

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

**REQUEST FOR APPLICATION FOR
CIVIL MONETARY PENALTY (CMP) REINVESTMENT PROGRAM
FUNDING OPPORTUNITY**

RFA # 34305-22420

REQUEST FOR APPLICATION**STATE OF TENNESSEE****DEPARTMENT OF HEALTH****Background:**

According to the “America’s Health Rankings® Senior Report 2019” by the United Health Foundation, Tennessee ranks 36th for Nursing Home Quality of Care with only 43.5% of certified nursing facilities being ranked by Centers for Medicare and Medicaid Services (CMS) as four- or five-star facilities over a three-month period compared to the national average of 47.3%. CMS 5-Star Quality Ratings are determined utilizing three quality measures: health inspections, staffing, and quality measures. Low quality of care in nursing homes results in poor resident health outcomes including financial, physical, and mental distress for patients.

CMS began efforts to improve the quality of care and quality of life in nursing homes with the passage of the Omnibus Budget Reconciliation Act (OBRA ’87). This law established unannounced surveys to protect the residents’ rights, quality of life, and quality of care. In addition to building upon this legal foundation over the past three decades, CMS has become a part of a national movement known as *culture change* (other terms for culture change may include *resident-directed care*, *person-centered care*, and *individualized care*). Nursing home facilities are actively engaged in state and national quality improvement initiatives aligning with the culture change movement. Ultimately, the goal is to improve the quality of care patients receive across the long-term care continuum. Other notable nursing home quality improvement initiatives include Tennessee’s Quality Improvement in Long-Term Services and Supports (QuILTSS) Value-Based Purchasing initiative, CMS’s National Partnership to Improve Dementia Care in Nursing Homes, CMS’s Long Term Stay Quality Measures, CMS’s Quality Improvement Organizations Program, American Health Care Association’s *Advancing Excellence in America’s Nursing Homes*’ Campaign, and CMS’s National Nursing Home Quality Care Collaborative (NHQCC).

The Tennessee Civil Monetary Penalty (CMP) Reinvestment Program is funded by fines collected from certified nursing homes found in violation of federal certification requirements by CMS. Collected funding is reallocated from the federal level back to the states in which fines were originally imposed. Each state can determine how funds may be used for supporting/protecting residents during a closure, covering expenses incurred for relocation of residents during a closure, or projects otherwise improving the quality of life and/or quality of care of certified nursing home residents with the approval of CMS.

Request for Application:

The Tennessee Department of Health requests applications for one-time funding through the CMP Reinvestment Program. This award is intended to support evidence-based initiatives that improve the quality of life and/or quality of care for individuals currently residing in nursing home facilities in the state.

As part of this effort, the Tennessee Department of Health (TDH) will administer funding to

entities that develop programs which demonstrate direct improvement of resident outcomes. Funded programs must showcase a variety of enhancement philosophies through current and sound evidence-based practices.

For this funding cycle, successful applicants should submit applications that target one or more of the following focus areas:

1. Implementation of strategies to reduce healthcare-associated infections (HAIs) among nursing home residents;
2. Implementation of strategies to improve quality of care and/or quality of life of nursing home (NH) residents living in Tennessee's [distressed and at-risk counties](#)
3. Reduction of avoidable hospital readmissions among nursing home facility residents;
4. Improvements of nursing home facilities' CMS star rating; and
5. Implementation of strategies to increase resident rights awareness and practices specifically related to reduction of elder abuse/neglect and improved care of those living with dementia/Alzheimer's disease.

In addition, proposals should address the following:

1. Targeting the improvement of life or care of residents at any certified nursing facility or multiple facilities with an established need;
2. Improve quality of life or care of residents through proposals that are innovative but structured with regard to current evidence or demonstrated models;
3. Clear evidence of strong community partnerships and proper utilization of available resources;
4. Cost-effectiveness of project, sustainability of proposed interventions, and the dissemination of findings to other facilities, educational institutions, workplaces, etc.; and
5. Evaluation of effectiveness of the program and provided outcome measures related to the target area.

