



State of California—Health and Human Services Agency
Department of Health Care Services



February 14, 2023

THIS LETTER SENT VIA EMAIL

Ms. Elizabeth Gibboney, CEO
Partnership Health Plan of California
4665 Business Center Drive.
Fairfield, CA 94534

FINAL NOTICE OF MONETARY SANCTIONS AND EFFECTIVE DATE FOR FAILURE
TO MEET MINIMUM PERFORMANCE LEVELS FOR MEDI-CAL MANAGED CARE
ACCOUNTABILITY SET PERFORMANCE MEASURES AFTER THE MEET-AND-
CONFER CONFERENCE

Dear Ms. Gibboney,

On December 13, 2022, the Department of Health Care Services (DHCS) issued a Notice of Imposition of Monetary Sanctions to Partnership Health Plan of California (PHP) (Notice). Subsequently, PHP timely requested to meet and confer with DHCS. The meet and confer was held on January 12, 2023, via video conference. At this conference, PHP presented its concerns, raised questions, and had the opportunity to present information and evidence with respect to the issues raised in that Notice.

Pursuant to Section 14197.7(h) of the Welfare and Institutions Code, DHCS has considered PHP's concerns and information it presented, and now issues this Final Notice of Monetary Sanctions and Effective Date for PHP's failure to meet required minimum performance levels (MPLs) for measurement Year (MY) 2021 Medi-Cal Managed Care Accountability Set (MCAS) performance measures (Final Sanction).

DHCS appreciated the opportunity to discuss this sanction with PHP. After considering the information presented by PHP, DHCS has reduced PHP's sanction from \$123,000 to \$80,000. **This Notice of Final Sanction supersedes the Notice issued December 13, 2022, and is made for the reasons set forth below.**

Under its contract with DHCS, PHP is required to meet or exceed DHCS' established MPLs for each Health Effectiveness Data and Information Set (HEDIS) measure, and all other required MCAS performance measures. (Exhibit A, Attachment 4, Quality Improvement System, section 9A and 9B).

Successful administration of the Medi-Cal program requires a collaborative partnership between DHCS and Medi-Cal Managed Care Plans (MCPs). This collaboration includes the expectation that MCPs will meet their contractual and programmatic requirements on an ongoing basis. PHP and DHCS regularly collaborated on strategies for improving the Plan's MCAS performance measures required to meet MPLs.

On July 20, 2022, DHCS received validated MCAS measure rates from the External Quality Review Organization and confirmed that PHP has 28 plan-wide measures below the MPL for reporting year 2022. Under Welfare and Institutions Code (WIC) section 14197.7 and the contract, DHCS has authority to impose monetary sanctions for PHP's failure to meet or exceed its MPLs for all applicable MCAS performance measures. (Exhibit E, Attachment 2, Program Terms and Conditions, section 16 Sanctions, B; WIC § 14197.7(e)(4).) As noted above, PHP's contract requires it to meet or exceed the DHCS established MPLs for each MCAS performance measure. (Exhibit A, Attachment 4, Quality Improvement System, section 9A and 9B). PHP's confirmed failure to meet the MPL as outlined in the contract constitutes good cause for DHCS to impose monetary sanctions. (Exhibit E, Attachment 2, Program Terms and Conditions, section 16 Sanctions, C. 2; WIC § 14197.7(e)(4)).

Under WIC section 14197.7(f), DHCS is authorized to impose a \$25,000 sanction per violation of PHP's contractual obligation to meet or exceed MPLs for each MCAS performance measure. For violations that impact beneficiaries, each beneficiary impacted constitutes a separate violation. PHP has the following 28 measures below the MPL for reporting year 2022, which impacted 109,324 beneficiaries, resulting in a total final sanction amount of **\$80,000**:

Reporting Unit	Measures*	MPL	MCP Rates	TRENDING Difference from HEDIS MY 2020	Population Impacted (population not served)
Northeast: Lassen, Modoc, Shasta, Siskiyou, and Trinity counties	BCS	53.93%	46.93%	-3.16%	2,249
	CHL	54.91%	46.65%	-2.39%	1,577
	CCS	59.12%	48.91%	-2.44%	10,904
	PPC-Pre	85.89%	76.01%	-5.26%	290
	CIS-10	38.20%	18.25%	-0.97%	1,306
	IMA-2	36.74%	19.22%	-1.95%	1,405
	W30 -6	54.92%	35.38%	5.90%	683
	W30-2	70.67%	55.47%	-1.41%	700
	WCC-N	70.11%	68.78%	8.20%	5,368
	WCV	45.31%	39.92%	5.34%	19,061
Northwest: Del Norte and Humboldt counties	BCS	53.93%	40.73%	-1.68%	1,496
	CHL	54.91%	53.47%	1.60%	1,019
	CCS	59.12%	55.12%	1.59%	7,227
	PPC-Pre	85.89%	72.31%	-9.20%	211

