



STATE OF WASHINGTON
HEALTH CARE AUTHORITY

626 8th Avenue, SE • P.O. Box 45502 • Olympia, Washington 98504-5502

May 23, 2018

Jeff Flesner
Acting Superintendent
Rainier School Program Area Team C
Developmental Disabilities Administration
Department of Social and Health Services
P.O. Box 600
Buckley, WA 98321

Dear Administrator:

**SUBJECT: Medicaid Decertification Notice – Termination Process & Appeal Rights
Rainier School Program Area Team C – Buckley, Washington**

As the single state Medicaid agency, the Washington State Health Care Authority (HCA) hereby decertifies Rainier School Program Area Team (PAT) C facility in Buckley, Washington, from the Medicaid program based on recommendation(s) from the State Survey Agency, Washington State Department of Social and Health Services (DSHS), Residential Care Services (RCS) division.

It has been determined Rainier School PAT C has been non-compliant with Intermediate Care Facility/Individuals with Intellectual Disabilities (ICF/IID) conditions of participation, since March 3, 2017. Please see Title 42 Public Health, Code of Federal Regulations (CFR) § 483.400- 483.480 and 498.3(b)(9), regarding conditions of participation for intermediate care facilities for individuals with intellectual disabilities or persons with related conditions.

Decertification takes effect May 6, 2018. Termination process and appeal rights are outlined in this letter.

Background

On March 3, 2017, a team from RCS surveyed Rainier School PAT C to recertify compliance with Medicaid conditions of participation. RCS found Rainier School PAT C was not meeting the conditions of participation for Client Protections. 42 CFR 483.420(a), W122, and Active Treatment 42 CFR 483.440, W195.

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In a May 19, 2017 letter, RCS notified Rainier School PAT C that it was imposing a denial of payment for new admissions in accordance with 42 CFR § 442.119. The denial of payment for new admissions was effective June 5, 2017, and expired on May 5, 2018.

On December 1, 2017, RCS cited Rainier PAT C with an Immediate Jeopardy related to inadequate facility staffing levels. Immediate Jeopardy is interpreted as a crisis situation in which the health and safety of individual(s) are at risk. Primary goals of Immediate Jeopardy guidelines are to prevent serious injury, harm, impairment, or death.

On March 5, 2018, RCS cited Rainier PAT C with an Immediate Jeopardy when the facility failed to have a system in place to ensure appropriate follow up medical care for clients returning from community medical providers, putting clients at risk of harm, and may have potentially contributed to client death.

RCS completed a full survey on April 20, 2018, and determined that Rainier School PAT C did not return to compliance during the 11-month denial of payment for new admissions time-period of June 5, 2017 to May 5, 2018.

Based on these findings and the inability of Rainier School PAT C to return to compliance before the denial of payment period ended, HCA is terminating Rainier School PAT C from the Medicaid program pursuant to 42 CFR § 442.119. *Please see the enclosed documents for details related the survey and its findings.*

Application for Readmission Following Cancellation

Reinstatement to the Medicaid program requires Rainier School PAT C to demonstrate compliance sufficient for HCA to be reasonably assured that it can maintain substantial compliance for at least sixty (60) consecutive calendar days. Compliance with the applicable participation requirements at 42 CFR Part 483 will be verified through surveys conducted at the beginning and end of the reasonable assurance period.

For reinstatement to the Medicaid program, Rainier School PAT C must also demonstrate its compliance with all pertinent requirements of Title XIX of the Social Security Act. 42 CFR Part 483, Subpart I (Conditions of Participation for ICF/IID).

Rainier School PAT C must establish that it has fulfilled, or made satisfactory arrangements to fulfill, all of the statutory and regulatory responsibilities of the previous provider agreement (including resolution of all outstanding financial obligations due the Medicaid program). 42 CFR § 489.57(b).

Assuming substantial compliance with participation requirements is documented at the beginning and end of the reasonable assurance period, and assuming all other federal requirements are met, Medicaid certification and reimbursement will begin following the conclusion of the reasonable assurance period in accordance with the terms of 42 CFR § 489.13.

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Appeal Rights

Rainer School PAT C may appeal this decision within **sixty (60) calendar days** from the date of receiving this notice by sending an appeal (a hearing request) to the address noted below in a manner that provides proof of receipt. The appeal must be in writing and specify the nature and basis of the disagreement with this action. 42 CFR § 431.153(e).

The appeal should indicate whether Rainer School PAT C requests an informal reconsideration that is available under 42 CFR § 431.153(e) and 42 CFR § 431.154. If an informal reconsideration is requested, the reconsideration process will occur prior to the full evidentiary hearing. The full evidentiary hearing will be completed either before, or within, 120 days of this action. 42 CFR § 431.153(e)(1)(i).

A hearing resulting from an appeal will be heard under Chapter 182-526 Washington Administrative Code, by an HCA Presiding Officer who is/was not involved in this action.

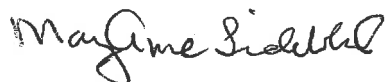
Your Medicaid agreement remains in effect until: (1) the period for requesting a hearing has expired or, (2) if you request a hearing, until a hearing decision is issued, unless HCA finds that permitting Rainier School P.A.T. C to continue participating in Medicaid during the pendency of an appeal would constitute immediate and serious threat to the health and safety of clients and the facility has been notified of its deficiencies and has failed to correct them. 42 C.F.R. § 498.5(j)(2).

Send appeal request to:

Trudi Glant
Supervising Staff Attorney
Office of Legal Affairs
Health Care Authority
P.O. Box 45504
Olympia, WA 98504-5504

If you need further assistance, please contact **Annette Schuffenhauer**, Chief Legal Officer, Division of Legal Services, by telephone at 360-725-1254 or via email at annette.schuffenhauer@hca.wa.gov.

Sincerely,



MaryAnne Lindeblad, BSN, MPH
Medicaid Director

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Enclosure(s): 1. Letter dated May 4, 2018, from Candace Goehring to MaryAnne Lindeblad
2. Letter dated May 3, 2018, from Gerald Heilinger to Jeff Flesner
3. Form dated April 20, 2018, CMS-2567 (02-99) Event KP0S13

By certified mail

Jeff Flesner, Acting Superintendent, Rainier School PAT C, DDA, DSHS

By email

cc: Susan Birch, Director, EXO, HCA
Annette Schuffenhauer, Chief Legal Officer, HCA
Amy Blondin, Assistant Director, COM, HCA
Trudi Glant, Supervising Staff Attorney, DLS, HCA
Angela Coats McCarthy, Assistant Attorney General
Steve Chickering, Associate Regional Administrator, S&C, Region 10, CMS
Julius Bunch, Certification & Enforcement Branch Manager, S&C, Region 10, CMS
Patrick Thrift, Survey Branch Manager, S&C, Region 10, CMS
Donald Clintsman, Chief of Staff, DSHS
Adolfo Capestany, Senior Director, SESA, DSHS
Bill Moss, Assistant Secretary, AL TSA, DSHS
Evelyn Perez, Assistant Secretary, DDA, DSHS
Candace Goehring, Director, RCS, DSHS
Loida Baniqued, Office Chief, HQ Operations, RCS, DSHS
Peter Graham, Chief, Office of Rates, MSD, DSHS
Linda Mendez, FA2, OFR, DSHS