The project period for each grant will typically be 12 months, but if exceeding 12 months, may not extend beyond 36 months. The Request for Application (RFA) will be opened on a quarterly basis at minimum. Additional funding beyond the 12-month project period is subject to State and CMS approval. Project approval will be based on available funding. TDH reserves the right to issue subsequent requests for applications for CMP funds at any time during or after this application process. Please note that if a project submitted during this RFA period exceeds 24 months, contract development and execution time may be extended. If the applicant is engaging multiple nursing homes within their proposed efforts, letters of support must be secured from the majority of participating nursing homes or their respective umbrella organization indicating interest in the project. **If the applicant is unable to provide the requested information to the program, the program reserves the right to deny the application.**

Eligible applicants include but are not limited to:

- certified nursing homes;
- academic or research institutions;

- local, state, or tribal governments;
- health-related service providers;
- consumer advocacy organizations;
- resident or family councils;
- professional nursing home associations;
- state ombudsmen programs; and
- quality improvement organizations.

Only one proposal will be accepted per applicant per RFA period. Applicants who are approved for funding in an RFA cycle may not submit a proposal with the same project design in the subsequent funding cycle. All awarded CMP funds must be spent in furtherance of the proposed program and may not be utilized for activities not approved by the State and CMS. Applicants must demonstrate evidence of financial stability, utilize evidence-based practices, and show measurable results in their programs.

Successful CMP Reinvestment Program awardees are expected to use funds to address identified local/community/statewide needs and improve the quality of life and quality of care of Tennessee residents living in Medicare and/or Medicaid-certified nursing homes.

Funds issued through the CMP Reinvestment Program may not be utilized for the following uses:

- To support or expand existing statutory programs;
- To pay for capital improvements to a nursing home or to build or redesign a nursing home;
- To pay for nursing home services or supplies that are already the responsibility of the nursing home, such as laundry, linen, food, heat, staffing costs, etc.;
- For non-nursing home residents;
- To pay the salaries of temporary managers who are actively managing a nursing home;
- For generators or motor vehicles;
- For out-of-state travel reimbursement, unless critical for project implementation;
- For computers or computer systems for administrative purposes;
- For any item which has been or will be included on the facility cost report which eventually will be included in the Medicaid nursing home reimbursement rate;
- For removal of nurses stations;
- For any current or previous training initiative(s) funded with CMPs;
- Unclear or excessive costs (e.g., budget items that are not clearly detailed or itemized, unreasonably high project staff salaries or travel expenses, excessive staff to implement a project, unreasonable marketing of projects, high indirect costs, or a large portion of the budget set aside for evaluation);
- Funding for incentives (for attending training or completing a survey – this includes items such as payments or gift cards);
- To perform functions for which the applicant may have already been paid to perform by State or Federal sources; and
- To engage in projects that might result in a conflict of interest.

A list of suggested grant ideas compiled by TDH is available as a reference document, “CMP Reinvestment Suggested Grant Topics,” found on the TDH Funding Opportunities website under this competitive listing. Applicants are not limited to pick from the ideas on the list, but they are available as a resource. Applicants may take an idea from the list and expand upon it or adapt it into a project which meets a special need in their targeted facility(ies). For applicants replicating a CMP project previously funded in TN or any other state, applicants should indicate general project replication details within the Cover Letter addressed to Mr. Vincent Davis, SSA Director. Any results of the completed project (if applicable) should also be included in the submitted proposal. Applicants should have the CMS approval letter for the CMP Reinvestment Project being replicated available upon request.

Further information on Civil Monetary Funds can be found at the following website: <https://www.tn.gov/health/health-program-areas/nursing-home-civil-monetary-penalty--cmp--quality-improvement-program>

Applicants are asked to register as a vendor with the State of Tennessee at the following website: https://sso.edison.tn.gov/psp/paprd/SUPPLIER/SUPP/h/?tab=PAPP_GUEST. Vendor registration can be completed prior to application submission.

