

Performance Sanctions and Penalties

As in the incentive section, the first part of this section describes penalties associated with state outcome measures, to insure alignment with expectations in other areas. The second part of this section relates to locally determined measures.

1. Acute services: Adults

In consultation with NTBHA, DSHS will calculate performance twice per contract period at the end of each SFY.

(Measures percentage of enrollees with an authorized Mental Health Level of Care who received acute services relative to all enrollees with a LOCA. Acute services include ER, 23 hour observation and inpatient services.)

Assess penalty if percentage exceeds the performance standard.

Annual Performance Standard	Penalty
>1.2% of adult enrollees in RDM service package 1 receive an acute service within the month	\$5,000
>2.1% of adult enrollees in RDM service package 2 receive an acute service within the month	\$5,000
>3.1% of adult enrollees in RDM service package 3 receive an acute service within the month	\$5,000
>6.1% of adult enrollees in RDM service package 4 receive an acute service within the month	\$5,000

2. Acute services: Child and Adolescent

In consultation with NTBHA, DSHS will calculate performance twice per contract period at the end of each SFY.

(Measures percentage of enrollees with an authorized Mental Health Level of Care who received acute services relative to all enrollees with a LOCA. Acute services include ER, 23 hour observation and inpatient services.)

Assess penalty if percentage exceeds the performance standard.

Annual Performance Standard	Penalty
>0.5% of child/adolescent enrollees in RDM service package 1.1 receive an acute service within the month	\$5,000
>1.8% of child/adolescent enrollees in RDM service package 1.2 receive an acute service within the month	\$5,000
>2.8% of child/adolescent enrollees in RDM service package 2.2 receive an acute service within the month	\$5,000
>6.7% of child/adolescent enrollees in RDM service package 2.3 receive an acute service within the month	\$5,000
>4.6% of child/adolescent enrollees in RDM service package 2.4 receive an acute service within the month	\$5,000
>0.5% of child/adolescent enrollees in RDM service package 4 receive an acute service within the month	\$5,000

3. Hospital Readmission Rates

In consultation with NTBHA, DSHS will calculate performance twice per contract period at the end of each SFY.

(Measures percentage of enrollees who are readmitted to a psychiatric hospital after discharge from psychiatric hospital.)

Assess penalty if percentage exceeds the performance standard.

Annual Performance Standard	Penalty
>11.1% of enrollees readmit to a state or community based hospital within 30 days	\$20,000
>31.6% of enrollees readmit to a state or community based hospital within 1 year	\$20,000

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4. Acute service spending

In consultation with NTBHA, DSHS will calculate performance twice per contract period at the end of each SFY.

(Measures claims dollars paid by ValueOptions for acute services for clients in full service packages. This includes services and medication claims. Acute services include emergency room, 23 hour observation and inpatient services. Data do not include payments made to providers that do not file claims.)

Assess penalty if percentage exceeds the performance standard.

Annual Performance Standard	Penalty
>21.5% of all spending on acute services for adult clients in a full service package	\$10,000
>16.25% of all spending on acute services for child or adolescent clients in a full service package	\$10,000

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5. SUD length of stay

In consultation with NTBHA, DSHS will calculate performance twice per contract period at the end of each SFY.

(Measures how long individuals stay engaged in treatment, without a break in treatment, which is defined as 15 days without a claim paid.)

Assess penalty if percentage below the performance standard.

Annual Performance Standard	Penalty
<5.1% of enrollees in Substance Use Disorder treatment have continuous treatment of at least 90 days	\$30,000

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6. Telephone service and queries

In consultation with NTBHA, DSHS will calculate performance each quarter of each SFY.

Assess penalty if percentage exceeds the performance standard.

Monthly Performance Standard	Penalty
Monthly average telephone abandonment rates are >5% for any month for each of the following departments: After Hours, Clinical and Customer Service	\$5,000
Telephone callers reach a non-recorded voice after more than 30 seconds on average for any month for each of the following departments: After Hours, Clinical and Customer Service	\$5,000

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7. Access to Care

In consultation with NTBHA, DSHS will calculate performance at the end of each SFY.

(Contractor paid encounters will be analyzed for this measure.)

Assess penalty if percentage below the performance standard.

Annual Performance Standard	Penalty
<38% of enrollees receive community services within 7 days of Community Hospital discharge	\$10,000
<58% of enrollees receive community services within 30 days of Community Hospital discharge	\$10,000
<24% of enrollees receive community services within 7 days of ER discharge	\$10,000
<28% of enrollees receive community services within 7 days of 23 hour observation discharge	\$10,000
<14% of enrollees follow up with prescriber within 7 days of State Hospital discharge	\$15,000
<10% of enrollees follow up with prescriber within 7 days of Community Hospital discharge	\$15,000

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8. State and Federal Damages, Penalties and Sanctions

DSHS may recommend to CMS that sanctions be imposed against Contractor for violations specified in 42 CFR §438.700(b)-(d). In consultation with NTBHA, DSHS may also impose intermediate sanctions against Contractor as specified in 42 CFR §438.702. Before imposing any of the intermediate sanctions, DSHS will follow the due process and notice requirements in 42 CFR §438.710.

In consultation with NTBHA, DSHS may impose civil money penalties in the amounts specified in 42 CFR §438.704, in addition to or in place of withholding payments under §15.4 of this Contract.

DSHS may impose sanctions and administrative penalties for Contractor’s default under this Contract.

