

KANSAS MEDICAID STATE PLAN

Attachment 4.30

Page 1

Revision: HCFA-PM-92-4
August 1992

(HSQB)

State/Territory: Kansas

Citation

1902(y)(1),
1902(y)(2)(A),
and Section
1902(y)(3)
of the Act
(P.L. 101-508,
Section 4755(a)(2))

1902(y)(1)(A)
of the Act

1902(y)(1)(B)
of the Act

1902(y)(2)(A)
of the Act

Sanctions for Psychiatric Hospitals

(a) The State assures that the requirements of section 1902(y)(1), section 1902(y)(2)(A), and section 1902(y)(3) of the Act are met concerning sanctions for psychiatric hospitals that do not meet the requirements of participation when the hospital's deficiencies immediately jeopardize the health and safety of its patients or do not immediately jeopardize the health and safety of its patients.

(b) The State terminates the hospital's participation under the State plan when the State determines that the hospital does not meet the requirements for a psychiatric hospital and further finds that the hospital's deficiencies immediately jeopardize the health and safety of its patients.

(c) When the State determines that the hospital does not meet the requirements for a psychiatric hospital and further finds that the hospital's deficiencies do not immediately jeopardize the health and safety of its patients, the State may:

1. terminate the hospital's participation under the State plan; or
2. provide that no payment will be made under the State plan with respect to any individual admitted to such hospital after the effective date of the finding; or
3. terminate the hospital's participation under the State plan and provide that no payment will be made under the State plan with respect to any individual admitted to such hospital after the effective date of the finding.

(d) When the psychiatric hospital described in (c) above has not complied with the requirements for a psychiatric hospital within 3 months after the date the hospital is found to be out of compliance with such requirements, the State shall provide that no payment will be made under the State plan with respect to any individual admitted to such hospital after the end of such 3-month period.

State: KansasCitation1932(e)
42 CFR 438.726Sanctions for MCOs and PCCMs

- (a) The State will monitor for violations that involve the actions and failure to act specified in 42 CFR Part 438 Subpart I and to implement the provisions in 42 CFR 438 Subpart I, in manner specified below:
- Fails substantially to provide medically necessary services that the Contractor is required to provide, under law or under its contract with the State, to an enrollee covered under the contract.
 - Imposes on enrollees, premiums or charges in excess of permitted charges.
 - Acts to discriminate among enrollees on the basis of their health status or need for health care services.
 - Misrepresents or falsifies information that it furnishes to CMS or to the State.
 - Misrepresents or falsifies information that it furnishes to an enrollee, potential enrollee, or health care provider.
 - Fails to comply with the requirements for physician incentive plans, as set forth (for Medicare) in 42 CFR 422.208 and 422.210
 - Has distributed directly, or indirectly through any agent or independent contractor, marketing materials that have not been approved by the State or that contain false or materially misleading information.
 - Has violated any of the other applicable requirements of sections 1903(m) or 1932 of the Act and any implementing regulations.

Intermediate Sanctions that may be imposed:

- Civil Monetary Sanctions,
- Temporary Management: The State shall impose temporary management in the event it finds that the MCO has repeatedly failed to meet substantive requirements in section 1903 (m) or

State: Kansas

Citation

42 CFR 438.726

Intermediate Sanctions (continued)

section 1932 of the Act. The MCO shall recognize the authority of temporary management appointed to oversee MCO. The State shall not delay imposition of temporary management to provide hearing prior to imposing this sanction. The State shall not terminate temporary management until such time that it determines that the MCO can ensure that the sanctioned behavior will not recur. In the event that the State shall impose temporary management, the State shall also grant enrollees the right to terminate enrollment without cause and shall notify the affected enrollees of their right to terminate enrollment.

- Suspension of all new enrollment, including default enrollment, after the effective date of the sanction,
- Termination: Termination of the Contract for failure to carry out the substantive terms of this contract or to meet applicable requirements in section 1932, 1903(m) and 1905(t) of the Act.

(b) The State uses the definition below of the threshold that would be met before an MCO is considered to have repeatedly committed violations of section 1903(m) and thus subject to imposition of temporary management:

(c) The State's contracts with MCOs provide that payments provided for under the contract will be denied for new enrollees when, and for so long as, payment for those enrollees is denied by CMS under 42 CFR 438.730(e).

____ Not applicable; the State does not contract with MCOs, or the State does not choose to impose intermediate sanctions on PCCMs.