

## **Report to: Social Services Appropriations Subcommittee**

---

Prepared by Joel Hoffman, Bureau Director  
Utah Department of Health  
Bureau of Licensing and Certification

### **Medicaid Sanctions – Civil Money Penalty Projects 2018**

Civil Money Penalties are assessed to nursing facilities in Utah that are in substantial non-compliance with federal rules. These penalties are assessed by the Denver Region office of the Centers for Medicare and Medicaid Services (CMS). All CMP projects that are proposed in the state must be submitted to the State Survey Agency, which is the Bureau of Licensing and Certification within the Department of Health. After approval of the State Agency, the proposals are sent to the CMS Denver Regional Office for approval. If approved, CMS notifies the State Agency to fund the project with CMP funds. CMS guidelines state that these funds may only be used for the direct benefit of nursing facility residents.

There were two Civil Money Penalty projects that were approved in 2018:

1. The first was the Oral Health Project awarded to the Senior Charity Care Foundation. This project was awarded in November of 2018 for \$250,000. The Senior Charity Care Foundation submitted information on a CMS application outlining the parameters of the project. The project is to provide dental services that are not covered by Medicaid to residents of Utah nursing facilities. The Senior Charity Care Foundation arranged for dental staff to visit 10 nursing facilities and provide care. This project was reviewed by the Bureau of Licensing and Certification for applicability to federal rules. After approval by the Department, the project was forwarded to CMS for approval. The funds were approved and are being used directly for the benefit of nursing facility residents.
2. The second was the ePOLST Education project. This project was proposed to train nursing facility providers on the ePOLST (electronic Physician Order for Life Sustaining Treatment) process that is being used in Utah. Nursing facilities are part of the health facility network that use the POLST form and have an important role in getting residents to document their end of life preferences electronically. This project was submitted under the oversight of the Utah Commission on Aging with a request for \$66,010. After review by the department, the proposal was forwarded to CMS for approval, which was received on August 31, 2018.