; | Based on observation, the Agency did not ensure that each individuals' residence met all requirements within the standard for 18 of 23 Living Care Arrangement residences.<br><br>Review of the residential records and observation of the residence revealed the following items were not found, not functioning or incomplete:<br><br>**Supported Living Requirements:**<br>• Poison Control Phone Number (#13, 26)<br><br>• Water temperature in home exceeds safe temperature ($110^0$ F):<br>  • Water temperature in home measured $115.3^0$ F (#1, 5)<br>  • Water temperature in home measured $112^0$ F (#3)<br>  • Water temperature in home measured $114.4^0$ F (#13, 26)<br>  • Water temperature in home measured $122^0$ F (#14)<br>  • Water temperature in home measured $122.9^0$ F (#17)<br><br>*Note: The following Individuals share a residence:*<br>• #13, 26<br><br>**Family Living Requirements:**<br>• Water temperature in home exceeds safe temperature ($110^0$ F):<br>  • Water temperature in home measured $117.1^0$ F (#2) | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: → | |

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| 10. has emergency evacuation procedures that address, but are not limited to, fire, chemical and/or hazardous waste spills, and flooding;<br>11. supports environmental modifications, remote personal support technology (RPST), and assistive technology devices, including modifications to the bathroom (i.e., shower chairs, grab bars, walk in shower, raised toilets, etc.) based on the unique needs of the individual in consultation with the IDT;<br>12. has or arranges for necessary equipment for bathing and transfers to support health and safety with consultation from therapists as needed;<br>13. has the phone number for poison control within line of site of the telephone;<br>14. has general household appliances, and kitchen and dining utensils;<br>15. has proper food storage and cleaning supplies;<br>16. has adequate food for three meals a day and individual preferences;<br>17. has at least two bathrooms for residences with more than two residents;<br>18. training in and assistance with community integration that include access to and participation in preferred activities to include providing or arranging for transportation needs or training to access public transportation; and<br>19. has Personal Protective Equipment available, when needed.<br><br>**Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records.<br>3. Provider Agencies must have readily accessible records in home and community settings in paper or electronic form. Secure access to electronic records through the Therap web-based system using computers or mobile devices are acceptable. | • Water temperature in home measured $121^0$ F (#4)<br>• Water temperature in home measured $142.5^0$ F (#7)<br>• Water temperature in home measured $145^0$ F (#9)<br>• Water temperature in home measured $133.2^0$ F (#10)<br>• Water temperature in home measured $114.8^0$ F (#11)<br>• Water temperature in home measured $124.7^0$ F (#21)<br>• Water temperature in home measured $121.5^0$ F (#22)<br>• Water temperature in home measured $113^0$ F (#29)<br>• Water temperature in home measured $142.1^0$ F (#32)<br>• Water temperature in home measured $137.3^0$ F (#36)<br><br>• Electronics records system (e.g. Therap): DSP did not have access to the residential records (#21, 32) | | |

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| **20.3 Record Access for Direct Support Professional (DSP) during Service Delivery:** DSP must have access to records, plans, and forms needed to adequately provide and document the type of service and specific scope of service being provided at the time. | | | |