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9. Withholding Payments

DSHS may withhold payments to Contractor until any defaults are cured. The payments withheld will be sufficient to compensate DSHS for the level of effort necessary to resolve the default.

If DSHS has provided or paid for a requested service pending an appeal to DSHS by Contractor, including a request for a Fair Hearing, and DSHS’s determination is adverse to the Contractor, DSHS will withhold the entire amount DSHS paid for the service.

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10. Failure to Approve Medically Necessary Services

A provider must complete the contractor’s appeal process and the provider must send an appeal to DSHS. If DSHS determines that Contractor failed to authorize or deny a medically necessary covered service to an Enrollee or to pay a provider for a medically necessary covered service, DSHS shall order Contractor to approve the service or pay the provider and may impose liquidated damages totaling 45% of the total allowed amount for the covered services.

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11. Clean Claims not Paid Within 30 Days

Assess penalty if percentage exceeds the performance standard.

Quarterly Performance Standard	Penalty
>= 2% of clean claims are not paid in 30 days	\$2,000
>= 5% of clean claims are not paid in 30 days	\$5,000
>= 10% of clean claims are not paid in 30 days	\$10,000

In consultation with NTBHA, DSHS will calculate Contractor’s performance after the first due date after the close of the quarter or when additional information for the quarter is available. The calculation will be based on clean claims not paid in 30 days divided by clean claims records that are not denied. Contractor must pay for assessments within 30 days of notification. Failure to do so may result in withholding of payments to Contractor. If any liquidated damages are assessed, a Contractor must also submit a corrective action plan.

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12. Data Reporting Penalties

In consultation with NTBHA, DSHS may assess Contractor liquidated damages for Contractor’s failure to submit data, information, or report by the due date, with the information, and in the format, required by this Contract, unless such failure is directly attributable to DSHS’s failure to perform a Contract requirement.

If Contractor’s failure to submit the data, information, or report required by this Contract is directly attributable to DSHS’s failure to perform a Contract requirement, DSHS will remedy such failure and DSHS will extend the due date for a reasonable amount of time following the remedy to allow Contractor to submit the data, information or report.

In consultation with NTBHA, DSHS may change data reporting standards, with three months notice being given to Contractor.

- a) Timely submission of data (includes service encounter, prescription, and uniform assessment data as well as a service code-level report) as required by the Contract:

Monthly Performance Standard	Penalty
Failure to deliver electronic feed by due date, first occurrence	\$2,000
Failure to deliver electronic feed by due date, second occurrence	\$5,000
Failure to deliver electronic feed by due date, third and each subsequent occurrence	\$10,000

Meeting the performance standard subsequent to an assessment of liquidated damages resets the occurrence counter one month. Contractor cannot collect credit for future performance standards. If liquidated damages are

assessed for a second occurrence, Contractor must also submit a corrective action plan within DSHS prescribed timeline.

b) Failure to meet encounter data correction thresholds:

Monthly Performance Standard	Penalty
Failure to correct 90% of all erred records within 30 days of receipt of the error file	\$1,000
Failure to correct 98% of all erred records within 60 days of receipt of the error file	\$5,000

c) Regularly scheduled and special reports:

Contractor may be assessed \$100 per day for each day a report required in this Contract is not delivered by the deadline. Reports scheduled to be due on a weekend or holiday are due the next business day. Contractor may be assessed \$500 per day for each day reports that are required in this Contract for state or federal reporting are not delivered by the deadline, if such delay causes DSHS to fail to meet its state or federal reporting deadline or requires additional DSHS staff effort to meet the deadline.

In consultation with NTBHA, DSHS may extend data and report due dates for cause. DSHS will not assess damages when DSHS is directly responsible for Contractor's failure to meet a deadline.

If, after consultation with NTBHA, DSHS requires that Contractor submit a special report to DSHS related to quality improvement or quality of care, issues, DSHS may assess damages as specified in this section for failure to timely deliver the reports..

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13. Satisfaction Surveys

A satisfaction survey will be prepared by DSHS in consultation with Contractor and NTBHA. The survey will be administered by Contractor and stakeholders and will be based on the previously administered surveys to ensure the data may be compared.

In consultation with NTBHA, DSHS will determine performance at the end of each SFY.

Assess penalty if percentage from survey falls below the performance standard.

Annual Performance Standard	Penalty
<78% of subjects are satisfied or very satisfied with services at the clinic	\$5,000
<76% of subjects coping with symptoms better or much better	\$5,000

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14. RDM measures

In consultation with NTBHA, DSHS will calculate performance, subject to review by NTBHA, at the end of each SFY.

Measures scores on specific data elements on the RDM uniform assessment. The current scores are compared to the scores of the previous year for each identified client in a RDM level of care.

Employment

Acceptable: Score of 1 on latest and first assessments

Improving: Score on latest assessment < score on first assessment

Housing

Acceptable: Score of 1 on latest and first assessments

Improving: Score on latest assessment < score on first assessment

School Attendance

Improving: Score on latest assessment < score on first assessment and first assessment score > 2)

Assess penalty if percentage below the performance standard.

Annual Performance Standard	Penalty
<73% of RDM Adult Enrollees with acceptable or improved employment	\$10,000
<51% of RDM Adult Enrollees with acceptable or improved housing	\$10,000
<56% of RDM Child or Adolescent enrollees with improved school attendance	\$10,000