ATTACHMENT A: SCOPE OF WORK

A. BACKGROUND:

1. The OBRA'87 specifically amends Section 1919(e) of the Social Security Act and mandates that states implement screening systems to determine whether individuals in Nursing Facilities ("**NFs**"), or seeking admission into NFs, have a Serious Mental Illness ("**SMI**"). If a SMI is detected, states must then determine whether the individuals require the level of care for nursing services in NFs or Specialized Services.

2. PRE-ADMISSION SCREENING RESIDENT REVIEW ("**PASRR**"): The PASRR Level II evaluation is an independent physical and mental evaluation performed by a qualified person or entity other than the state or DHS, and reviewed by the state mental health PASRR program director for a final determination regarding NF admission status.

B. PURPOSE: The purpose of this contract is to provide Pre-Admission Screening Resident Review ("**PASRR**") Level II evaluations for individuals seeking admission to, or residing in, Medicare or Medicaid certified NFs, and who are suspected of or diagnosed with SMI based on referrals from local NFs, hospitals, and other allied agencies or individuals.

C. DEFINITIONS:

"**APS**" means the Department of Human Services, Division of Aging and Adult Services, Adult Protective Services.

"**Conflict of Interest**" exists or may be perceived to exist when the Contractor, through the PASRR Level II evaluation, could make placement recommendations that would benefit the Contractor personally or would benefit a business interest of the Contractor, including the Contractor's place of employment.

"**DHS**" means the Department of Human Services, Division of Substance Abuse and Mental Health.

"**DOPL**" means the Utah Division of Occupational and Professional Licensing.

"**MD**" means Medical Doctor.

"**NFs**" means Nursing Facilities.

"**NSMI**" means not seriously mentally ill.

"**OBRA'87**" means PUBLIC LAW 100-203, known as the Omnibus Budget Reconciliation Act of 1987 or the Nursing Home Reform Act that took effect on January

I, 1989. This can be found at https://www.congress.gov/search?q=%7B%22source%22:%22legislation%22,%22search%22:%22cite:PL100-203%22%7D

"**PASRR**" means Pre-Admission Screening Resident Review.

"**PASRR Level II Evaluation**" means an independent physical, and mental evaluation performed by a qualified person or entity other than DHS.

"**Rural Area**" is defined as any county in Utah other than Davis, Morgan, Salt Lake, Utah, and Weber.

"**SMI**" means Serious Mental Illness. SMI is further defined in more detail by ("**DHS**") at (https://dsamh.utah.gov/pdf/SMI-SPMI%20Form%20revised%202014-5-29%20FINAL%20(1).pdf)

"**Specialized Services**" means as recommended mental health services provided for the person in or outside of the NF.

"**Telehealth**" means mental health care delivery through interactive video communications. The use of Telehealth for the delivery of mental health services is considered a face-to-face, in-person encounter.

D. CONTRACTOR QUALIFICATIONS:

1. All individuals providing PASRR Level II Evaluations must:

   a. Be licensed as mental health professionals pursuant to the DOPL Mental Health Professional Practice Act , as found at Utah Code Title 58, Chapter 60; and

   b. Have at least two years' experience working with hospitals, NFs, and local mental health authorities to provide mental health treatment, geriatric care, and medical care. This experience must include:

      (1) Using Diagnostic and Statistical Manual criteria;

      (2) Recommending mental health services provided in a NF (Specialized Services); and

      (3) Identifying whether the need for inpatient hospitalization or crisis assessment is needed.

2. Exception for Rural Areas: If there is no licensed mental health professional in a rural area who can perform the required services, services may be provided by an individual who meets the experience requirements in Section D.l.b.(1) through (3) above and is:

a. A certified mental health professional pursuant to the DOPL Mental Health Professional Practice Act; and

b. Working towards licensure as a licensed mental health professional; and

c. Working under the direct supervision of a licensed mental health professional.

3. If the Contractor hires or subcontracts with an individual to provide PASRR Level II Evaluations, the Contractor shall provide to DHS the documentation that establishes the individual as qualified to provide PASRR Level II Evaluation services. DHS must approve the individual before the individual is allowed to provide services.

E. **<u>CONTRACTOR REQUIREMENTS</u>**: The Contractor shall:

1. In conducting PASRR Level II Evaluations, adhere to and comply with:

a. 42 CFR 483.100 through 42 CFR 483.138;

b. Utah Administrative Code R414-501 and R414-503; and

c. 42 U.S.C. l396r.

2. Participate in preparing for and appearing in judicial or administrative hearings, upon request by DHS.

3. Participate in the procedural development, quality assurance, federal regulation review activities, and training of new PASRR contractors, evaluators, and NFs, upon request by DHS.