| Standard of Care | Deficiencies | Agency Plan of Correction, On-going QA/QI and Responsible Party | Completion Date |
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| ***Service Domain: Medicaid Billing/Reimbursement –*** *State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver.* | | | |
| **Tag # IS25 Community Integrated Employment Services** | **Standard Level Deficiency** | | |
| **NMAC 8.302.2**<br><br>Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 21: Billing Requirements; 23.1 Recording Keeping and Documentation Requirements:**<br>DD Waiver Provider Agencies must maintain all records necessary to demonstrate proper provision of services for Medicaid billing. At a minimum, Provider Agencies must adhere to the following:<br>1. The level and type of service provided must be supported in the ISP and have an approved budget prior to service delivery and billing.<br>2. Comprehensive documentation of direct service delivery must include, at a minimum:<br>a. the agency name;<br>b. the name of the recipient of the service;<br>c. the location of the service;<br>d. the date of the service;<br>e. the type of service;<br>f. the start and end times of the service;<br>g. the signature and title of each staff member who documents their time; and<br>3. Details of the services provided. A Provider Agency that receives payment for treatment, services, or goods must retain all medical and business records for a period of at least six years from the last payment date, until ongoing audits are settled, or until involvement of the state Attorney General is completed regarding settlement of any claim, whichever is longer…<br><br>**21.4 Electronic Visit Verification:**<br>Section 12006(a) of the 21st Century Cures Act (the Cures Act) requires that states implement Electronic Visit Verification (EVV) | Based on record review, the Agency did not provide written or electronic documentation as evidence for each unit billed for Community Integrated Employment Services for 1 of 8 individuals<br><br>Individual #25<br>November 2023<br>• The Agency billed 2.75 units of Community Integrated Employment Services (T2013 HB U2) on 11/1/2023. Documentation received accounted for 0 units.<br><br>• The Agency billed 2.75 units of Community Integrated Employment Services (T2013 HB U2) on 11/8/2023. Documentation received accounted for 0 units.<br><br>• The Agency billed 3 units of Community Integrated Employment Services (T2013 HB U2) on 11/15/2023. Documentation received accounted for 0 units.<br><br>December 2023<br>• The Agency billed 2.5 units of Community Integrated Employment Services (T2013 HB U2) on 12/4/2023. Documentation received accounted for 0 units.<br><br>• The Agency billed 2.75 units of Community Integrated Employment Services (T2013 HB U2) on 12/7/2023. Documentation received accounted for 0 units.<br><br>• The Agency billed 3.5 units of Community Integrated Employment Services (T2013 | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)***:** →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)***:** → | |

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| for all Medicaid services under the umbrella of personal care and home health care that require an in-home visit by a provider.<br>The EVV system verifies the:<br>a. **Type** of service performed.<br>b. **Individual receiving** the service.<br>c. **Date** of service.<br>d. **Location** of service delivery.<br>e. **Individual providing** the service.<br>f. **Time** the service begins and ends.<br><br>**21.7 Billable Activities**:<br>Specific billable activities are defined in the scope of work and service requirements for each DD Waiver service. In addition, any billable activity must also be consistent with the person's approved ISP.<br><br>**21.9 Billable Units**: The unit of billing depends on the service type. The unit may be a 15-minute interval, a daily unit, a monthly unit, or a dollar amount. The unit of billing is identified in the current DD Waiver Rate Table. Provider Agencies must correctly report service units.<br><br>**21.9.1 Requirements for Daily Units:** For services billed in daily units, Provider Agencies must adhere to the following:<br>1. A day is considered 24 hours from midnight to midnight.<br>2. If 12 or fewer hours of service are provided, then one-half unit shall be billed. A whole unit can be billed if more than 12 hours of service is provided during a 24-hour period.<br>3. The maximum allowable billable units cannot exceed 340 calendar days per ISP year or 170 calendar days per six months.<br><br>**21.9.2 Requirements for Monthly Units:** For services billed in monthly units, a Provider Agency must adhere to the following:<br>1. A month is considered a period of 30 calendar days. | HB U2) on 12/8/2023. Documentation received accounted for 0 units.<br><br>• The Agency billed 3 units of Community Integrated Employment Services (T2013 HB U2) on 12/11/2023. Documentation received accounted for 0 units.<br><br>• The Agency billed 3.75 units of Community Integrated Employment Services (T2013 HB U2) on 12/12/2023. Documentation received accounted for 0 units.<br><br>• The Agency billed 3.25 units of Community Integrated Employment Services (T2013 HB U2) on 12/13/2023. Documentation received accounted for 0 units.<br><br>• The Agency billed 3 units of Community Integrated Employment Services (T2013 HB U2) on 12/14/2023. Documentation received accounted for 0 units.<br><br>• The Agency billed 3 units of Community Integrated Employment Services (T2013 HB U2) on 12/21/2023. Documentation received accounted for 0 units.<br><br>• The Agency billed 3 units of Community Integrated Employment Services (T2013 HB U2) on 12/22/2023. Documentation received accounted for 0 units.<br><br>• The Agency billed 2 units of Community Integrated Employment Services (T2013 HB U2) on 12/26/2023. Documentation received accounted for 0 units.<br><br>• The Agency billed 1 units of Community Integrated Employment Services (T2013 HB U2) on 12/27/2023. Documentation received accounted for 0 units. | | |