I. APPLICATIONS:

To respond to this RFA, please complete the **CMS Civil Monetary Penalty Funding Application** included on the TDH Funding Opportunities website under this competitive listing. The Application contains detailed questions about the lead organization’s background and the specifics of the proposed project. The State establishes a team of internal evaluators each RFA cycle who will review all submitted applications meeting the minimal proposal criteria. The Office of Patient Care Advocacy and the State Survey agency will also evaluate all applications scoring above a certain threshold utilizing an established matrix to determine which proposals will be recommended to CMS for award. Scoring is based on the following criteria:

- Adequacy of plan of operation;
- Access to data needed;
- Proposed expenses and cost effectiveness;
- Plan for project execution;
- Past experience with similar projects;
- Experience of key project personnel;
- Collaboration with relevant partners; and
- Level of projected impact.

34305-22420 Attachment 3 is the Excel Grant Budget. This shall contain all information relating to project costs based on a line item budget. Complete the Grant Budget form and the Line Item Details form (found on separate sheets in the Excel document). A description of how dollars will be used must be provided for each line item completed in

the Grant Budget form.

Note: Please use the Department of Finance and Administration – Policy 03 Schedule A (pg. 11-16) for your use in determining which expense category an item should be listed in your grant budget. This policy can be found on the internet at the address listed below:

https://www.tn.gov/content/dam/tn/finance/documents/fa_policies/policy3.pdf

The **CMP Reinvestment Application Checklist** also needs to be attached. Please make sure that each required element outlined within the CMP Reinvestment Application checklist is listed with its corresponding page number and included in the submitted evaluation packet. There is a Pass and Fail column to the right of the checklist for internal evaluation purposes. If a required item is missing, the application will Fail and not move forward for evaluation. Per CMS guidelines outlined in the Region IV CMP application, all requests for funding should be limited to no more than twenty (20) pages, including appendices and the CMS CMP application form. **If page limit is exceeded, the CMP request will fail the initial application screening.** The checklist is **not** included in the page limit.

Page Limit Guidelines

Section of Application	Page Limits
Cover Letter Addressed to Mr. Vincent Davis	1 – 2 pages
CMS Fillable Application (pgs. 6-9)	4 pages
Excel Budget Page	1 page
Excel Line Item Budget Details Page	1 page
Key Personnel Job Descriptions	1 page
Biographical Sketches/CVs for Key Personnel	1 page
General Assurances	1 page
Organizational Chart, Project Title information, Project Description, Results Measurement, Description of Support from Governing Body, List of Subcontractors (if applicable), Letters of Commitment from Subcontractors (if applicable)	9 – 10 pages
MAXIMUM NUMBER OF PAGES (EXCLUDING CMP REINVESTMENT CHECKLIST)	20 pages

II. SCHEDULE OF EVENTS

The following is the anticipated schedule for awarding CMP funds for the Tennessee CMP Reinvestment Program. The State reserves the right to adjust the schedule as it deems necessary.

EVENT	TIME (Central Time)	DATE (all dates are state business days)
1. RFA Issued		October 9, 2020
2. Pre-response Teleconference	2:00 p.m.	October 14, 2020
3. Written “Questions & Comments” Deadline	2:00 p.m.	October 21, 2020
4. State Response to Written “Questions & Comments”		October 23, 2020
5. Deadline for Applications	2:00 p.m.	November 6, 2020
6. Evaluation Notice of Intent Released		November 23, 2020
7. Evaluation Notice of Award Released		December 28, 2020
8. Estimated effective Start Date of Contract		April 1, 2021

Pre-response Teleconference:

A Pre-response Teleconference will be held at the time and date detailed in the RFA Schedule of Events to answer questions concerning the funding opportunity. The information for the CMP Pre-response Teleconference is below. Any applicant desiring to submit an application in response to this RFA is encouraged to have at least one (1) representative on the teleconference; however, attendance is not mandatory. If you cannot participate, please direct your questions by the scheduled deadline as indicated above, to Ms. Melissa Painter, Competitive Procurement Coordinator, listed below in Section III.

