



## **PACE Final Rule: Highlights of the Updated Requirements**

While NPA continues to analyze the [PACE final rule](#), as released by CMS yesterday, we wanted to share highlights of the updated PACE requirements with you today. A comprehensive summary will be provided to NPA members early next week.

### **Requirements of IDT Members and Staff with Direct Participant Contact**

- Expands the definition of primary care provider on the PACE interdisciplinary team (IDT) to include community-based physicians, nurse practitioners (NPs), and physician assistants (PAs), in addition to PACE primary care physicians.
- Retains requirements for composition of the IDT to include a primary care provider (PCP), registered nurse (RN), social worker (MSW), physical therapist (PT), occupational therapist (OT), recreation therapist (RT)/activity coordinator, dietitian, PACE center manager, home care coordinator, personal care attendant or representative, and driver or representative. As noted in the preceding bullet, the PCP member of the IDT may be a PACE primary care physician, community-based physician, NP or PA.
- Eliminates requirement for staff with direct participant contact to have at least one year of experience working with a frail or elderly population upon hire. Instead allows applicants that meet all other requirements to receive appropriate training from the PACE organization upon hire.
- Allows one individual to fill two separate roles on the IDT if the individual is fully qualified to do so, meets applicable state licensure requirements, and is able to provide appropriate care to meet the needs of participants.
- Eliminates the "primarily served" requirement for all IDT members.

### **Requirements for Assessments and Care Planning**

- Clarifies that the initial comprehensive assessment must be "in person" and involve the following members of the IDT: PCP, RN, MSW, PT, OT, RT/activity coordinator, dietitian and home care coordinator.
- Requires initial discipline-specific assessments to be completed in time for the IDT to develop the initial care plan within 30 days of enrollment.
- Provides PACE organizations with greater flexibility with respect to involvement of individual IDT members in scheduled reassessments and unscheduled reassessments due to changes in health status. Team members required for these assessments are now the PCP, RN, MSW

and other IDT members that the PCP, RN and MSW determine are actively involved in the development or implementation of a participant's plan of care.

- Allows for use of remote technology for unscheduled reassessments in response to service delivery requests (SDRs) with participant's consent; in-person reassessments required in advance of denying any SDRs.
- Provides PACE organizations flexibility with respect to the format and location of their IDT meetings, e.g., allows for video conferencing, conference calls or in-person meetings.

### **Requirements for CMS Oversight and Monitoring**

- Affords CMS greater flexibility with respect to the frequency of PACE program audits. After a PACE organization completes an initial three-year trial period, audits no longer are required at least once every two years. The decision with respect to the frequency of audits post-trial period are to be based on a risk assessment undertaken by CMS.

### **Requirements for PACE Organization Compliance Oversight**

- Requirements for the compliance oversight program of a PACE organization were not finalized as proposed. In addition to existing Part D compliance oversight requirements, PACE organizations will be required to adopt a compliance oversight program for their overall operations that enables them to respond promptly to, investigate, and correct potential non-compliance and fraud, waste and abuse. Proposed requirements for PACE organizations to implement a system for monitoring and auditing overall PACE operations for noncompliance were not finalized.

### **Requirements for Voluntary and Involuntary Disenrollments**

- Specifies that voluntary disenrollments shall take effect the first day of the month following the date the PACE organization receives the participant's notice of voluntary disenrollment.
- Specifies requirements for the timing of involuntary disenrollments, calling for such disenrollments to become effective on the first day of the next month that begins 30 days after the day the PACE organization sends a notice of disenrollment to the participant.

### **Requirements for PACE Applications**

- Codifies in regulation requirements for PACE organizations to submit service area expansion (SAE) applications to add a new PACE center and/or to expand their geographic service area. Requirements are consistent with existing practice.
- Codifies in regulation the time frames for a CMS review of SAE applications consistent with the 45- and 90-day time frames referenced in Chapter 17 of the PACE manual.
- Requires applicants to update applications if more than 12 months elapse between the date of initial submission of an application and the entity's response to a CMS request for additional information.

### **Requirements for Marketing**

- Revises principal language requirements for marketing materials by clarifying that, in the absence of a state standard, principal languages of the community include those spoken in the home by at least 5 percent of the individuals in the service area of the PACE organization.

- Prohibits PACE organizations from utilizing contracted individuals or entities for marketing activities unless they are appropriately trained on PACE program requirements. PACE organizations must document that training has been provided.

To gain a full understanding of the new requirements, NPA strongly encourages each PACE organization to review the [PACE final rule](#) in its entirety. The changes in the final rule will become effective later this summer (60 days following the publication of the final rule in the Federal Register, with an anticipated effective date on or around Aug. 3).

NPA will send out a detailed summary of the final PACE rule early next week. In addition, we will schedule a webinar in the near future to discuss the updates and revisions to PACE regulatory requirements included in the final rule.

If you have questions in the meantime, please contact Chris van Reenen, vice president of Regulatory Affairs, at [chrisvr@npaonline.org](mailto:chrisvr@npaonline.org) or 703-535-1568.

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