



Compliance Checklist for PACE Final Rule

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This document provides a checklist of steps PACE organizations should take to comply with the 2019 PACE Final Rule. Not all components of the Final Rule require action steps.

Items presented in the checklist follow the order in which they appear on in the final rule, found here: <https://www.federalregister.gov/documents/2019/06/03/2019-11087/medicare-and-medicaid-programs-programs-of-all-inclusive-care-for-the-elderly-pace>

The PACE Final Rule is effective August 2, 2019.

Questions on the Final Rule can be directed to Brendan Flinn (bflinn@leading.org) of the LeadingAge staff.

Section of PACE Final Rule	Action Step(s)
Part D Program Requirements	1) Determine whether PACE organization meets the definition of being a Part D Plan sponsor. 2) Take compliance actions needed to comply with Part D program requirements. https://www.law.cornell.edu/cfr/text/42/part-423
Application Requirements	No action steps needed.
CMS Approval Timeline	No action steps needed.
Submit Applications and Waiver Requests	No action steps needed; if submitting an application or waiver request, work with relevant state agencies to ensure completion.
Medicaid Rate Methodology	1) Determine whether PACE organization contracts should include a Medicaid rate payment methodology or a Medicaid capitated rate. 2) If PACE organization wants a Medicaid rate payment methodology in contracts, work with states to amend contract(s) accordingly.
CMS Sanctions and Civil Monetary Penalties	No action steps needed.
Notifying CMS of Organizational Changes	If PACE organization ownership is set to change, inform CMS and your state sixty (60) days before the change is made. No approval is needed from either entity.
Compliance Oversight Requirements	Develop and implement a compliance oversight program. Program must include prevention, detection and corrective measures to ensure PACE program requirements are met.
Personnel Requirements	If PACE organization wants to hire employees or contractors with less than 1 year of experience working with “frail or elderly populations”, develop and deliver appropriate training program on serving this group.
Employing Persons with Criminal Convictions	PACE organizations should determine whether to amend their hiring policies related to people with criminal convictions.
Contracted Services	No action steps needed.

Section of PACE Final Rule	Action Step(s)
Immunizations	No action steps needed. Continue to ensure that staff providing direct services have up-to-date immunizations.
Marketing	<p>Languages Other Than English</p> <ol style="list-style-type: none"> 1) Review the U.S. Census Bureau data to determine whether/which languages other than English are considered “principal languages of the community”. 2) If additional languages are so considered, ensure that marketing materials are made available in these languages. <p>Personnel</p> <ol style="list-style-type: none"> 3) If any individuals or entities conduct marketing for a PACE organization where compensation is based on “activities or outcomes”, develop and deliver training to those persons on PACE program requirements, specifically participant rights and participant enrollment and disenrollment. <p>Gifts</p> <ol style="list-style-type: none"> 4) Ensure any gifts/giveaways made available to prospective enrollees be of nominal value (\$15 or less), not be cash/adjacent (e.g., gift cards), and be made available to people regardless of whether they enroll with the PACE organization.
Interdisciplinary Team	<ol style="list-style-type: none"> 1) Amend internal policies and procedures to retitle to the primary care physician role to primary care provider. 2) Consider whether PACE organization wants to hire PAs and/or NPs to fill the primary care role. This includes review of applicable scope of practice laws for these professions. 3) Determine whether any employees or contractors can serve in two roles on the IDT and determine whether the PACE organization wants those persons to actually do so.
Participant Assessment and Plans of Care	<ol style="list-style-type: none"> 1) Amend internal policies and procedures to ensure that plans of care are developed with thirty (30) days of a person’s enrollment with the PACE organization, which includes their initial comprehensive assessment. 2) Determine whether the recreational therapist or activity coordinator should participate in reassessments, as they are no longer required to do so. 3) Determine whether there should be regular reassessments for all enrollees for the PT, OT, dietician and home care coordinator, as these annual reassessments are no longer required. 4) Determine whether remote technology can be used for unscheduled reassessments. If so, consider options for such technology.
Participant Rights	<ol style="list-style-type: none"> 1) Review the U.S. Census Bureau data to determine whether/which languages other than English are considered “principal languages of the community”. 2) Ensure that participant rights need to be displayed in any principal languages other than English. 3) Display participant rights in any required additional languages not already posted.

Section of PACE Final Rule	Action Step(s)
Quality Improvement	No action steps needed.
Required Enrollee Items	No action step likely needed. For new enrollees, the required membership card must now indicate that the person is a PACE participant and have the PACE organization phone number listed. A sticker with this information is no longer required, but could likely be used to meet new requirements as long as its adhered to the membership card.
Disenrollment	Update disenrollment policies to include timelines included in Final Rule.
CMS Monitoring and Corrective Action	No action steps needed.
Record Keeping	Ensure records are maintained for 10 years, rather than six.