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| 2. Face-to-face billable services shall be provided during a month where any portion of a monthly unit is billed.<br>3. Monthly units can be prorated by a half unit.<br><br>**21.9.4 Requirements for 15-minute and hourly units:** For services billed in 15-minute or hourly intervals, Provider Agencies must adhere to the following:<br>1. When time spent providing the service is not exactly 15 minutes or one hour, Provider Agencies are responsible for reporting time correctly following NMAC 8.302.2.<br>2. Services that last in their entirety less than eight minutes cannot be billed. | • The Agency billed 3 units of Community Integrated Employment Services (T2013 HB U2) on 12/28/2023. Documentation received accounted for 0 units.<br><br>• The Agency billed 1.75 units of Community Integrated Employment Services (T2013 HB U2) on 12/29/2023. Documentation received accounted for 0 units.<br><br>January 2024<br>• The Agency billed 2 units of Community Integrated Employment Services (T2013 HB U2) on 1/2/2024. Documentation received accounted for 0 units.<br><br>• The Agency billed 2.25 units of Community Integrated Employment Services (T2013 HB U2) on 1/5/2024. Documentation received accounted for 0 units.<br><br>• The Agency billed 2.75 units of Community Integrated Employment Services (T2013 HB U2) on 1/8/2024. Documentation received accounted for 0 units.<br><br>• The Agency billed 2 units of Community Integrated Employment Services (T2013 HB U2) on 1/11/2024. Documentation received accounted for 0 units.<br><br>• The Agency billed 3 units of Community Integrated Employment Services (T2013 HB U2) on 1/12/2024. Documentation received accounted for 0 units.<br><br>*Note: Intensive Community Integrated Employment is designed to provide services for people who are working in an individual, community integrated employment setting and require more than 40 hours of staff supports per month to maintain their employment. The agency did not provide evidence that the* | | |

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| | *individual needed more than 40 hours of staff support.* | | |

| Tag #IH32 Customized In-Home Supports Reimbursement | Standard Level Deficiency | | |
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| **NMAC 8.302.2**<br><br>Developmental Disabilities Waiver Service Standards Eff 11/1/2023 rev. 12/2023<br>**Chapter 21: Billing Requirements; 23.1 Recording Keeping and Documentation Requirements:**<br>DD Waiver Provider Agencies must maintain all records necessary to demonstrate proper provision of services for Medicaid billing. At a minimum, Provider Agencies must adhere to the following:<br>1. The level and type of service provided must be supported in the ISP and have an approved budget prior to service delivery and billing.<br>2. Comprehensive documentation of direct service delivery must include, at a minimum:<br>a. the agency name;<br>b. the name of the recipient of the service;<br>c. the location of the service;<br>d. the date of the service;<br>e. the type of service;<br>f. the start and end times of the service;<br>g. the signature and title of each staff member who documents their time; and<br>3. Details of the services provided. A Provider Agency that receives payment for treatment, services, or goods must retain all medical and business records for a period of at least six years from the last payment date, until ongoing audits are settled, or until involvement of the state Attorney General is completed regarding settlement of any claim, whichever is longer…<br><br>**21.4 Electronic Visit Verification:**<br>Section 12006(a) of the 21st Century Cures Act (the Cures Act) requires that states implement Electronic Visit Verification (EVV) for all Medicaid services under the umbrella of personal care and home health care that require an in-home visit by a provider.<br>The EVV system verifies the: | Based on record review, the Agency did not provide written or electronic documentation as evidence for each unit billed for Intensive Medical Living Services for 1 of 11 individuals.<br><br>Individual #33<br>January 2024<br>• The Agency billed 5 units of Customized In-Home Supports (S5125 HB UA) on 1/5/2024. Documentation did not contain the required element(s) on 1/5/2024. Documentation received accounted for 0 units. The required element was not met:<br>• A description of what occurred during the encounter or service interval | **Provider:**<br>**State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: →<br><br>**Provider:**<br>**Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: → | |