4. Provide training and information to NFs, hospitals, and mental health facilities to facilitate the PASRR Level II evaluation process. The evaluation process must include telephone consultations, presentations, or the preparation of printed materials, including alternative placement options such as treatment based housing and affordable housing options.

5. Refer questions regarding policy, federal law, and state administrative rule to the DHS PASRR program manager.

6. Adhere to all provisions of the Utah Department of Health NF preadmission or continued stay review, level of care and preadmission screening review criteria found in Utah Administrative Code R414-501 and R414-503.

F. **POPULATION TO BE SERVED:** The population to be served includes all individuals regardless of payment source:

1. With a pending admission to an NF with a Level I PASRR Identification screen that indicates a suspicion of mental illness or a diagnosis of mental illness; and

2. Who are admitted to an NF with a PASRR Level II evaluation.

G. **PASRR IDENTIFICATION LEVEL I SCREENING REQUIREMENTS:** The Contractor shall:

1. Obtain a copy of the current PASRR Identification Level I screening form from a referral source and ensure the form has been completed to include the following:

    a. All sections and fields have been completed even if the question is unknown or "N/A";

    b. The form has been signed by the individual or the individual's family member or legal guardian, or, if the individual refuses to sign, the refusal has been documented.

2. Review all referrals to ensure the Level I screening form indicates the existence of SMI and the need for a PASRR Level II evaluation.

3. Before starting the Level II evaluation, ensure the following have been completed for all individuals discharging from a hospital in order to prevent multiple evaluations on the same individual.

    a. A search on the PASRR web-based system, as found at: https://pasrr.dhs.utah.gov/dhspasrr/clientListAction.do, to determine if a previous Level II evaluation has been completed;

    b. Contact the local PASRR evaluator in the area where the individual was hospitalized to ensure there isn't a Level II evaluation already in process. If the PASRR evaluator in the area of the hospital has received a referral on the same individual, no Level II evaluation should be conducted by the Contractor. If this process is not completed prior to beginning a PASRR Level II evaluation, payment may be denied.

4. Refer all individuals identified with the PASRR Identification Level I screening form as having SMI to the appropriate PASRR Level II evaluation office. The appropriate office is determined by the location of the individual at the time of the referral.

5. Determine whether the individual is appropriate for a PASRR Level II evaluation by ensuring the individual:

a. Meets the SMI criteria found at https://dsamh.utah.gov/pdf/SMI-SPMI%20Form%20revised%202014-5-29%20FINAL%20(1).pdf; and

b. Has a completed PASRR Identification Level I screening form.

H. PASRR LEVEL II EVALUATIONS REQUIREMENTS:

1. **PASRR Level II:** The Contractor shall use the PASRR Level II Evaluation forms, as found at https://dsamh-training.utah.gov/pasrr/SMI_Level_2_Form_9.21.21.pdf to determine whether an individual with SMI admitted or seeking admission to an NF meets the level of care of the NF, and whether the individual requires Specialized Services.

2. The PASRR Level II will be reviewed by the state Mental Health PASRR Program Director to make a final determination for NF admission status. The Contractor shall conduct the Level II Evaluations for individuals applying for, or residing in, an NF and are suspected of or diagnosed with an SMI based on referrals from local NFs, hospitals and other allied agencies or individuals. The Contractor's PASRR Level II Evaluation must determine:

   a. The existence of SMI,

   b. The need for level of care of services provided by an NF for medical needs beyond psychiatric needs, and

   c. The need for the following Specialized Services:

      (1) Mental health services in an NF;

      (2) Mental health services outside of an NF;

      (3) Acute psychiatric inpatient treatment; or

      (4) Psychiatric inpatient treatment at the Utah State Hospital.

3. **REQUIREMENTS OF EVALUATION:** The Contractor shall:

   a. Ensure supporting documentation showing why the PASRR Level II evaluation was completed if the evaluation indicates the individual is NSMI. DHS may withhold or deny payment for the evaluation if the evaluation does not justify the findings.

   b. Use a system that can record and track incoming referrals and:

(1) Has the capability to receive incoming referrals 24 hours a day, seven days a week.

(2) Tracks and maintains records of the following: the date the referral was received, the name of the individual referred for evaluation, the name and source of the referral, all pertinent information regarding the individual referred for PASRR Level II evaluations; and the date collateral information was received.

