

Managed Long Term Care (MLTC) Plan Social Adult Day Care (SADC) Contracting and Oversight: Roles and Responsibilities

The purpose of this document is to provide Managed Long Term Care (MLTC) plans with an overview of the roles and responsibilities for contracting with and providing oversight of Social Adult Day Care (SADC) centers in New York. The document covers the New York State Office of Aging (NYSOFA) regulations pertinent to the contracting and oversight of SADCs.

For detailed guidance regarding roles and responsibilities related to the New York State Department of Health (the Department) Home and Community Based Services (HCBS) Compliance Verification Reviews and Surveys, please see the following:

[SADC HCBS Compliance Review Process - Roles and Responsibilities Webpage.](#)

MLTC Plan Resources for HCBS Compliance Activities

MLTC plans must have adequate staff resources to complete all required compliance activities for contracted SADC programs, including:

- Completion of in-person site visits for the initial and annual SADC site evaluations.
- Supporting the Department with completing HCBS compliance review initiatives.

Contracting with a New SADC

Prior to MLTC plan members attending a new SADC, the MLTC plan must complete an initial evaluation which will verify that the SADC is compliant with all state and federal regulations. Refer to the [Ongoing Monitoring of SADC](#) section below for details on the evaluation and the Department SADC Site Evaluation tool.

Steps MLTC plans are required to take are as follows:

- Identify the SADC to contract with.
- Make sure the SADC is compliant with all applicable state and federal regulations by performing an initial evaluation of the SADC.
- Work with the SADC to remediate any non-compliance and ensure all remediation efforts are completed prior to members attending that SADC.
- Execute a contract with the SADC that includes:
 - Date of the contract.
 - NYS requirements for standard clauses.
 - The requirements for SADC contracts (as indicated in the [Partial Capitation](#) and the [Medicaid Advantage Plus](#) model contracts).
- The MLTC plan should also add the new SADC to the plan's network via the next quarterly Provider Network Data System (PNDS) submission.

- For additional details on PNDS submission requirements, please see the section - [PNDS Updates of SADC Network](#).

Ongoing Monitoring of SADC Compliance

Responsibilities

The MLTC plans are required to complete an initial site visit prior to contracting with the SADC as described above. Additionally, an annual evaluation of all contracted SADCs must be completed to ensure each SADC is maintaining compliance with all state and federal regulations. The Department suggests using the [SADC Site Evaluation Tool](#) to perform all reviews, however if using a different tool, it must contain at a minimum, all fields and questions from the Department's suggested tool. The MLTC plan is required to evaluate all contracted SADCs, including the sites without plan members enrolled. **All initial and subsequent annual site evaluations must be completed in person, at the SADC site.** Additional guidance on the evaluation regulations can be found at the links below:

- [9 CRR-NY 6654.20](#)
- [HCBS Final Rule](#)
- [SADC Annual Certification](#)
 - [Office of the Medicaid Inspector General \(OMIG\) Portal for Certification](#)

Reminders

- Complete required remediation of non-compliant areas for the SADCs.
- Save all documents and proof of remediation for at least 6 years and be prepared to furnish the documentation within 2 business days if requested by the Department, Office of the Medicaid Inspector General (OMIG), or Office of Inspector General (OIG).
- Perform person centered planning (PCP), using the SADC HCBS compliant [Person Centered Service Plan Template](#) (PCSP). For additional details on the PCP process please visit the Department's [Person Centered Planning Guidelines Home Page](#).
- MLTC plans are required to ensure SADCs provide members with transportation to/from the program using the program's vehicles or via a contracted transportation vendor per [MLTC Policy 24.01](#).
- MLTC plans must ensure SADCs and/or contracted transportation vendors possess certificates of insurance that includes comprehensive liability coverage.
- MLTC Plans must ensure that SADCs display a valid and active certificate of occupancy and comply with the limitation of that certificate.
- MLTC Plans must confirm sites have member attendance logs that include the member's name, date and time of SADC attendance.

Resources

- Suggested SADC Site Evaluation Tool for MLTC Plans ([Excel](#))
 - [Suggested SADC Site Evaluation Tool Guide](#)
 - [Suggested SADC Site Evaluation Tool Video Tutorials](#)

- [SADC/SADS Person Centered Service Plan \(PCSP\) Template](#)

Temporary Closure of SADC

If a SADC is temporarily closing for any reason, the MLTC plan is responsible for ensuring the SADC has a procedure in place to notify the MLTC plan, and that members attending that SADC are assisted with any needs in the interim and if needed outreach to educate and transfer members to another HCBS-compliant SADC.

Responsibilities

- The Department requires that the MLTC plan have a procedure in place with the SADC that requires the SADC provide at least a 30-day notice to the MLTC plan for extended temporary closure such as building maintenance or remodeling.
- The Department requires that the MLTC plan also have a procedure in place with the SADC that requires notice be given to the MLTC plan as soon as possible for an emergency temporary closure, such as inclement weather.
- Once notified of a temporary closure, the MLTC plan is responsible for ensuring any applicable member backup plans are initiated and/or other temporary needs are met.

Permanent Closure of SADC

If a SADC is permanently closing, the MLTC plan is responsible for ensuring the SADC has a procedure in place to notify the MLTC plan in ample time (within 60 days) for the MLTC plan to ensure members' services are not disrupted and to perform the transfer PCP process with another HCBS-compliant SADC.

