



Date: June 21, 2017

To: Nursing Facility Providers (NFs)

Subject: Provider Letter No. 17-17 – Civil Money Penalty (CMP) Projects are Subject to Unannounced Visits to Ensure Project Implementation

Monitoring

The Texas Department of Aging and Disability Services (DADS) enters into agreements with all CMP fund project awardees and requires CMP project fund awardees to submit documentation regarding the status of their project. In addition, DADS is required to monitor the performance of the contract deliverables as indicated in Attachment C to the contract, Special Conditions for CMP Funded Contracts, section 4.01, Measurement. This section provides, in part, that DADS will measure satisfactory performance of the contract by results of audits, inspections, or quality checks.

Therefore, if your facility has applied and been approved by the Centers for Medicare & Medicaid Services (CMS) to receive CMP funds, your facility is subject to unannounced visits to ensure implementation of the project. DADS Regulatory Services staff will conduct these visits, which may be done in conjunction with an annual survey or complaint investigation.

Background

CMS imposes CMPs against Medicare-or Medicaid-certified nursing facilities that are out of compliance with the federal requirements for long-term care facilities.

Sections [1819](#) and [1919](#) of the Social Security Act allow CMP funds to be used for projects and activities that benefit residents, including projects and activities that:

- support and protect residents of a facility that closes or is decertified;
- support resident and family councils and other consumer involvement to ensure quality care; and
- improve the facility through CMS-approved initiatives, such as culture change.

CMS approval is required before using federally imposed CMP funds to pay for projects. Twice a year, DADS evaluates proposals to use CMP funds by using criteria developed by CMS. This criteria is published in [CMS S&C 12-13-NH](#). A decision by DADS to not forward a proposal to CMS is not subject to appeal.

[More information on CMP projects and how to apply can be found here.](#)

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If you have questions about CMP-funded projects, please contact CmpApplication@dads.state.tx.us or at (512) 438-4425. For questions about this letter, please contact a policy specialist in the Policy, Rules and Curriculum Development section at (512) 438-3161.

Sincerely,

[signature on file]

Mary T. Henderson
Associate Commissioner
Regulatory Services

MTH:cg