

State/Territory: Pennsylvania

Citation

Sanctions of Psychiatric Hospitals

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

(a) The State assures that the requirements of section 1902 (y) (1), (y) (1), 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

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

(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

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

(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 patient, 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.

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

(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.

Citation

1932 (e)
42 CFR 438.726

Sanctions 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:

The Department has Core Teams that monitor all aspects of the MCOs, including program quality, contract compliance and operational effectiveness. Systems and databases have also been implemented in order to collect monitoring data. The Department has several committees that are responsible for various types of program reviews, such as formulary reviews, prior authorization policy reviews, clinical reviews and performance profiles.

- (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:

Depending on the nature and severity of the breach, the Department in its reasonable discretion, will impose sanctions, which may include 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).

X The State does not choose to impose intermediate Sanctions on PCCMs.