

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Health Care Finance



Office of the Senior Deputy Director/Medicaid Director

Transmittal # 16-13

TO: Home Health Agencies

FROM: Claudia Schlosberg, J.D. 
Senior Deputy Director and State Medicaid Director

Sharon Lewis, DHA, RN-BC, CPM 
Interim Senior Deputy Director
Health Regulation and Licensing Administration
Department of Health

DATE: May 2, 2016

SUBJECT: Reporting of Terminated Personal Care Aides by Medicaid Enrolled Home Health Agencies to the Department of Health, Board of Nursing

This transmittal is to clarify the responsibility of Medicaid enrolled Home Health Agencies (HHAs) to report the termination of employees and/or contractors who are personal care aides (PCAs) to the Department of Health, Board of Nursing.

The Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 (D.C. Law 5-48; D.C. Official Code § 44-501, *et seq.*) states:

§ 44-508. Reporting to licensing authority [Formerly § 32-1308]

- (a) Except as provided in subsection (b) of this section, in the event that a health professional's: (1) clinical privileges are reduced, suspended, revoked, or not renewed; or (2) employment or staff membership is involuntarily terminated or restricted for reasons of, or voluntarily terminated or restricted while involuntary action is being contemplated for reasons of, professional incompetence, mental or physical impairment, or unprofessional or unethical conduct, a facility or agency shall submit a written report detailing the facts of the case to the duly constituted governmental board, commission, or other authority, if one exists, responsible for licensing that health professional.**

- (b) The reporting requirement in subsection (a) of this section shall not apply to a temporary suspension or relinquishment of privileges or responsibilities if a health professional enters and successfully completes a prescribed program of education or rehabilitation. As soon as there exists no reasonable expectation that he or she will enter and successfully complete such a prescribed program, the facility or agency shall submit a report forthwith pursuant to subsection (a) of this section.**

In accordance with the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 (D.C. Law 5-48; D.C. Official Code § 44-501, *et seq.*), HHAs are required to report to the Department of Health, Board of Nursing whenever a PCA is terminated for reasons of professional incompetence, mental or physical impairment, or unprofessional or unethical conduct. Submitted timesheets for services not rendered for any reason is considered unprofessional and unethical conduct. The written report should include details regarding why the PCAs are terminated and the documentation supporting the termination including personnel records, timesheets, witness statements etc. DHCF requests that HHAs send the names and NPI numbers of all terminated PCAs to Carl Ditchey, Division of Program Integrity at Carl.Ditchey@DC.gov.

In accordance with Section I.C. of the Medicaid Provider Agreement, a provider is required to be in full compliance with standards prescribed by Federal and District statute and regulations. Accordingly, Medicaid enrolled HHAs are required to comply with the reporting requirements under the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 (D.C. Law 5-48; D.C. Official Code § 44-501, *et seq.*). Consistent with Section VI.A. of the Medicaid Provider Agreement, failure to comply with the reporting requirements may result in recoupment of Medicaid funds, termination from the Medicaid program, suspension of Medicaid funds, and other enforcement action set forth in applicable District statutes and regulations.

If you have any questions about this transmittal, please contact Ieisha Gray, Director of the Long Term Care Administration, Department of Health Care Finance, 202-442-5818, ieisha.gray@dc.gov or Karen Skinner, Executive Director of the Board of Nursing, Department of Health, 202-724-8818, karen.skinner@dc.gov.