



STATE OF WASHINGTON  
**HEALTH CARE AUTHORITY**

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

August 6, 2018

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

Dear Administrator:

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

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

It has been determined Rainier School PAT A has been non-compliant with federal Medicaid conditions of participation for Intermediate Care Facility/Individuals with Intellectual Disabilities (ICF/IID) since May 31, 2017. The conditions of participation are specified in federal regulations at 42 CFR §§483.400- 483.480.

**This termination takes effect as of July 11, 2018. The termination process and appeal rights are outlined in this letter.**

**Background**

On May 31, 2017, a team from RCS surveyed PAT A to determine if PAT A was in compliance with Medicaid conditions of participation. RCS found PAT A was not meeting the conditions of participation for Active Treatment required by 42 CFR §483.440 and for Facility Staffing required by 42 CFR §483.430.

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On August 11, 2017, RCS notified PAT A that it was imposing a denial of payment for new admissions in accordance with 42 CFR § 442.119. The denial of payment expired on July 11, 2018.

On June 29, 2018, RCS completed a post-recertification survey to determine compliance with federal participation requirements for PAT A and determined that PAT A was out of compliance with the following conditions of participation:

- W102 - Governing Body and Management (42 CFR §483.410);
- W158 - Facility Staffing (42 CFR §483.430); and
- W195 - Active Treatment Services (42 CFR §483.440).

See attached Statement of Deficiencies and letter to you dated July 13, 2018 from Gerald Heilinger, RCS Field Manager.

In a letter dated July 16, 2018, RCS recommended that HCA terminate PAT A from participation in the Medicaid program.

Based on these findings and the inability of PAT A to achieve compliance before the denial of payment period ended, HCA is terminating PAT A 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 Reinstatement**

Reinstatement to the Medicaid program requires PAT A to demonstrate compliance sufficient for HCA to be reasonably assured that PAT A can maintain substantial compliance for at least sixty (60) consecutive days.

Compliance with the applicable participation requirements at 42 CFR Part 483 will be verified by surveys conducted at the beginning and end of the reasonable assurance period.

PAT A must 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).

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.

### **Appeal Rights**

PAT A has the right to a full evidentiary hearing to appeal HCA's determination. 42 CFR 431.151(a)(2); 42 CFR 431.153(a).

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Any appeal must be filed within **sixty (60) calendar days** from the date that PAT A received this notice. 42 CFR 431.153(d). The appeal should be sent to the address noted below in a manner that provides proof of receipt. The appeal must be in writing and should specify the nature and basis of the disagreement with this action. 42 CFR § 431.153(e).

The appeal should indicate whether PAT A requests an informal reconsideration that is available under 42 CFR § 431.153(e)(1)(ii) 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 within 120 days of this action. 42 CFR § 431.153(e)(1)(i). The hearing will occur pursuant to chapter 182-526 of the Washington Administrative Code, and an HCA Officer who was not involved in this action will preside.

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 PAT A 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.

**Please file any appeal with:**

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](mailto:annette.schuffenhauer@hca.wa.gov).

Sincerely,



MaryAnne Lindeblad, BSN, MPH  
Medicaid Director

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Acting Superintendent  
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Enclosure(s): Letter dated July 16, 2018, from Candace Goehring to MaryAnne Lindeblad  
Letter dated July 13, 2018, from Gerald Heilinger to Jeff Flesner  
Form CMS-2567 (02-99) for event B2M312 dated June 29, 2018

By e-mail

cc: Sue Birch, Director, HCA  
Annette Schuffenhauer, Chief Legal Officer, HCA  
Amy Blondin, Assistant Director, COM, HCA  
Trudi Glant, Supervising Staff Attorney, DLS, HCA  
Bill Stephens, Senior Counsel, ATG  
Katy Hatfield, Assistant Attorney General, ATG  
Steve Chickering, CMS Regional Office, Region 10  
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, ALTSA, DSHS  
Evelyn Perez, Assistant Secretary, DDA, DSHS  
Candace Goehring, Director, RCS, DSHS  
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