



MISSISSIPPI DIVISION OF  
**MEDICAID**

## **CIVIL MONEY PENALTY (CMP) GRANT REQUIREMENTS**

### **Background**

Sections 1819(h)(2)(B)(ii)(IV)(ff) and 1919(h)(3)(C)(ii)(IV)(ff) of the Social Security Act (the Act) incorporate specific provisions of the Patient Protection and Affordable Care Act, (the Affordable Care Act) (Pub. L. 111-148) pertaining to the collection and uses of CMPs imposed by CMS when nursing homes do not meet requirements for Long Term Care Facilities. The Act provides that collected CMP funds may be used to support activities that benefit residents, including assistance to support and protect residents of a facility that closes (voluntarily or involuntarily) or is decertified (including offsetting costs of relocating residents to home and community-based settings or another facility), projects that support resident and family councils and other consumer involvement in assuring quality care in facilities, and facility improvement initiatives approved by the Secretary (including joint training of facility staff and surveyors, technical assistance for facilities implementing quality assurance programs, the appointment of temporary management firms, and other activities approved by the Secretary).

The specific use of CMP funds collected from Long Term Care Facilities as a result of federally imposed CMPs must be approved by CMS on behalf of the Secretary. Only CMP fund applications that meet the statutory intent of the regulations, Federal law and policy will be considered by CMS.

### **GOAL**

The goal of the Mississippi Division of Medicaid Civil Money Penalty Grant program is to facilitate the use of Federally Imposed Civil Money Penalty Funds to support activities that support, protect and benefit residents living in nursing facilities.

### **OBJECTIVES**

The grant program's objectives are to:

1. Review and make recommendations regarding CMP grant applications that are submitted for the development and implementation of quality improvement initiatives that directly or indirectly benefit nursing facility residents. These initiatives should showcase a variety of enhancement or educational philosophies through current and sound evidence-based practices that promote quality of care and quality of life for nursing facility residents.

2. Facilitate the utilization of collected civil money penalties to help protect the health or property of residents of facilities that the State or CMS finds noncompliant. Such as:
  - Payment for the cost of relocating residents to other facilities.
  - State costs related to the operation of a facility pending correction of deficiencies or closure.
  - Reimbursement of residents for personal funds or property lost at a facility as a result of actions by the facility or by individuals used by the facility to provide services to residents.

### **GRANT APPLICATIONS**

The CMP Grant program will accept applications from certified nursing facilities, academic or research institutions, state, local or tribal agencies, profit or not-for-profit, or other types of organizations that are interested in promoting quality of care and/or quality of life for residents of nursing facilities which have been certified as meeting the requirements of participation for Medicaid and Medicare by the Mississippi Department of Health, Bureau of Health Facilities Licensure and Certification.

### **GRANT PROJECT CATEGORIES**

#### **Direct Improvement to Quality of care**

CMP funds may be used for projects designed to directly improve care processes for nursing home residents in one or multiple nursing homes.

#### **Resident or Family Councils**

CMP funds may be used for projects by not-for-profit resident advocacy organizations that:

- Assist in the development of new independent family councils;
- Assist resident and family councils in effective advocacy on their family members' behalf;
- Develop materials and training sessions for resident and family councils on state implementation of new federal or state legislation;

For example, CMP funds could be used to support facilitators, involvement of knowledgeable experts in council meetings, or other initiatives to engage residents and families in the development and implementation of quality improvement programs.

#### **Culture Change/Quality of Life**

"Culture change" is the common name given to the national movement for the transformation of older adult services, based on person-directed values and practices where the voices of elders and those working with them are considered and respected. Core person-directed values are choice, dignity, respect, self-determination and purposeful living. CMP funds may be used to promote culture change in projects that involve multiple nursing homes.

#### **Consumer Information**

CMP funds may be used to develop and disseminate information that is directly useful to nursing home residents and their families in becoming knowledgeable about their rights, nursing home care processes, and other information useful to a resident.

### **Transition Preparation**

CMP funds may be considered for use for the temporary support and/or protection of residents of a facility that closes or is decertified (including offsetting costs of relocating residents to home and community-based settings or another facility), or to transition residents to alternate settings for a facility downsizing that requires a reduction in facility census.

### **Training**

CMP funds may be considered for training in facility improvement initiatives that are open to multiple nursing homes, including joint training of facility staff and surveyors, technical assistance for facilities implementing quality assurance programs, training for resident and/or family councils, LTC ombudsman or advocacy organizations and other activities approved by CMS. For example, this effort might include a statewide pressure ulcer or fall prevention collaborative that includes joint training of surveyors and facility staff from multiple nursing homes that are committed to implementing effective fall prevention programs.