Meeting Name: RFA CMP 34305-22420

Meeting number (access code): 171 562 7087

Meeting password: 7PjPhW9Cfu8

Meeting Link: <https://tngov.webex.com/tngov/j.php?MTID=m1f1ba21c77ea4b8fc6c1359cd26fd06f>

Join by phone: +1-415-655-0003 US TOLL

Questions and Answers:

All questions concerning this RFA must be presented to the Competitive Procurement Coordinator shown in Section III, in writing, on or before the deadline for Written Questions and Comments as detailed in the RFA Schedule of Events. Questions may be faxed, emailed, mailed, or hand-carried to the Competitive Procurement Coordinator. The State's responses will be emailed and posted as an Amendment to the following website:

<https://www.tn.gov/health/funding-opportunities.html>

Deadlines stated above are critical. If documents are submitted late, they will be deemed late and cannot be accepted. The clock-in time will be determined by the time of the online submission. No other clock or watch will have any bearing on the time of application receipt.

Each applicant shall assume the risk of the method of dispatching any communication or application to the State. The State assumes no responsibility for delays or delivery failures resulting from the method of dispatch.

III. SUBMISSION OF APPLICATIONS

Please submit the completed **APPLICATION** with all attachments by online submission via the following link no later than 2:00 p.m. CST on November 6, 2020.

Web Link: <https://www.tn.gov/health/funding-opportunities.html>

Please contact the Competitive Procurement Coordinator at the address shown below with any issues or concerns with online submission. **The APPLICATION and all attachments must use 12-point font.**

Melissa Painter
Competitive Procurement Coordinator
Service Procurement Program
Division of Administrative Services
Andrew Johnson Tower, 5th Floor
710 James Robertson Parkway
Nashville, TN 37243
Phone: (615) 741-0285
Fax: (615) 741-3840
Email: Competitive.Health@tn.gov

IV. APPLICATION EVALUATION

Successful applications will be subject to a four-tiered application evaluation process.

- **Tier (1): (Pass/Fail).** Pass/Fail will be completed by a primary evaluator of the Tennessee Department of Health. Decisions will be made based on the completeness of the application. Applications which meet all requirements will then be sent to the evaluation committee for review.
- **Tier Two (2): Application Scoring.** Application scoring will be completed by a review committee comprised of a minimum of three or more unbiased representatives of the Department of Health and/or other state agencies. All applicants will receive a Notice of Intent or Denial detailing which organizations will have their proposal forwarded to the State Survey Agency and the Office of Patient Care Advocacy.
- **Tier Three (3): State Survey Agency (SSA) Determination.** Within eighteen (18) days, the applications must be reviewed by the Office of Patient Care Advocacy and Office of Health Care Facilities. During this time period, the Office of Patient Care Advocacy and Office of Health Care Facilities may seek additional information to strengthen the application or provide clarification before deciding whether to submit to CMS. If the offices approve the application, then it will be submitted to CMS for review and final approval or denial. All applicants will receive a Notice of Award document from the Competitive Procurement Coordinator detailing which organizations will have their proposal forwarded to CMS.
- **Tier Four (4): CMS Decision.** CMS has at least forty-five (45) days to approve, deny, or seek additional information regarding any forwarded applications. Once CMS denies an application, there is no appeal process. However, applicants may reapply during any subsequent issuance of request for CMP grants. If the application is approved, the applicant will be notified by CMS.

Applications will also be awarded points for targeting any of the five Tennessee CMP Reinvestment funding focus areas:

- Healthcare-Associated Infections;
- Targeting Tennessee's [distressed and at-risk counties](#);
- Preventable Hospitalizations;
- Improving nursing facilities' overall star rating, or
 - Health Inspections,
 - Staffing, or
 - Quality Measures;
- Residents' Rights,
 - Elder Abuse, Neglect, and Exploitation, or
 - Dementia/Alzheimer's Disease.

The scoring rubric used to assess Tennessee CMP applications at **Tier 2** (p.10) is based on the following criteria:

EXPECTED OUTCOMES (35 Points Total):

Project Abstract (5 sub-points): Provide an abstract summary of the project. Include the requester's background and qualifications, the need for the project, a brief description of the project, and its goals and objectives. Of the utmost importance is information regarding what measures the project will be evaluating to measure success. Specify the person(s) who will be accountable for the project evaluation.

Statement of Need (10 sub-points): Describe the problem that the project will attempt to address. Also, describe any problems that may be encountered in the implementation of the project. Articulate the contingency plan to address these issues. Identify how the need aligns with strategic priorities.

