



COMMONWEALTH of VIRGINIA

CHERYL ROBERTS
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Department of Medical Assistance Services

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December 9, 2022

Jennie Reynolds, President
Anthem HealthKeepers Plus
2015 Staples Mill Rd
Richmond, VA 23230

Re: Commonwealth Coordinated Care Plus (CCC Plus) – Corrective Action Plan (CAP) –
Inappropriate Waiver Enrollment-Level of Care Entry – Case ID # 20647

Dear Ms. Reynolds:

Department of Medical Assistance Services (DMAS) continually monitors the Commonwealth Coordinated Care Plus (CCC Plus) contractual compliance to ensure the plan's accurate and appropriate entry of Long-Term Services and Supports (LTSS) into the DMAS web portal. The CCC Plus Contract Section 4.7.1 Long-Term Services and Supports Screening Requirements states, "Individuals should not be approved to receive Medicaid funded Long-Term Services and Supports without having a screening on file that confirms the individual meets NF level of care."

Additionally, 12VAC30-60-302 states, "Access to Medicaid-funded long-term services and supports states, A. Medicaid-funded long-term services and supports (LTSS) may be provided in home, community or institutional based settings. To receive LTSS, the individual's condition shall first be evaluated using the designated assessment instrument, the Uniform Assessment Instrument (UAI), and other DMAS-designated forms. Screening entities shall also use the DMAS-designated forms (DMAS-95, DMAS-96, DMAS-97), if selecting nursing facility placement, the DMAS-95 Level I (MI/IDD/RC), as appropriate, the DMAS-108, and the DMAS-109. If indicated by the DMAS-95 Level I results, the individual shall be referred to DBHDS for completion of the DMAS-95 Level II (for nursing facility placements only). 1. An individual's need for LTSS shall meet the established criteria ([12VAC30-60-303](#)) before any authorization for reimbursement by Medicaid or its designee is made for LTSS."

On October 26, 2022, Anthem requested DMAS to add a waiver line with an October 5, 2022, begin date due to a portal error message prohibiting Anthem from completing the action for this member. Upon review, DMAS did not find a valid screening in place to

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support the original waiver entry by Anthem on March 28, 2022. A valid screening from December 10, 2021 supported a Skilled Nursing Facility (SNF) stay from December 10, 2021 to December 30, 2021. However, a break in LTSS services followed for 3 months requiring a new screening for any future waiver services. The most recent screening was completed on June 2, 2022 and did not meet NF/waiver criteria. DMAS has provided training and guidance to all CCC Plus MCOs related to LTSS screening requirements, including time frames for screenings to be valid after LTSS services have been implemented. This includes care coordinator trainings held by Ramona Schaeffer, Supervisor in DMAS' Screening Unit and a presentation given by Elizabeth Smith, RN to MCO leadership on March 25, 2022.

On November 15, 2022 DMAS found that Anthem entered an August 6, 2021 NF admission line on December 20, 2022 without (a) a valid screening in place and (b) during Fee For Service dates of service, since the member did not enroll into CCC Plus (Anthem) until September 1, 2021. Section 4.79 – LTC Portal Entry Process states “the contractor shall not enter these changes into the Portal for dates of service when the member was receiving Medicaid Fee-For-Service or was enrolled with a different health plan.”

Inappropriate enrollments into the CCC Plus waiver have significant downstream effects. As part of the Federal 1915(c) Waiver application, DMAS has assured the Center for Medicare and Medicaid Services (CMS) that all individuals (100%) enrolled in the CCC Plus Waiver have a valid screening prior to admission to the Waiver. This could be a potential finding in a future CMS audit resulting in a retraction of the LTSS expenditures, including the LTSS capitation payment.

Due to the serious nature of members being enrolled in LTSS services without a valid screening, Anthem shall submit a Corrective Action Plan (CAP) to DMAS for approval no later than 30 calendar days from the date of this letter. Please include a detailed plan for your internal monitoring of compliance with these requirements and strategies to ensure LTSS entries into the DMAS portal meet all requirements. Anthem will need to identify the root cause(s) for the lack of compliance and develop a practicable project plan to ensure contractual compliance is met, monitored, and maintained. A weekly update to this project plan to DMAS is required to document ongoing progress. Failure to comply with the approved CAP will result in additional sanctions.

Anthem will be issued 10 points pursuant to Section 18.0 of the CCC Plus Contract. Assessment of these points are pending.

If you have additional information and/or documentation that will affect this determination, please provide this information to Jason A. Rachel, Ph.D., Division Director, by close of business December 26, 2022 (“Comment Period”). Point violations will be finalized upon the expiration of the Comment Period. After this time, no additional communication will be provided by DMAS regarding the point issuance.

If you have any questions regarding these concerns, contract standards or CAP requirements, please contact ccpluscompliance@dmas.virginia.gov. Please sign, date and return acknowledging receipt to ccpluscompliance@dmas.virginia.gov.

Sincerely,



Jason A. Rachel, Ph.D.
Director, Division of Integrated Care

cc: Elizabeth Smith, RN

Exhibit 1 – Anthem – 2022 Point Schedule

| <u>MCO</u> | <u>Area(s) of Violation</u> | <u>Previous Balance</u> | <u>Point(s) Expired</u> | <u>Point(s) Incurred</u> | <u>Current Balance</u> | <u>Sanctions pursuant to 18.2.2</u> |
|-------------------|---|--------------------------------|--------------------------------|---------------------------------|-------------------------------|--|
| Anthem | <u>4.7.3.3</u> <u>5.3.4.8</u> <u>18.2.3.2</u> | 5 | 0 | 10 | 15 | \$15,000 |

18.1.2 Escalating Compliance Enforcement Points Violations

Ten (10) Point Violations:

6) Failure to implement or comply with a CAP as required by Section 18.2.3, Corrective Action Plans.

Acknowledge agreement via signature below to address the issues related to inappropriate waiver enrollment-Case ID #20647.

Jennie Reynolds/Date