### **Resident Transition Due to Facility Closure or Downsizing**

CMP funds may be considered for use for the temporary support and/or protection of residents of a facility that closes or is decertified (including offsetting costs of relocating residents to home and community-based settings or another facility), or to transition residents to alternate settings for a facility downsizing that requires a reduction in facility census.

### **GRANT APPLICATION PROCESS**

- CMP applications shall be submitted electronically to the Division of Medicaid utilizing the Region IV: CMP Grant Request form. The form can be downloaded from the DOM website at <http://www.medicaid.ms.gov/LongTermCare.aspx>.
- All applications must be date stamped received by the Division of Medicaid ***between the September 1 through September 14***. No applications will be received prior to September 1 or after September 14.
- Applications will not be accepted via facsimile or hardcopy.
- Applications shall include a cover letter addressed to the Division of Medicaid Agency Director.
- CMP applications shall be accepted from dually certified providers (SNF/NF) and nursing facilities (NF) and other organizations.
- The font for all applications is Times New Roman, twelve (12) point and shall include the entity name and page number on all documents.
- Applications shall be limited to no more than twenty (20) pages, including appendices and the actual CMP application form.
- All sections of the application form shall be completed or the application will be denied.

- When CMP funds are requested for educational purposes, the organization involved must also include the following: anticipated number of attendees; target audience; accrediting authorities; timeline for implementation and plan of sustainability; and letters of support. Representatives from any group requesting funding, or representatives who are in situations where a conflict of interest exists, must disqualify themselves from making recommendations.
- Collaboratively, representatives from the Division of Medicaid and the Mississippi Department of Health, Division of Licensure and Certification shall first assess the merit of each proposed project and the ability of the project to improve resident outcomes and advance the care and services provided in certified long term care facilities. Following this collaborative review, the CMP application shall be forwarded to the CMS electronic mail box for a decision.

### **Application Content**

1. ***Purpose and Summary:*** Project title, purpose, and project summary;
2. ***Expected Outcomes:*** Short description of the intended outcomes, deliverables, and sustainability;
3. ***Results Measurement:*** A description of the methods by which the project results will be assessed (including specific measures);
4. ***Benefits to NH Residents:*** A brief description of the manner in which the project will benefit nursing home residents;
5. ***Non-Supplanting:*** A description of the manner in which the project will not supplant existing responsibilities of the nursing home to meet existing Medicare/Medicaid requirements or other statutory and regulatory requirements;
6. ***Consumer and other Stakeholder Involvement:*** A brief description of how the nursing home community (including resident and/or family councils and direct care staff) will be involved in the development and implementation of the project;
7. ***Funding:*** The specific amount of CMP funds to be used for this project, the time period of such use, and an estimate of any non-CMP funds that the State or other entity expects to be contributed to the project;
8. ***Involved Organizations:*** List all organizations that will receive funds through this project (to the extent known), and organizations that the State expects to carry out and be responsible for the project;
9. ***Contacts:*** Name of the State contact person responsible for the project and contact information.

## **AVAILABILITY OF FUNDS**

At the beginning of each state fiscal year, DOM shall determine the total amount of money to be allocated for the civil money penalty fund to be awarded in the form of grants to eligible entities. At no time shall the total amount of allocated grant funds cause the overall civil money penalty fund to drop below \$3,000,000.00.

There is no entitlement to any funds available for grants awarded through this initiative. DOM may award grants to the extent funds are available and, within its discretion, to the extent that applications are approved.

## **REQUIREMENTS FOR APPLICANTS**

Eligible entities wishing to apply for CMP grants must meet the following requirements:

- Submit an application on behalf of a specific facility, on behalf of a group of facilities or on behalf of a stakeholder group. However, grant funds awarded shall be distributed to one distinct entity that shall be contractually responsible for the funds.
- Demonstrate the capacity to carry out the initiative for which the grant is requested.
- At the time of the application a facility applicant must **not** have:
  - a) any pending enforcement actions that could result in the closure of the facility; or,
  - b) any outstanding sanctions by DOM or the Centers for Medicare and Medicaid Services (CMS).
- An applicant previously awarded a CMP grant that failed to achieve that initiative's intended goals or outcomes shall be ineligible to apply for a period of five years following that grant award. However, a grant may be considered if the applicant's inability to complete the initiative was due to circumstances beyond the applicant's control.
- An applicant may receive a maximum of two grants within a five-year period.
- Grants are available only for quality improvement initiatives that are outside the scope of normal operations for the nursing facility or other applicant. Grants cannot be used as replacement funding for goods or services that the applicant already offers.
- Grants shall be awarded for short-term quality improvement initiatives (three years or less).
- The applicant shall not submit a request for or receive a grant for the same type of initiative previously awarded to the applicant.
- Grant awards shall be restricted to one-time initiatives or initiatives that will be self-sustaining once implemented.