(3) The Contractor shall make the above information available to DHS upon request.

c. Ensure the PASRR Level II evaluation process includes the following:

(1) SMI or NSMI diagnosis;

(a) Whether the individual requires Specialized Services;

(b) Whether the individual is not stable psychiatrically and requires inpatient psychiatric treatment; and

(c) Whether there is a documented medical need, beyond the psychiatric need, for the NF level of care.

d. Conduct PASRR Level II evaluation interviews in person with the individual. These interviews may take place in any setting (home, hospital, NF, clinic, and other settings) in order to complete the evaluation. Assessment update interviews are not required to be in person and can be performed by phone, fax, or through other secure electronic means.

e. Use telehealth for interviews of individuals who need a PASRR Level II evaluation, and when pre-approved by the State Mental Health PASRR program director or designee, when distance or other hardships impair consistent access to services.

(1) As a condition of using telehealth, an interactive visual telecommunications system is required that permits real-time communication between the licensed mental health practitioner and the individual or the individual's family when one of the parties is at another site. Appropriate hardware and HIPAA compliant software must be available at both sites. Telehealth platforms must be in compliance with Americans with Disabilities Act policy to ensure all individuals have equal access to the Contractor.

(2) Telehealth equipment must have the capacity and transmission speed to provide adequate resolution and audio quality for

decision-making substantially equivalent to a face-to-face encounter. The Contractor shall ensure its staff involved in telehealth visits are trained in the use of the telehealth equipment and are competent in its operation.

(3) The Contractor shall ensure that physical surroundings for all parties are private, quiet, free from interruptions, and conducive to a confidential evaluation.

(4) When providing telehealth services, the Contractor shall be held to the same standards of quality care and confidentiality as in person services.

(5) The Contractor shall ensure that all individuals involved in the telehealth session identify themselves and that the notes document those in attendance.

(6) The Contractor is responsible for all costs associated with Telehealth services.

(7) Telehealth services are reimbursed at the same rate as a standard face-to-face, in-person encounter.

f. Review and attach collateral information received by Contractor. Collateral documentation and interviews such as with family and nursing staff may be gathered and conducted via telephone conversations, secure electronic mail messaging, and fax from the following referral sources: NF; hospitals; providers in the community; and family and caregivers. Collateral information must include:

(1) History and physical form;

(2) MD and medication orders;

(3) Level I screening form;

(4) Minimum data set, if available;

(5) Documented medical information;

(6) Functional assessment of activities of daily living;

(7) Social and medical history;

(8) Medical justification of services needed in the NF; and

(9) Psychiatric diagnosis.

(10) Collateral documentation and collateral interviews such as family and nursing staff may be gathered and conducted via:

(a) Telephone conversations.

(b) Secure electronic mail messaging; e.g., email or instant messaging.

(c) Fax.

4. PROCEDURES: The Contractor shall:

a. Ensure the PASRR Level II evaluations review an individual's current psychiatric, medical, functional, and psychosocial status, and include recommendations to the state mental health PASRR program director regarding the individual's application for admission to or continuing to reside in an NF.

b. Stop the evaluation, as instructed on the DHS Level II evaluation form, if at any time during the evaluation the Contractor determines that:

(1) The individual does not have an SMI;

(2) The individual has a diagnosis of primary diagnosis of a major neurocognitive disorder;

(3) The individual has other types of mental disorders due to the effects of a general medical condition;

(4) Recommending denial is appropriate as the individual does not meet medical criteria for NF services; or

(5) Recommending psychiatric inpatient services is appropriate.

c. Submit the completed Level II evaluation to the PASRR web-based system within two business days from the date of referral if the individual is residing in the community or in a hospital and is referred for a Level II evaluation.

d. Determine if the individual is either:

(1) Currently residing in the NF; or

(2) If this is a re-evaluation; then

(3) Submit the completed Level II evaluation and collateral information to the PASRR Web-based system within five business days from the date of referral. Documentation for all individuals shall include and not limited to: chief complaint, history of present illness, past history (psych and medical) illness, past history, Social and Family History, Medication List, Review of Systems, Physical Exam (including Mental Status Exam), Assessment & Plan, the MD orders and the medication orders and the Level I screening form.

e. If this is a reevaluation, submit the completed Level II evaluation and collateral information to the PASRR web-based system within five business days from the date of referral. Documentation for all individuals must include,: chief complaint, history of present illness, past history illness (psychiatric and medical), past history, social and family history, medication list, review of systems, physical exam (including mental status exam), assessment and plan), the MD orders, the medication orders, and the Level I screening form.

f. Complete all areas of the PASRR Level II evaluation, as instructed on the evaluation form.

g. Obtain access to the individual and the individual's medical record(s) from the NF or hospital staff, family members, guardian, and DHS, when applicable.