Responsibilities

- The Department requires that the MLTC plan have a procedure in place with the SADC that requires the SADC provide at least a 60-day notice to the MLTC plan for permanent closure.
- Once notified of a permanent closure, the MLTC plan is responsible for outreach to attending members to educate and transfer members to another HCBS-compliant site and performing the PCP process transfer.
- The MLTC plan should also remove the SADC from the plan's network via the next quarterly Provider Network Data System (PNDS) submission.
 - For additional details on PNDS submission requirements, please see the - [PNDS Updates of SADC Network](#) section.

Relocation of SADC

When a SADC relocates to a new address or location within an existing building, it is considered a new SADC at the new location and permanent closure of the SADC at the original location.

The MLTC plan must conduct all steps for the new location found in the [Contracting With a New SADC](#) section above, which includes conducting the initial visit prior to contracting with the new location, AND all steps for the original location found in the [permanent closure section](#) above. Additionally, the responsibilities listed below are also required.

Responsibilities

- To align with handling a permanent closure, the Department requires that the MLTC plan have a procedure in place with the SADC that requires the SADC provide at least a 60-day notice to the MLTC plan when relocating the SADC (to allow for site visits and PCP process).
- The MLTC plan should also remove the original SADC location/address from the plan's network and add the new SADC location/address via the next quarterly PNDS submission.
 - For additional details on PNDS submission requirements, please see the - [Provider Network Data System \(PNDS\) Updates of SADC Network](#) section below.

Important: Please note that the MLTC plan **MUST** perform the PCP process to discuss with the member if they would like to attend the new location or if they prefer to receive SADC services elsewhere. A member should never be transferred to a new SADC location without a PCP discussion.

Supporting The Department with SADC HCBS Compliance Verification

Each year the Department verifies that SADC are compliant with [HCBS Settings Final Rule](#) and MLTC plans are required to support the Department in coordinating verifications and validations with all contracted SADCs.

For detailed guidance on the roles and responsibilities of MLTC plans, SADCs, and the Department, in relation to the SADC HCBS Compliance Verification Reviews, please visit the [SADC HCBS Compliance Review Process - Roles and Responsibilities](#) webpage.

Supporting The Department with MLTC Plan SADC Oversight Survey Efforts

MLTC plans are required to complete initial and annual site evaluations on all contracted SADCs in the plan's network, to ensure that the site is compliant with applicable state and federal regulations (as described above in the [Ongoing Monitoring of SADC Compliance](#) section) along with providing ongoing monitoring and oversight of the plan's contracted SADCs.

The Department is responsible for monitoring the MLTC plans' annual oversight of contracted SADCs, and the MLTC plans are responsible for responding to requests and providing documentation timely, to support the Department's efforts.

Responsibilities

- Respond to the Department's requests for information needed to conduct the verification and validation survey.
 - For example, supplying initial and annual SADC evaluations, along with proof of remediation.
- Submit all requested documentation to the Department, by the requested due date.

- Work with the Department to remediate any non-compliance identified and implement a corrective action plan (CAP) to ensure compliance in the future.
- Document and/or photograph any areas needing remediation identified during the SADC HCBS compliance review.

Note: Any inquiries about the Department survey efforts can be sent to mltcsurvey@health.ny.gov.

Provider Network Data System (PNDS) Updates of SADC Network

MLTC plan administrators are required to submit quarterly reports via the [PNDS portal](#). These reports are meant to detail all active provider and facility (ancillary) contracts for that quarter, including contracted SADCs.

Responsibilities

- Add new SADC to the plan's network via the next quarterly PNDS submission.
- Remove closed SADC from the network via the next quarterly PNDS submission.
- Remove SADCs the plan is no longer contracted with.
- Report SADC service location and not business address.
- Do not report an Adult Day Health Care (ADHC) as a SADC.
- The MLTC plan must submit a proposed contract list for network adequacy verification to the Department at MLTC.PNDS@health.ny.gov.

Reminders

- Any questions regarding PNDS submissions can be sent to the Department at MLTC.PNDS@health.ny.gov.
- Addresses reported via PNDS should be the physical service location of the SADC, not a business or mailing address.
- SADC names should reflect the full and complete business name.
 - Note: If a business is operating a SADC under a name that does not match the business, the name should be report as a doing business as (DBA).
 - Ex. ABC, Inc. DBA XYZ Social Adult Day Care
- Verify that contracted SADC and Adult Day Health Care (ADHC) providers are appropriately tagged and not mislabeled as each other.
- Remove duplicate entries where the same SADC is being reported.

Handling Complaints Regarding a SADC

Complaints regarding a SADC should be handled using the same grievance process outlined by the MLTC plan.

Responsibilities

- MLTC plans are required to investigate all SADC related complaints reported to them by the Technical Assistance Center (TAC) and members or their representative.

- The Department highly recommends an unannounced visit by the MLTC plan when investigating complaints.
- MLTC plans must maintain anonymity for all parties involved.
- MLTC plans are required to work with the contracted SADC to remediate issues and if remediation is not possible, terminate the contract with the SADC.
- Respond to any inquiries from TAC or any other government agency involved, such as the Department, OMIG, or the New York City Department of Health and Mental Hygiene (NYC DOHMH).
- Ensure that a PCP session is held with any impacted members or members issuing the complaint to determine if the member wishes to change their SADC service provider or adjust their services.

Resources

TAC Contact Information

Webpage: [If you Have a Complaint about MLTC](#)

Phone: 1-866-712-7197

Email: mltctac@health.ny.gov.