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| a. **Type** of service performed.<br>b. **Individual receiving** the service.<br>c. **Date** of service.<br>d. **Location** of service delivery.<br>e. **Individual providing** the service.<br>f. **Time** the service begins and ends.<br><br>**21.7 Billable Activities**:<br>Specific billable activities are defined in the scope of work and service requirements for each DD Waiver service. In addition, any billable activity must also be consistent with the person's approved ISP.<br><br>**21.9 Billable Units**: The unit of billing depends on the service type. The unit may be a 15-minute interval, a daily unit, a monthly unit, or a dollar amount. The unit of billing is identified in the current DD Waiver Rate Table. Provider Agencies must correctly report service units.<br><br>**21.9.1 Requirements for Daily Units:** For services billed in daily units, Provider Agencies must adhere to the following:<br>1. A day is considered 24 hours from midnight to midnight.<br>2. If 12 or fewer hours of service are provided, then one-half unit shall be billed. A whole unit can be billed if more than 12 hours of service is provided during a 24-hour period.<br>3. The maximum allowable billable units cannot exceed 340 calendar days per ISP year or 170 calendar days per six months.<br><br>**21.9.2 Requirements for Monthly Units:** For services billed in monthly units, a Provider Agency must adhere to the following:<br>1. A month is considered a period of 30 calendar days.<br>2. Face-to-face billable services shall be provided during a month where any portion of a monthly unit is billed.<br>3. Monthly units can be prorated by a half unit. | | | |

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| **21.9.4 Requirements for 15-minute and hourly units:** For services billed in 15-minute or hourly intervals, Provider Agencies must adhere to the following:<br>1. When time spent providing the service is not exactly 15 minutes or one hour, Provider Agencies are responsible for reporting time correctly following NMAC 8.302.2.<br>2. Services that last in their entirety less than eight minutes cannot be billed. | | | |

NEW MEXICO
Department of Health
Division of Health Improvement

MICHELLE LUJAN GRISHAM
Governor

PATRICK M. ALLEN
Cabinet Secretary

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| Date: | June 4, 2024 |
| To: | Michelle Harmon, Clinical Services Director |
| Provider: | ARCA |
| Address: | 11300 Lomas Blvd |
| State/Zip: | Albuquerque, New Mexico 87112 |
| E-mail Address: | mharmon@arcaspirit.org |
| CC: | Edward Kaul, CEO / President |
| E-mail Address: | Ekaul@arcaspirit.org |
| Region: | Metro |
| Survey Date: | February 26 – March 7, 2024 |
| Program Surveyed: | Developmental Disabilities Waiver |
| Service Surveyed: | Supported Living, Family Living, Customized In-Home Supports, Customized Community Supports, and Community Integrated Employment Services |
| Survey Type: | Routine |

Dear Ms. Harmon:

The Division of Health Improvement/Quality Management Bureau has received, reviewed and approved the supporting documents you submitted for your Plan of Correction. The documents you provided verified that all previously cited survey Deficiencies have been corrected.

**The Plan of Correction process is now complete.**

**Furthermore, your agency is now determined to be in Compliance with all Conditions of Participation.**

To maintain ongoing compliance with standards and regulations, continue to use the Quality Assurance (self-auditing) processes you described in your Plan of Correction.

Consistent use of these Quality Assurance processes will enable you to identify and promptly respond to problems, enhance your service delivery, and result in fewer deficiencies cited in future QMB surveys.

Thank you for your cooperation with the Plan of Correction process, for striving to come into compliance with standards and regulations, and for helping to provide the health, safety and personal growth of the people you serve.

Sincerely,

Marie Passaglia, BA

Marie Passaglia, BA
Healthcare Surveyor Advanced/Plan of Correction Coordinator
Quality Management Bureau/DHI

Q.24.3.DDW.D0085.5.RTN.09.24.156