

173-50-05

Involuntary disenrollment.

(A) These are the conditions for the involuntary disenrollment of a participant of the PACE program:

- (1) The participant's permanent place of residence is no longer located in the service area or the participant is out of the service area for more than thirty consecutive days, unless the PACE organization authorizes a longer period of absence due to extenuating circumstances;
- (2) The participant commits an act of fraudulent behavior, as described in sections 2913.40 and 2913.401 of the Revised Code;
- (3) The participant fails to establish and maintain a satisfactory physician-patient relationship (e.g., canceling medical appointments and not rescheduling them);
- (4) The participant engages in abusive behavior (e.g. threats with a weapon, physically abuse, or recurrent verbal abuse) that jeopardizes the participant's safety, the safety of other participants in the PACE program, or the safety of employees of the PACE program, of an affiliate, or of a subcontractor;
- (5) The participant is non-compliant with the interdisciplinary team's treatment plan and jeopardizes the participant's own health and/or increases the liability of the PACE organization in so doing;
- (6) The participant fails to pay, or fails to make satisfactory arrangements to pay, any premium or patient liability costs due to the PACE organization after a thirty-day grace period;
- (7) The participant is determined to no longer meet the state medicaid nursing facility level of care requirements and is not deemed eligible;
- (8) The participant is incarcerated;
- (9) The PACE organization is unable to offer health care services due to the loss of state licenses or contracts with outside providers; or,
- (10) The contract between the PACE organization and ODA is not renewed or is terminated. In these cases, the period of enrollment ends on the date on which the contract between the PACE organization and ODA terminates.

(B) Process for involuntary disenrollment:

- (1) All proposed disenrollment notices shall contain the factual basis for the proposed disenrollment.
- (2) If the PACE organization requests the involuntary disenrollment of a

participant, the PACE organization shall submit to ODA the documentation of the criteria for disenrollment and also the documentation of the participant's utilization profile.

The following are more specific requirements for the documentation that a PACE organization shall submit to ODA:

(a) A PACE organization may only request the involuntary disenrollment of a participant for not residing in the service area if it provides documentation to show that the participant was absent from the service area for more than thirty consecutive days without notifying the PACE organization of an intent to permanently leave the service area.

(b) A PACE organization may only request the involuntary disenrollment of a participant as the result of fraudulent behavior, as described in sections 2913.40 and 2913.401 of the Revised Code, if the PACE organization provides a signed narrative of the events from the program staff person who discovered the fraud.

(c) A PACE organization may only request the involuntary disenrollment of a participant for failure to establish and maintain a satisfactory physician-patient relationship (e.g., canceling medical appointments and not rescheduling them), if the PACE organization provides documentation to support the charge.

(d) A PACE organization may only request the involuntary disenrollment of a participant for abusive behavior (e.g. threats with a weapon, physically abuse, or recurrent verbal abuse) that jeopardizes the participant's safety, the safety of other participants in the PACE program, or the safety of employees of the PACE program, of an affiliate, or of a subcontractor if the PACE organization provides the following documentation to support the charge:

(i) Signed statement(s) from a witness(es) to the abusive behavior of a participant; and,

(ii) A copy of a police report(s) or a security staff report(s) that documents an incident of the abusive behavior.

(e) A PACE organization may only request the involuntary disenrollment of a participant for non-compliance with the interdisciplinary team's plan of care if all of the following are true:

(i) The participant is capable of making informed decisions;

(ii) Non-compliance with the interdisciplinary team's plan of care may result in a negative health outcome; and,

- (iii) The PACE organization provides medical records of the participant or copies of letters written to the participant that document at least two attempts made by the PACE organization in the past six-month period to educate the participant about the requirement to comply with the plan of care of the interdisciplinary team. Such communication with the participant shall include an explanation of the importance of compliance, the negative health outcomes that might result from continued non-compliance, and a warning that continued non-compliance could result in disenrollment.
- (f) A PACE organization may only request the involuntary disenrollment of a participant for failing to pay patient liability costs subject to the patient liability provisions of rule 5101:1-39-24 of the Administrative Code if the PACE organization provides the following documentation to support the charge:
- (i) Documentation that the PACE organization attempted to collect the unpaid amount through written notices provided to the participant; and,
- (ii) Documentation that the PACE organization gave the participant a written notice of an intent to disenroll the participant for non-payment of charges that also included an explanation of the participant's right to a hearing under the grievance procedures. (There are no state hearing rights for a participant disenrolled from a program as a result of failing to make payments for patient liability costs incurred as a participant. A participant may grieve the disenrollment only.)
- (3) The effective date of an involuntary disenrollment is the last day of the month in which the disenrollment form was signed, except in the case of the death of a participant.
- (4) Once a PACE organization has requested the involuntary disenrollment of a participant, the PACE organization shall continue to provide all needed services to participants through the last day in which the participant's enrollment is effective, notwithstanding the date of approval of the disenrollment by ODA.
- (5) Once a PACE organization has requested the involuntary disenrollment of a participant, the participant shall continue to use PACE services and shall remain liable for any premiums or patient liability costs incurred through the last day in which the participant's enrollment is effective, notwithstanding the date of approval of the disenrollment by ODA.

- (6) After ODA has received a request for involuntary disenrollment of a participant, it shall notify the PACE organization and the individual of the decision.
- (7) If the PACE organization receives a notice from ODA stating that ODA has approved the involuntary disenrollment of a participant from the program, the PACE organization shall notify the participant in writing of the involuntary disenrollment and the effective date of that disenrollment, which shall begin on a date no earlier than the date the notice is received by the PACE organization.
- (8) Regardless of the reason for involuntary disenrollment, the PACE organization shall create a discharge plan to provide assistance to each participant who is involuntarily disenrolled. This discharge plan shall help the participant to obtain necessary transitional care, shall make medical records available to new providers, and, if the participant was previously enrolled in a fee-for-service medicaid program, initiate the process of returning the participant to that program.

Effective:

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Certification

Date

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