h. Review the SMI criteria and other hospital stay or NF stay collateral records at the time of referral before scheduling a PASRR Level II evaluation.

i. Ensure the PASRR Level II evaluation is adapted to the cultural and ethnic background, language, and means of communication used by the individual with SMI seeking admission or currently residing in an NF.

j. Document the individual information and findings in detail on the PASRR Level II evaluation to permit DHS to make accurate NF determinations for level of care.

k. Prior Authorization Requirements: Request and receive prior authorization from the state mental health PASRR program director for reevaluation for the following, or payment may be denied:

(1) An initial, significant change when an individual has been admitted to an NF and the original Level I did not require a Level II be

conducted, and an individual's psychiatric status has significantly changed.

(2) Re-evaluation (significant change) when an individual's psychiatric status has significantly changed, or with any other significant changes that impact the individual’s mental health.

(3) If the individual has had a previous Level II evaluation and discharges from the NF and then returns to the NF within 30 calendar days, the Contractor shall update the previous PASRR Level II Evaluation (assessment update) by phone or other secure electronic means.

(4) Re-evaluation due to a break in stay for individuals who leave the NF against medical advice, fail to return within two consecutive days, or fail to return within two consecutive days after an authorized leave of absence. These individuals shall be considered discharged from the NF. If the NF makes a referral for another evaluation for such discharged individuals and the individual has returned to the NF within 30 days of the completion of the previous Level II, prior authorization using the PASRRADMIN@utah.gov email by the state mental health PASRR program director must be obtained by the Contractor before a PASRR Level II Assessment Update evaluation is completed

l. If the contractor determines “Convalescent Care” or “Short Stay”, does the contractor then seek approval from the PASRR Program Director to approve, then the individual may be admitted to a NF for a period not to exceed 120 days.

m. Complete a reevaluation in-person to determine if the individual is eligible for continued NF services if the NF makes a referral for another PASRR Level II evaluation The Contractor shall submit the completed reevaluation electronically to the DHS PASRR website. Access to this website will be provided by DHS at the completion of the contract.

n. Provide PASRR Level II evaluations for emergency admissions by APS:

(l) If the individual is expected to have an NF stay for more than seven days, complete an evaluation if the NF makes a referral when APS places an individual for an emergency admission to an NF, and the Level I PASRR Identification Screen indicates a suspicion of mental illness or a diagnosis of mental illness.

(2) Complete the PASRR Level II evaluation within two business days of receipt of referral and collateral information.

(3) Make a provisional recommendation if the individual is in a state of delirium and an accurate diagnosis cannot be made. Once the delirium clears and the NF makes a referral, the Contractor shall complete the PASRR Level II evaluation within two business days of receipt of referral and collateral information.

o. Complete a PASRR Level II evaluation if the NF makes a referral for qualifying individuals who required NF services after the 14-day respite stay.

I. **CONFLICT OF INTEREST**: The purpose of this section is to prevent a conflict of interest or appearance of impropriety. As the PASRR process involves hospitals and NFs statewide, the potential exists for a conflict of interest if Section I.1. through I.4. are not met. DHS may consider and provide written approval at its sole discretion for an exception to the requirements listed in Section I.1. through I.3. upon the Contractor's written request in an extraordinary circumstance. This conflict of interest section is in addition to both the state of Utah and the Department of Human Services Policies and Procedures on conflicts of interest. The Contractor's evaluators who perform the PASRR Level II evaluations must:

1. Not be employed by, or have any financial interest in, local hospitals or NFs.

2. Not have other responsibilities that may pose, or appear to pose, a conflict of interest within the PASRR process, including civil commitment proceedings, arranging or coordinating placement into hospital care for medical, acute psychiatric care or long term psychiatric care, and nursing home care.

3. Not complete PASRR Level II evaluations for any individuals with whom the evaluator or the Contractor’s employer has a current personal, financial, or therapeutic relationship.

4. Notify the state mental health PASRR program director of any potential conflicts of interest. The state mental health PASRR program director will arrange for another PASRR contractor to provide the PASRR Level II evaluation.

J. **EVALUATION ACCEPTANCE REQUIREMENTS:** The Contractor shall:

1. Be given an electronic copy of the PASRR Level II evaluation form by the state mental health PASRR program director before the Contractor conducts an evaluation.

2. Ensure the evaluation is typed and submitted electronically to the DHS PASRR website, as provided by DHS, within the timeframes referred to in Section H.3.c. and d. above.

3. Ensure the PASRR Level II evaluation forms are complete. If an error is made, the Contractor shall draw a line through the error and enter the correct information, initial the change, and not leave items or areas blank, although it is permissible to use "N/A".