- Funds requested for educational purposes must include the anticipated number of attendees; target audience; accrediting authorities; timeline for implementation and plan for sustainability; and letters of support. Representatives from any group requesting funding, or representatives who are in situations where a conflict of interest exists, must disqualify themselves from making recommendations.

### **GRANT AWARDS ARE NOT AVAILABLE FOR THE FOLLOWING**

- a) Conflict of Interest—projects will not be approved for which a conflict of interest exists or the appearance of a conflict of interest.
- b) General operations or administrative salaries.
- c) Capital improvements to a nursing home, or to build a nursing home.
- d) Facility maintenance activities intended to meet the minimum standards for nursing facilities set forth in 42 CFR Part 483.
- e) Goods or services for which the applicant or others are already obligated to pay.
- f) Vendor payments and payroll obligations for a facility's normal operations or for fulfillment of state or federal requirements.
- g) Salaries of temporary managers who are actively managing a nursing home.
- h) Costs related to travel, bonuses or other direct employee benefits.
- i) Costs that are not specifically outlined in the applicant's grant proposal or are already included in the facility's cost report.
- j) Projects, programs, goods or services unrelated to improving the quality of life or quality of care of nursing facility residents.
- k) To recruit or provide Long Term Care Ombudsman certification training for staff or volunteers, or investigate and work to resolve complaints.

### **INSTRUCTIONS FOR DOWNLOADING AND SUBMITTING THE APPLICATION**

The Region IV CMP Grant Request Form must be utilized for submission of a grant proposal.

The form can be downloaded from the DOM website at

<http://www.medicaid.ms.gov/LongTermCare.aspx>.

The ***electronic*** integrity of the application form must be maintained to allow all individuals (the applicant, the State Agencies and CMS) the capability of electronically editing each of the required sections.

The grant proposal information required in Sections VI, VII, VIII, VIX, X, XI & XII should be completed and submitted as a **separate** document.

The completed grant application **and** the grant proposal information should be attached and emailed to the CMP Grants Mailbox: [CMPPGrants@medicaid.ms.gov](mailto:CMPPGrants@medicaid.ms.gov)

Additional guidance and specific instructions for completing the CMP grant proposal are also included in the grant application request form. Failure to complete all sections of the application may result in denial of the grant request.

**REVIEW OF GRANT APPLICATIONS**

DOM and the State Survey Agency shall collaboratively conduct an initial review and evaluate all components of the completed grant application. Reviewed applications and the State’s recommendation for approval will be forwarded to CMS.

*All grant awards are subject to final approval by the CMS regional office.*

**GRANT AWARDS**

Grants for approved proposals shall be awarded through a contract entered into by DOM and the applicant. Grant funds shall be distributed pursuant to contractual obligations.

**QUARTERLY PROGRESS REPORTS**

Following the date of the award and continuing until completion, the grantee shall submit quarterly reports on the status of the project to CMS and DOM. A grantee that fails to submit a quarterly progress report shall forfeit any future grant award distributions.

**FINAL REPORTS**

A follow-up report at the conclusion of the project/proposal shall be submitted within five (5) calendar days to CMS and to DOM.

A second report monitoring the success of the project is to be submitted to CMS and to DOM within six months of the project conclusion.

<p>DOM Reports should be emailed to the CMP Grants mailbox:  <a href="mailto:CMPSGrants@medicaid.ms.gov">CMPSGrants@medicaid.ms.gov</a></p>	<p>CMS Reports should be sent to:  Stephanie M. Davis, M.S., R.D.  Long Term Care Certification &amp; Enforcement Branch  Centers for Medicare &amp; Medicaid Services  Sam Nunn Atlanta Federal Center  61 Forsyth Street, S.W., Suite 4T20  Atlanta, Georgia 30303</p>
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The Grant Award Final Report must provide evidence of successful completion of the project or quality improvement initiative and address the following:

- The purpose of the grant.
- The expected outcomes.
- The actual outcomes.
- The number of residents that benefited from the project or initiative.
- The status of the action plan for sustainability if the project or initiative will continue beyond the grant funding.