Program Description (20 sub-points): Describe the project or program and provide information on how it will be implemented. Include what will be accomplished and the desired outcomes. A timeline shall accompany all proposals which outlines benchmarks, deliverables, and dates. Attach supplemental materials such as brochures, efficacy studies, and peer reviewed literature.

RESULTS MEASUREMENT (25 Points):

Performance Measurement and Program Evaluation: Describe the methods by which the results of the project will be assessed (including quantitative or qualitative metrics to track, monitor, and report performance). Multi-year projects shall provide a provision for submission of interim progress reports and updates from the project leader to CMS. Describe expected outputs from the project and provide justification. Any proposal should articulate how knowledge learned will be shared among all relevant long-term care employees and ultimately how the information will improve resident outcomes.

BENEFITS TO NURSING HOME RESIDENTS (10 Points):

Improving Quality of Life and Care: In detail, describe the manner in which the project will directly benefit and enhance the well-being of nursing home residents.

CONSUMER/STAKEHOLDER INVOLVEMENT (5 Points):

Nursing Home Community: Briefly describe how the nursing home community (including resident and/or family councils and direct care staff) will be involved in the development and implementation of the project. Describe how the governing body of the nursing home or organization will lend support to the project. If you are not a nursing home or umbrella organization, please provide letters of support from participating facilities or include a detailed marketing and/or recruitment plan to support your project.

FUNDING (5 Points):

Financial Feasibility and Sustainability: Include the completed Excel Grant Budget spreadsheet (see Attachment 3) and the Line Item Budget Details Page for the project,

along with a narrative explanation of the costs. The narrative shall include the specific amount of CMP funds and items to be purchased for the project, the time period for the project scope, and an estimate of any non-CMP funds that the State entity or other entity expects to be contributed to the project.

Sustainability should describe how the organization will cover the basic operating expenses (staff, supplies) after award funding is expended.

INVOLVED ORGANIZATIONS (10 Points):

Organizations and partnerships: List a contact name, address, e-mail address, and telephone number of all organizations that will receive funds through this project. List any sub- contractors and organizations that are expected to carry out and be responsible for components of the project. Copies of contracts and subcontracts shall be available upon request to CMS and the State.

INNOVATION AND REPLICABILITY (5 Points):

Sharing best practices: The proposal should use evidence-based practices (researched and proven to be effective) adapted to fit organizational needs. Identify how the organization will share and disseminate results of its project to other nursing homes, state and federal agencies, etc.

FOCUS AREA (5 Points):

Proposal relevance: Proposals targeting the outcomes outlined within the identified CMP Reinvestment Program focus areas outlined in the RFA document within the **Request for Applications** section will receive five (5) points.

Any application that is incomplete or contains significant inconsistencies or inaccuracies shall be rejected. Both the State and CMS reserve the right to waive minor variances or reject any or all applications. The State and CMS reserve the right to request clarifications from all applicants.

V. SAMPLE GRANT CONTRACT

Following the State's evaluation, one of the **Sample Grant Contracts** included on the TDH Funding Opportunities page for this RFA will be prepared. There are three different Sample Grant Contracts, and only one would apply for your agency or organization. They are as follows:

GG – Governmental Grant Contract (Cost reimbursement grant contract with a federal or Tennessee local governmental entity or their agents and instrumentalities)

GR – Grant Contract (Cost reimbursement grant contract with an individual, business, non- profit, or governmental entity of another state or country)

IG – Interagency Grant Agreement (Cost reimbursement grant agreement between two

Tennessee state agencies, University of Tennessee, or Board of Regents colleges and universities)

If a grant is awarded to a governmental entity established pursuant to Tennessee law (such as a human resource agency, a developmental district, the University of Tennessee, or a Board of Regents school), the standard terms and conditions of the grant will be revised accordingly; however, significant performance requirements will not be revised.

It is imperative that each applicant review the entire Sample Grant Contract with its legal counsel prior to submitting an application for a CMP Reinvestment Program grant award and notify the State **in advance** if it cannot accept any terms or conditions. The RFA asks applicants to list any terms or conditions that their respective organization cannot accept. **Taking any exceptions to State contract language may result in the Application being deemed non-responsive and rejected. Any later requests for contract changes will not be considered.**