4. Reference all collateral information throughout the PASRR Level II evaluation form and attach the documents, as required in Section H.2.e. above.

5. Make timely submission of an accurately completed Level II evaluation. Payment may be reduced by $70.00 for each 24-hour period the evaluation is late or DHS is not in possession of the evaluation.

6. Submit complete Level II evaluations. Incomplete evaluations will be returned to the Contractor. If the Contractor resubmits the evaluation by 5 p.m. the next business day, no reduction in payment will be made, otherwise, payment will be reduced by $70.00 for each 24-hour period the evaluation is late.

K. **PASRR LEVEL II EVALUATION EXCEPTIONS:** PASRR Level II evaluations are not required for the following circumstances, and an evaluation completed under the following circumstances, will not be reimbursed:

1. Individuals in NFs requiring hospitalization services for medical needs (not emergency room visits) if the discharging hospital physician certifies in writing before admission to the NF that the NF stay is likely to be less than 30 days. If the individual is later found to require longer than 30 days in NF care, upon the NF referral, the Contractor shall complete a PASRR Level II evaluation and may be reimbursed.

2. NF individuals with a completed PASRR Level II evaluation who are directly transferred to a hospital for a non-psychiatric admission and then directly readmitted back to an NF. This is not considered a break in stay.

3. Individuals transferred directly from one NF to another, with or without an intervening hospital stay. This is not considered a break in stay.

4. NF individuals directly transferred to an acute psychiatric hospital (including the Acute Residential Treatment Center at the Utah State Hospital) and then transferred directly to the NF with no significant psychiatric change. If the NF requests another evaluation, the Contractor shall assist DHS in determining whether another PASRR Level II evaluation is needed for any significant change. The Contractor shall provide collateral documentation to the DHS program manager. Without prior authorization using the PASRRADMIN@utah.gov email

from the state mental health PASRR program director, an evaluation completed for these individuals may not receive reimbursement.

5. An evaluation completed for individuals in NFs that accept Medicare but not Medicaid-funded may not receive reimbursement.

6. Evaluations completed for individuals without suspected or existing SMI admitted to an NF for hospice care (certified in writing by a physician) may not receive reimbursement.

7. Evaluations completed for individuals admitted for a 14-day respite stay may not receive reimbursement.

L. **PERFORMANCE REQUIREMENTS**: The Contractor's performance will be monitored based on compliance with the service requirements.

M. **PAYMENT:** The DHS PASRR web-based program generates an invoice form when a PASRR Level II evaluation is approved.

1. All Contractor invoices will be based on the type of PASRR Level II evaluations approved, including any payment deductions for late or incomplete evaluations submitted to the state mental health PASRR program director.

2. The Contractor shall return the signed invoice within twenty calendar days, excluding state and federal holidays, from the date of the invoice from DHS. For any invoice submitted past the twenty calendar days, DHS may deduct up to 10% per month or DHS may deny all payment.

3. Payment for completed PASRR Level II evaluations is made after DHS has received the following from the Contractor:

   a. The original PASRR Identification Level I screening form (received from the referral source) indicating that a PASRR Level II evaluation is necessary, and

   b. The original PASRR Level II evaluation, including required collateral information.

4. DHS will only pay for evaluation services provided by:

   a. Individuals who meet the qualification requirements of this contract and who have been approved by DHS to provide services; and

   b. Subcontractors who meet the qualification requirements of this contract and have been approved by DHS.

5. Payment for PASRR Level II evaluations are rate based according to the type of assessment, as indicated in the table in Part IV.

N. **OUTCOME MEASURES**: As per federal policy guidelines as found in 42 CFR 483.100-138, (1) Evaluate all applicants for SMI; (2) Offer all applicants the most appropriate setting for their needs (in the community, a nursing facility, or acute care settings); (3) Provide all applicants the services they need in those settings.

1. Outcomes:

   a. Individuals with SMI will not be held at an NF level of care without medical need, as documented by the PASRR evaluation and letter of determination.

   b. Individuals with SMI who require Specialized Services will be identified and the Specialized Services will be listed in the Level II evaluation.

2. Measures:

   a. Evaluators must successfully complete the training provided by DHS on an annual basis.

   b. Evaluations will be completed and submitted to the PASRR system within the timeframes outlined in H.3. above.

   c. Completed evaluations will identify individuals with SMI who have documented medical need for an NF level of care.

   d. Completed evaluations will identify individuals with SMI who require Specialized Services.

3. Reporting: All completed Level II evaluations are reviewed by DHS and serve as Contractor reports.