

## **PACE of West Baltimore Involuntary Disenrollment Policy**

### **Policy:**

To establish the policies and processes for Participant involuntary disenrollment from PACE of West Baltimore

### **Procedure:**

- A. All involuntary disenrollments require prior approval of the PACE Center Manager and the Maryland Department of Health (MDH). PACE of West Baltimore shall initiate an involuntary disenrollment under the following circumstances:
1. The Participant moves or is out of the service area for more than thirty (30) consecutive days unless PACE of West Baltimore agrees to a longer absence due to extenuating circumstances.
  2. The Participant or Participant's caregiver engages in disruptive or threatening behavior that jeopardizes his or her own health or safety or the health or safety of others.
    - a. A participant who engages in disruptive or threatening behavior refers to a participant who exhibits either of the following:
      - i. A participant whose behavior jeopardizes his or her health or safety, or the safety of others; or
      - ii. A participant with decision-making capacity who consistently refuses to comply with his or her individual plan of care or the terms of the PACE enrollment agreement.
    - b. For purposes of this section, a participant's caregiver who engages in disruptive or threatening behavior exhibits behavior that jeopardizes the participant's health or safety, or the safety of the caregiver or others.

If PACE of West Baltimore proposes to disenroll a participant based on the disruptive or threatening behavior of the participant or the participant's caregiver, the organization must document the following information in the participant's medical record:

- a. The reasons for proposing to disenroll the participant.
- b. All efforts to remedy the situation.

3. The participant exhibits non-compliant behavior.
    - a. Non-compliant behavior includes repeated non-compliance with medical advice and repeated failure to keep appointments.
    - b. PACE of West Baltimore may not disenroll a PACE participant on the grounds that the participant has engaged in non-compliant behavior if the behavior is related to a mental or physical condition of the participant, unless the participant's behavior jeopardizes his or her health or safety, or the safety of others.
  4. The PACE of West Baltimore Program Agreement with the Centers for Medicare & Medicaid Services (CMS) and MDH is not renewed or is terminated.
  5. PACE of West Baltimore is unable to offer health care services due to the loss of required Maryland licenses or contracts with outside providers.
  6. The Participant is determined to no longer meet the Maryland nursing facility level of care requirements and is not deemed eligible.
  7. The Participant, after a 30-day grace period, fails to pay or make satisfactory arrangements to pay any premium due to the PACE of West Baltimore.
  8. The Participant, after a 30-day grace period, fails to pay or make satisfactory arrangements to pay any applicable Medicaid spend down liability or any amount due under the post-eligibility treatment of income process, as permitted under §§460.182 and 460.184.
- B. Before an involuntary disenrollment is effective, MDH must review it and determine in a timely manner that PACE of West Baltimore has adequately documented acceptable grounds for disenrollment.
- C. PACE of West Baltimore shall review trends and patterns for involuntary disenrollment as a component of the Quality Improvement (QI) Process.

Procedure:

- A. Involuntary Disenrollment Requests
  - a. If the PACE of West Baltimore IDT initiates an involuntary disenrollment, the PACE Center Manager shall be responsible for notifying the PACE Executive Director of the action and for assembling from PACE of West Baltimore staff all supporting documentation for submission to MDH for approval.

- b. If the involuntary disenrollment is based on Participant's behavior, such supporting documentation must provide detailed examples that demonstrate a pattern of such behavior, including date and time, and PACE of West Baltimore staff affected, and such documentation must also include all efforts to remedy the situation with the Participant and/or caregiver(s).
  - c. The PACE of West Baltimore IDT will update the PACE Center Manager on progress throughout the involuntary disenrollment process and the PACE IDT will review all recommendations for involuntary disenrollment to develop a tailored transition plan for the Participant to ensure continuity of care. PACE of West Baltimore staff shall seek a referral to primary care and all necessary specialized care for both voluntary and involuntary disenrollments.
  - d. The PACE Center Manager, or designee, shall complete the Involuntary Disenrollment form and include the form with other supporting documentation for an involuntary disenrollment.
  - e. The PACE Center Manager, or designee, shall assemble the proper documentation supporting the PACE IDT's recommendation and prepare a formal written request to MDH for approval for involuntary disenrollment, including the Involuntary Disenrollment form. PACE of West Baltimore shall provide all available supporting documentation related to the involuntary disenrollment to MDH.
  - f. If MDH approves the involuntary disenrollment, the PACE Center Manager, or designee, will sign and send a Disenrollment Notification letter to the Participant. This letter will state the reason for the involuntary disenrollment and the effective date. A minimum thirty (30)-day calendar notice is required between the notification and the effective date of disenrollment. The letter shall also inform the Participant of appeal rights, provide contact information for initiating an appeal, and advise that all PACE services will be received until the effective date of the disenrollment. All disenrollments will be effective at the end of the month.
- B. Upon initiation of the disenrollment process, PACE of West Baltimore shall complete a change of status and disenrollment form and shall forward the form to MDH Beneficiary Enrollment Unit per the Enrollment Agreement, and to CMS.
- C. PACE of West Baltimore shall coordinate the disenrollment between Medicare and Medicaid and will disenroll a participant using the most expedient process allowed under Medicare and Medicaid. The Participant's involuntary disenrollment is effective on the first day of the next month that begins 30 calendar days after the day the PACE organization sends notice of the disenrollment to the

participant. The participant must continue to use PACE of West Baltimore services and will be liable for any premiums. PACE of West Baltimore will continue to furnish services until the date of disenrollment.

- D. The Participant has the right to appeal the involuntary disenrollment decision using the PACE of West Baltimore internal appeal process and/or the MDH or CMS appeals process. If a Participant files an Appeal, PACE of West Baltimore shall continue to provide all necessary services to the Participant until the Appeal is resolved. If any of the appeal processes results in an overturned decision, the disenrollment date shall be immediately canceled.
- E. PACE of West Baltimore must receive written approval for the involuntary disenrollment from MDH before the disenrollment is made effective.
- F. All disenrollments will be reviewed by the PACE of West Baltimore QI Coordinator for trends and patterns and incorporated into the QI process. Disenrollment tracking will include the following: voluntary vs. involuntary disenrollments, reason for disenrollment, length of time enrolled in PACE of West Baltimore, participant feedback regarding services, reviewing HPMS reports, reviewing case files to assure timeliness and accuracy of disenrollment process and compliance and documentation of process. Aggregate data will be tabulated quarterly and annually. If a trend is identified, the QI Coordinator will present the data to the Senior Management Team for review and action according to the QI guidelines.
- G. PACE of West Baltimore shall make all documentation regarding involuntary disenrollments available for review by CMS and MDH.
- H. Reinstatement into other Medicare and Medicaid programs.
  - a. To facilitate a participant's reinstatement in other Medicare and Medicaid programs after disenrollment, PACE of West Baltimore shall:
    - i. Make appropriate referrals and ensure medical records are made available to new providers within 30 days.
    - ii. Work with CMS and MDH to reinstate the participant in other Medicare and Medicaid programs for which the participant is eligible.
- I. Reinstatement into PACE of West Baltimore.
  - a. Any Participant who was previously disenrolled from PACE of West Baltimore may reapply to the program and may re-enroll upon meeting the eligibility criteria. There is no limit on the number of times a Participant may re-enroll following disenrollment.

- b. A Participant who was disenrolled following non-payment of premiums may be reinstated without a break in service coverage if the premium is paid prior to the effective date of disenrollment.
- c. A Participant who wishes to re-enroll following a disenrollment must complete the intake and enrollment process in its entirety and be formally assessed by the IDT prior to re-enrollment.