

CHAPTER 60 REQUIRED NOTIFICATIONS

REVISION DATE: 5/8/2024, 11/24/2021

REVIEW DATE: 11/13/2023

EFFECTIVE DATE: May 13, 2016

REFERENCES: ACOM 416, ACOM 439

PURPOSE

This policy sets forth guidance for required notifications communicated between Providers and the Division of Developmental Disabilities (Division).

DEFINITIONS

1. “Material Change to Business Operations” means any change in overall operations that affects, or can reasonably be foreseen to affect, the Division’s ability to meet the performance standards as required in its contract with AHCCCS including, but not limited to, any change that would impact or is likely to impact more than 5% of total membership or its Provider network in a specific Geographic Service Area (GSA). Changes to business operations may include, but are not limited to, policy, process,

and protocol, such as prior authorization or retrospective review.

2. “Material Change to Provider Network” means any change in composition of or payments to the Division’s Provider network that affects, or can reasonably be foreseen to affect, the Division’s capacity and adequacy of services necessary to meet the performance or Provider network standards as required by AHCCCS. Changes to Provider network may include, but are not limited to:
 - a. A change that would cause or is likely to cause more than 5% of the Members in a GSA to change the location where services are received or rendered.
 - b. A change impacting 5% or less of the membership but involving a Provider or Provider group who is the sole Provider of a service in a service area or operates in an area with limited alternate sources of the service.
3. “Material Event” means any circumstance, or threatened circumstance, that could prevent or impede the Provider’s, or its subcontractors or agents, ability or authority to perform its

obligations under this QVA, or circumstances that have significant fiscal impact to QVA financial stability, including but not limited to the duty to render services in a manner that protects the health and safety of Division Members.

4. "Member" means the same as "Client" as defined in A.R.S. § 36-551.
5. "Provider" means any individual or entity that is engaged in the delivery of services, or ordering or referring for those services, and is legally authorized to do so by the State in which it delivers the services as specified in 42 CFR 457.10 and 42 CFR 438.2. This includes Service Providers as defined at ARS 36-551 also called Qualified Vendors.
6. "Qualified Vendor" means a provider of community developmental disability services that has applied for Qualified Vendor status, meets the criteria for Qualified Vendor status, and has entered into a Qualified Vendor Agreement with the Department.

POLICY

REQUIRED NOTIFICATIONS TO THE DIVISION

1. The Provider shall ensure the Division's contracting system has updated contact information in order to receive the Division's notifications.
2. The Provider shall report to the Division any Material Event as required in the DES/DDD Standard Terms and Conditions.
3. The Provider shall notify the Division's Contract Administrator at DDDContractsmanager@azdes.gov within 24 hours of a Material Event.
4. The Provider may elect to review proposed new policies, or changes to existing policies, posted to the Division's website for public comment.
5. The Provider shall utilize the Public Comment period if they elect to provide comments, regarding proposed new policies or existing policy revisions.

6. The Provider shall update their policies and procedures within six months of the final publication of the Division's policy change or sooner if outlined in a specific policy.
7. The Provider shall provide other notifications to the Division as required by the Division's Standard Terms and Conditions.

SUPPLEMENTAL INFORMATION

1. Providers are encouraged to sign up for policy notifications directly on the AHCCCS website as changes to AHCCCS Guidelines, Policy, and Manual Changes are communicated through electronic notification.
2. Providers and their employees or subcontractors may sign up for automatic policy notifications on the Division's website.
3. Providers are encouraged to review and distribute Disease/Chronic Care Management information when the information is pertinent to the Members they serve.

4. The Division provides information to the Provider network on its webpage and various electronic communications including email and newsletters, and through scheduled Provider meetings.
5. Material Event examples include:

A regulatory enforcement action, or threatened action, or criminal prosecution brought against the Provider, any officer, director, Key Personnel, or other management official of the Provider, or any Person owning or controlling over five percent (5%) of any class of securities issued by the Provider, (e.g., issues with credentials, licenses, permits, or certifications held by the Provider), bankruptcy or insolvency of the Provider or bankruptcy or insolvency of any Person owning or controlling over five percent (5%) of any class of securities issued by the Provider, litigation or other legal action where damages or other remedies are sought from the Provider (e.g., default on payment of wages, indebtedness, or tax penalties), the Provider's assets are subject to a court-ordered restriction on transfer (e.g., garnishment affecting Provider assets), or an action alleging dishonesty or fraud, or that the Provider or Key Personnel have engaged in acts of

misconduct, loss of Key Personnel, default on contracts or subcontracts necessary to the performance of the contract.

6. Required Division Notifications to the Provider:

- a. Any Material Change that has the potential to affect the quality or delivery of services provided to affected Providers at least 30 days prior to the change as specified in ACOM 439.
- b. Policy changes in advance of the change by posting all proposed new policies and major policy changes to its website for public comment.
- c. Final changes are communicated to the Providers through the Division's electronic notification and in Provider meetings.
- d. The Division shall provides contract notifications for the following occurrences:
 - i. Contract Actions, providing written documentation of any progressive contract action, including termination actions;
or

- ii. Exclusions from the Network, providing written notification the reason for declining any written request for inclusion in the network.

- e. The Division shall notify Providers with a schedule of Provider meetings and documentation from past meetings on the Division's website to provide updates and technical assistance regarding service delivery.

- f. The Division shall provide information about Disease/Chronic Care Management on its website.