

Performance Sanctions and Penalties

As in the incentive section, the first part of this section describes penalties associated with state outcome measures, to insure alignment with expectations in other areas. The second part of this section relates to locally determined measures.

1. Jail Crisis Diversion: Adults

DSHS will calculate performance twice per contract period at the end of each SFY, subject to review by NTBHA. (This measures percentage of valid bookings across the population with a match (TLETS Population Ratio).

Annual Performance Standard	Penalty
≤ 14% of valid bookings across the population with a match (TLETS Population Ratio).	\$20,000

2. Acute services/ Effectiveness: Adult, Child and Adolescent

DSHS will calculate performance twice per contract period at the end of each SFY, subject to review by NTBHA (Measures percentage of enrollees receiving a crisis service {Mobile Crisis Outreach Team service or 23 hour observation services} that avoid a psychiatric hospitalization within 30 days.)

Annual Performance Standard	Penalty
≤90% of enrollees receiving a crisis service {Mobile Crisis Outreach Team service or 23 hour observation services} avoid a psychiatric hospitalization within 30 days.	\$10,000

3. Hospital Readmission Rates

DSHS will calculate performance twice per contract period at the end of each SFY, subject to review by NTBHA. (Measures percentage of enrollees authorized in a full level of care with three or more hospital admissions in 180 days and measures percentage of enrollees who are admitted to a psychiatric hospital after discharge from psychiatric hospital.)

Annual Performance Standard	Penalty
≥ 1 % of enrollees authorized in a full level of care has three or more hospital admissions in 180 days.	\$20,000
≥11% of enrollees readmit to a state or community based hospital within 30 days.	\$20,000

4. Acute service spending

DSHS will calculate performance twice per contract period at the end of each SFY, subject to review by NTBHA. (Measures claims dollars paid by ValueOptions for acute services for clients in full service packages. This includes services and medication claims. Acute services include emergency room, 23 hour observation and inpatient services. Data do not include payments made to providers that do not file claims.)

Annual Performance Standard	Penalty
>21.5% of all spending on acute services for adult clients in a full service package	\$10,000

>16.3% of all spending on acute services for child or adolescent clients in a full service package	\$10,000
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5. SUD length of stay

DSHS will calculate performance twice per contract period at the end of each SFY, subject to review by NTBHA.

(Measures how long individuals stay engaged in treatment, without a break in treatment. [Break in treatment is defined as 15 days without a claim paid.]

Annual Performance Standard	Penalty
<5.1% of enrollees in Substance Use Disorder treatment have continuous treatment of at least 90 days	\$30,000

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6. Telephone service and queries

DSHS will calculate performance each quarter, subject to review by NTBHA.

Monthly Performance Standard	Penalty
Monthly average telephone abandonment rates are >5% for any month for each of the following departments: After Hours, Clinical and Customer Service	\$5,000
Telephone callers reach a non-recorded voice after more than 30 seconds on average for any month for each of the following departments: After Hours, Clinical and Customer Service	\$5,000

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7. Access to Care \$70,000

DSHS will calculate performance, subject to review by NTBHA, at the end of each SFY.

(Contractor paid encounters will be analyzed for this measure.)

Annual Performance Standard	Penalty
<54% of Adult enrollees authorized in a full level of care receiving at least one service encounter each month.	\$15,000
<77% of Child and adolescent enrollees authorized in a full level of care receiving at least one service encounter each month.	\$15,000
<26% of enrollees receive community services within 7 days of 23 hour observation or ER discharge	\$10,000
<38% of enrollees receive community services within 7 days of Community Hospital discharge	\$15,000
<14% of enrollees follow up with community services within 7 days of State Hospital discharge	\$15,000

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8. State and Federal Damages, Penalties and Sanctions

DSHS/NTBHA may recommend to CMS that sanctions be imposed against Contractor for violations specified in 42 CFR §438.700(b)-(d). DSHS, subject to review by NTBHA, may also impose intermediate sanctions against Contractor as specified in 42 CFR §438.702. Before imposing any of the intermediate sanctions, DSHS shall follow the due process and notice requirements in 42 CFR §438.710.

DSHS may impose civil money penalties in the amounts specified in 42 CFR §438.704, in addition to or in place of withholding payments under §15.4 of this Contract, subject to review by NTBHA.

DSHS/NTBHA may impose sanctions and administrative penalties for Contractor’s default under this Contract.

The NTBHA may identify violations of these 42 CFR sections and based on verification by DSHS, DSHS may impose identified sanctions.

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9. Withholding Payments

DSHS may withhold payments to Contractor until any defaults are cured and until NTBHA concurs that the defaults are cured. The payments withheld will be sufficient to compensate DSHS/NTBHA for level of effort necessary to resolve the default.

If DSHS has provided or paid for a requested service pending an appeal to DSHS/NTBHA, including a request for a Fair Hearing, and DSHS/NTBHA’ determination is adverse to the Contractor, DSHS will withhold the entire amount DSHS paid for the service.

