Civil Monetary Penalty (CMP) Grant Program

Purpose

- Get the word out!

What are Civil Monetary Penalties?

- Imposed by the Centers for Medicare and Medicaid Services (CMS) when nursing homes do not comply with certain federal requirements.

- A portion of the funds are returned to states to support activities that <u>protect and benefit nursing home residents</u>.

Who can apply?

- <u>You</u> can apply!

- Must meet following requirements
  - Qualified and capable of carrying out intended project or use;
  - Not in any conflict of interest relationship with the entity(ies) who will benefit from the intended project or use;
  - Not a recipient of a contract or grant or other payment from Federal or State sources for the same project or use;
  - Not paid by a State or Federal source to perform the same function as the CMP project or use. CMP funds may not be used to enlarge or enhance an existing appropriation or statutory purpose that is substantially the same as the intended project or use.

How can CMP funds be used?

- Social Security Act specifies CMP funds may only be used to support <u>activities that benefit nursing home residents</u>.

CMS Examples in NH-12-13

- Direct Improvements to Quality of Care
  - New York - a project to improve resident balance and mobility and decrease falls using innovative exercise and balance programs that include Tai Chi and Yoga.

- Resident or Family Councils
  - Connecticut - used CMP funds to support their VOICES program which brings together presidents of resident councils to share their thoughts and to bring the concerns and ideas of residents to the attention of public officials who can assist in addressing problems.

Other State Examples

- Michigan – project to provide behavioral consultation and services to aging persons with cognitive impairment in nursing facilities. Goal to assist residents to age in place, to reduce the use of medication to manage behavioral and psychological symptoms of dementia, to improve staff knowledge and abilities, and to develop modules that can be adopted by other nursing facilities.

- Wisconsin - implemented Wisconsin Music & Memory Initiative to fully fund 100 nursing homes to become certified as a Music & Memory facility and provide the equipment for 15 residents with Alzheimer and related dementias from each facility to participate in the program.

CMS Examples of Prohibited Uses

- **Conflict of Interest Prohibitions:** CMS will not approve projects for which a conflict of interest exists or the appearance of a conflict of interest. Similarly, CMS will generally not approve uses that commit CMP funding to very long term projects (greater than 3 years).

- **Duplication:** States may not use CMP funds to pay entities to perform functions for which they are already paid by State or Federal sources.

- **Capital Improvements:** CMP funds may not be used to pay for capital improvements to a nursing home, or to build a nursing home, as the value of such capital improvement accrues to a private party (the owner).

CMS Examples of Prohibited Uses

- **Nursing Home Services or Supplies:** CMP funds may not be used to pay for nursing home services or supplies that are already the responsibility of the nursing home, such as laundry, linen, food, heat, staffing costs, etc.

- **Temporary Manager Salaries:** CMP funds may not be used to pay the salaries of temporary managers who are actively managing a nursing home.

- **Supplementary Funding of Federally Required Services:** CMP funds may not be used to recruit or provide Long-Term Care Ombudsman certification training for staff or volunteers or investigate and work to resolve complaints as these are among the responsibilities of Long-Term Care Ombudsman.

Application Process

- Proposals accepted for review during following timeframes:
    - April 1 – April 14
    - October 1 – October 14

- Must be submitted electronically to:
    - MDHHS-CMPGrants@Michigan.gov

- No standard application
    - Follow CMS guidance on "Contents of Requests for Approval", located on page two of Frequently Asked Questions document or pages three and four of the NH-12-13 memo.

Content of Requests for Approval

- 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;

Content of Requests for Approval cont'd

- 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.

Approval Process

- Proposals reviewed by State staff
  - CMP Reviewers, Medicaid Director
  - Initial compliance with CMS criteria

- If approved, proposal forwarded to CMS for final decision

- CMS has 45 calendar days to review

- Entire process takes approximately three months

Questions?

- Additional questions can be emailed to:
  MDHHS-CMPGrants@michigan.gov

- CMP Grant Program website:
  http://www.michigan.gov/mdhhs/0,5885,7-339-71551_2945_73356---,00.html