



PENALTIES, SANCTIONS AND FINES, OH MY!!



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BRAVE NEW WORLD



...but some things
don't **change**

Regulatory Year in Review



- ▶ Administrative Penalties on Steroids
- ▶ Billing & Payment Pitfalls
- ▶ I Choose to live on the MOON and other zero rejection issues
- ▶ Guardians Gone Wild
- ▶ Document Drama

Administrative Penalties

- ▶ No Cap After 9/1/2017
- ▶ Shushhhhhhhhhhhhhhh About HCS
- ▶ Immediate Action Steps
- ▶ Appeal Path

MUST LIMIT
START DATE;

WORRY
ABOUT IJ;

CORRECT
ASAP;

PENALTY
VARIES

The Cap is
Gone, gone,
gone

Immediate Action

Collect Evidence to Limit Duration

Pursue All Informal Review

Preserve Evidence of Compliance

Identify Tags Related to Penalty and Correct

Consider Amelioration

Appeal Path

- ▶ Formal Appeal
- ▶ Docketed at SOAH
- ▶ Assigned in Service Area
- ▶ Settlement Typical



Billing & Payment Pitfalls

- ▶ Referrals
- ▶ Printed Forms
- ▶ Copies
- ▶ Consumers in Your Home

Forms & Copies



- ▶ Forms leave limited room to mark activities
- ▶ Checks and hatch marks must be original on each log
- ▶ Presence of unacceptable content can be overcome with original data
- ▶ Possible emerging issue for owner/controlling person and provider interest host home

Guardians Again

- ▶ Institutional Guardian Transfers
- ▶ Overriding Poor Decisions
- ▶ Probate Court Oversight

Guardian Trouble

- ▶ Increasing transfers by institutional guardians without cause
- ▶ Survey response to poor guardian expected
- ▶ Professional Guardians referred to the Guardian Board
- ▶ Private Guardians referred to Probate Court appointing them



Docudrama



Missing Notices, Bad Addresses

Originals Be Gone

Close the Circle

Zero Rejection and Choice

- ▶ I Want to Live on the Moon
- ▶ Vacancy
- ▶ Staffing

I Want to Live on the Moon

Is it a deficient practice if you do not provide a residence on the moon?

- ▶ Begin with a duty to evaluate residential choice and current placement
- ▶ Advocate for the individual to the service coordinator to promote a desired choice within a field of realistic options
- ▶ Consider the limitations of program services (you not having a home on the moon, a contract in the moon's catchment area and a lack of HCS funding for space travel)
- ▶ You have a duty to make a professional judgment about the best interest of the individual, as it affects residential choice (a lack of oxygen on the moon and difficulty in medication administration without any reliable water source)
- ▶ You have a duty to support the individual while the individual and service coordinator seek more suitable placement (another provider who does serve the moon; potentially making your own informal inquiries)
- ▶ You have a duty to consider alternative short term placement when there is consensus that the current placement has unacceptable negative outcomes.

Vacancy

One
consumer per
service area

You do not
build the
house

Safety First-
yours, others

Staffing

You need time to train

Host Home must follow rules

Report Guardians

Thank You!!!



▶ Until We Meet Again

QUESTIONS?



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