



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

BUREAU FOR MEDICAL SERVICES

Home & Community Based Services

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Bill J. Crouch
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Memorandum

To: ADW Providers
From: LuAnn Summers, ADW Program Manager
Date: May 15, 2018
Subject: Voluntary and Involuntary Closure

Below are the Aged and Disabled Waiver (ADW) manual guidelines, approved by the Centers for Medicare and Medicaid Services (CMS), for Voluntary and Involuntary closures. These processes have clearly spelled out guidelines that must be followed to the best of the closing agency's ability. If for some reason the agency cannot, then Bureau of Senior Services (BoSS), the operating agency (OA), will work with the agency to ensure that all ADW Participants do not have services interrupted during the process, if possible. Please note that if an agency is reaching out to another agency to take over the agency's function, this may not include the ADW Participants served. ADW members have freedom of choice as to where they would like to obtain their services, and the closing agency cannot choose their successor agency, or direct ADW Participants to go to the successor agency where their personal attendant goes. The ADW member has sole decision-making authority over their successor agency. Any agency that is contemplating no longer providing ADW services must contact Bureau for Medical Services (BMS) and BoSS as instructed in the guidelines below.

If an ADW provider chooses to sell their agency to another ADW provider but does not give 30 days' written notice of the agency's intention to cease ADW services to the OA, the closing shall be handled as an involuntary agency closure. BMS reserves the right to consider inadequate notice or other inappropriate, unlawful handling of an agency's closure if any of the corporation's owners, officers or employees later decide to apply for certification as an ADW provider. It could prevent certification from being issued by the OA.

As an ADW agency, it is **your** responsibility to be familiar with the manual and guidelines set forth. Violation may result in no longer being able to provide Medicaid services or legal action.

501.26 VOLUNTARY AGENCY CLOSURE

A provider may terminate participation in the ADW Program with 30 calendar days' written notification of voluntary termination. The written termination notification must be submitted to the BMS claims agent and to the OA. The provider must provide the OA with a complete list of all current people receiving ADW services that will need to be transferred.

The OA will provide selection forms to each of the agency's people receiving ADW services, along with a cover letter explaining the reason a new selection must be made.

If at all possible, a joint visit with the person will be made by both the agency ceasing participation and the new one selected in order to explain the transfer process. Services must continue to be provided until all transfers are completed by the OA. If a joint visit is not possible, both providers must document how contact was made with the person to explain the transfer process.

The agency terminating participation must ensure that the transfer of the person is accomplished as safely, orderly and expeditiously as possible. All program records must be made available to BMS upon closing.

The agency must submit their final continuing certification for any part of the year they provided services.

501.27 INVOLUNTARY AGENCY CLOSURE

BMS may administratively terminate a provider from participation in the ADW program for violation of the rules, regulations, or for the conviction of any crime related to health care delivery. If the provider is a corporation, its owners, officers, or employees who have violated said rules and/or regulations or have been convicted of a crime related to health care delivery, may likewise be excluded from further participation in the ADW program. After notice of intention to suspend or terminate enrollment under his/her authority, the provider may request a document/desk review. Refer to *Chapter 100, General Administration and Information*, for more information on this procedure.

Prior to closure, the provider will be required to provide the OA with a complete list of all people currently on the ADW that will need to be transferred. The OA will provide selection forms to each of the people on the agency's list, along with a cover letter explaining the reason a new selection must be made. The OA will ensure that the transfer of all people is accomplished as safely, orderly and expeditiously as possible.

The agency must submit their final continuing certification for any part of the year they provided services prior to closing.

All program records must be made available to BMS upon closing.

501.28 ADDITIONAL SANCTIONS

If BMS or the OA receives information that clearly indicates a provider is unable to serve new people due to staffing issues, health and safety risk, etc., or has a demonstrated inability to meet recertification requirements, BMS may remove the agency from the Provider Selection Forms and from the provider information on the OA website until the issue(s) are addressed to the satisfaction of BMS. Health and Safety deficiencies deemed critical may include other sanctions including involuntary agency closure.

If you have any questions regarding the above, please contact me at 304.356.4913.