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10. Failure to Approve Medically Necessary Services

A provider must complete the contractor’s appeal process and the provider must send an appeal to DSHS. If DSHS and NTBHA determines that Contractor failed to authorize or deny a medically necessary covered service to an Enrollee or to pay a provider for a medically necessary covered service, DSHS shall order the Contractor to approve the service or pay the provider and may impose money damages totaling 45% of the total allowed amount for the covered services.

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11. Clean Claims not Paid Within 30 Days

Quarterly Performance Standard	Penalty
≥ 2% of clean claims are not paid in 30 days	\$2,000
≥ 5% of clean claims are not paid in 30 days	\$5,000
≥ 10% of clean claims are not paid in 30 days	\$10,000

DSHS will calculate Contractor’s performance after the first due date after the close of the quarter or until additional information for the quarter is available, subject to review by NTBHA. The calculation will be based on clean claims not paid in 30 days divided by clean claims records that are not denied. Contractor must pay for assessments within 30 days of notification. Failure to do so may result in withholding of payments to Contractor. If any liquidated damages are assessed, a Contractor must also submit a corrective action plan.

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12. Data Reporting Penalties

DSHS may assess, subject to review by NTBHA, Contractor liquidated damages for Contractor’s failure to submit data, information, or report by the due date, with the information, and in the format, required by this Contract, unless such failure is directly attributable to DSHS’ failure to perform a Contract requirement.

If Contractor’s failure to submit the data, information, or report required by this Contract is directly attributable to DSHS’ failure to perform a Contract requirement, DSHS will remedy such failure and DSHS will extend the due date for a reasonable amount of time following the remedy to allow the Contractor to submit the data, information or report.

DSHS, in consultation with and subject to review by NTBHA, may change data reporting standards with three months notification to Contractor.

a) Timely submission of data* as required by the Contract:

Monthly Performance Standard	Penalty
Failure to deliver electronic feed by due date, first occurrence	\$2,000
Failure to deliver electronic feed by due date, second occurrence	\$5,000
Failure to deliver electronic feed by due date, third and each subsequent occurrence	\$10,000

Meeting the performance standard subsequent to an assessment of liquidated damages resets the occurrence counter one month. Contractor cannot collect credit for future performance standards. If liquidated damages are assessed for a second occurrence, Contractor must also submit a corrective action plan within DSHS prescribed timeline.

* Includes service encounter data, prescription data, uniform assessment data or service code-level report.

b) Failure to meet encounter data correction thresholds:

Monthly Performance Standard	Penalty
Failure to correct 90% of all erred records within 30 days of receipt of the error file	\$1,000
Failure to correct 98% of all erred records within 60 days of receipt of the error file	\$5,000

c) Regularly scheduled and special reports:

Contractor may be assessed \$100 per day for each day a report required in this Contract is not delivered by the deadline. Reports scheduled to be due on a weekend or holiday are due the next business day. Contractor may be assessed \$500 per day for each day reports that are required in this Contract for state or federal reporting are not delivered by the deadline, if such delay causes DSHS to fail to meet its state or federal reporting deadline or requires additional DSHS staff effort to meet the deadline.

DSHS, in consultation with and subject to review by NTBHA, may extend data and report due dates for cause. DSHS will not assess damages when DSHS is directly responsible for Contractor's failure to meet a deadline.

NTBHA required reports will be related to quality improvement as well as to quality issues that arise during the course of the contract. Any new report identified during the life of the contract shall be implemented upon agreement of DSHS, NTBHA and Contractor. Damages will be assessed as per the daily rates specified above.



13. Satisfaction Surveys

Survey will be designed in collaboration of NTBHA, DSHS, and contractor. Survey will be administered by stakeholders and contractor. Survey will be based on the previously administered surveys in order to ensure the data may be compared.

DSHS will calculate performance, subject to review by NTBHA, at the end of each SFY.

(Annual survey administered by Contractor in conjunction with NTBHA and stakeholders.)

Annual Performance Standard	Penalty
<78% of subjects are satisfied or very satisfied with services at the clinic	\$5,000
<76% of subjects coping with symptoms better or much better	\$5,000

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14. TRR measures

DSHS will calculate performance, subject to review by NTBHA, at the end of each SFY.

Annual Performance Standard	Penalty
<9.8 % of adult enrollees authorized in a full level of care who have independent employment.	\$10,000
< 97% of adult enrollees authorized in a full level of care who live independently or in a group home.	\$10,000
<20% of enrollees authorized in a full level of care have shown reliable improvement in one or more domains on the ANSA.	\$10,000
<25% of enrollees authorized in a full level of care have shown reliable improvement in one or more domains on the CANS	\$10,000
<97% of Child and Adolescent enrollees in a full level of care have acceptable or improved juvenile justice involvement.	\$10,000