	CBP	55.35%	49.15%	-2.67%	995
	CIS-10	38.20%	32.60%	4.62%	770
	IMA-2	36.74%	21.41%	-6.33%	901
	W30 -6	54.92%	36.13%	6.53%	449
	W30-2	70.67%	56.52%	-4.56%	480
	WCV	45.31%	41.48%	8.99%	11,978
Southeast: Napa, Solano, and Yolo counties	BCS	53.93%	52.67%	-3.97%	3,534
	W30 -6	54.92%	26.16%	-2.14%	1,459
	W30-2	70.67%	52.93%	-8.96%	1,405
	WCC-BMI	76.64%	76.10%	5.78%	8,199
Southwest: Lake, Marin, Mendocino, and Sonoma counties	BCS	53.93%	53.14%	0.26%	4,327
	CCS	59.12%	57.45%	-7.83%	18,416
	W30 -6	54.92%	39.88%	3.99%	1,651
	W30-2	70.67%	64.05%	-2.72%	1,264

*Please see Table 1 for acronym definition

Pursuant to WIC section 14197.7(g) and in accordance with the November 14, 2022 Quality Sanction Bulletin, DHCS has considered the following factors in determining the sanction amount.

- Number of eligible members impacted by the quality of care violation and scope of the harm;
- Degree to which MCP is below each MPL;
- Whether MCP's performance on the MPL(s) at issue has improved or worsened over the previous measurement year; and
- Any other applicable factor under WIC section 14197.7(g).

If PHP has not previously done so, it must submit a revised comprehensive quality strategy within two weeks of this letter's issuance that includes new interventions designed to meet or exceed the required 2023 milestones, and details how it intends to devote adequate resources and staff to quality improvement.

As DHCS is issuing this Final Sanction after the meet and confer conference pursuant to Welfare and Institutions Code section 14197.7(h), DHCS' meet and confer obligations with respect to these sanctions are exhausted. This sanction is effective as of the date of this letter, and DHCS will provide further instruction regarding payment of the sanction amount in a separate communication. We also have enclosed a Notice of Appeal rights.

Sincerely,

Palav Babaria
Deputy Director, Chief Quality Officer
Quality and Population Health Management
Department of Health Care Services

Enclosure: Notice of Appeal Rights

Michelle Baass
Director
Department of Health Care Services

Jacey Cooper
Chief Deputy Director, Health Care Programs
Department of Health Care Services

John Puente
Deputy Director and Chief Counsel
Department of Health Care Services

Susan Philip
Deputy Director, Health Care Delivery Systems
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Bambi Cisneros
Assistant Deputy Director, Managed Care
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Michelle Retke
Contracting Officer, Chief of Managed Care Operating Division
Health Care Delivery Systems
Department of Health Care Services

Dana Durham
Chief of Managed Care Quality and Monitoring Division
Health Care Delivery Systems
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Robert Moore, Chief Medical Officer
Partnership Health Plan of California
4665 Business Center Drive.
Fairfield, CA 94534

Quality & Population Health Management
1501 Capitol Avenue, MS 0000
P.O. Box 997413
Sacramento, CA 95899-7413
Phone (916) 449-7400 Fax (916) 440-7404

Danielle Ogren, Associate Director of Compliance and Program Strategy
Partnership Health Plan of California
4665 Business Center Drive.
Fairfield, CA 94534

TABLE 1: DOMAIN, MEASURE, & ACRONYM		
Domain	Measure	Acronym
Children's Preventive Services	Child and Adolescent Well-Care Visits (WCV)	WCV
	Childhood Immunization Status: Combination 10 (CIS-10)	CIS-10
	Immunizations for Adolescents: Combination 2 (IMA-2)	IMA-2
	Weight Assessment and Counseling for Nutrition and Physical Activity for Children/Adolescents: BMI Assessment for Children/Adolescents (WCC-BMI),	WCC-BMI
	Weight Assessment and Counseling for Nutrition and Physical Activity for Children/Adolescents: Nutrition (WCC-N)	WCC-N
	Weight Assessment and Counseling for Nutrition and Physical Activity for Children/Adolescents: Physical Activity (WCC-PA)	WCC-PA
	Well-Child Visits in the First 30 Months of Life - Well-Child Visits in the First 15 Months (W30)	W30 6+
	Well-Child Visits in the First 30 Month of Life - Well-Child Visits for Age 15 Months - 30 Months (W30)	W30 2+
Women's Health Domain	Breast Cancer Screening	BCS
	Cervical Cancer Screening	CCS
	Chlamydia Screening in Women	CHL
	Prenatal and Postpartum Care: Postpartum Care	PPC-Pst
	Prenatal and Postpartum Care: Timeliness of Prenatal Care	PPC-Pre
Chronic Disease Domain	Comprehensive Diabetes Care: HbA1c Poor Control (>9.0%)	CDC-H9
	Controlling High Blood Pressure	CBP

NOTICE OF APPEAL RIGHTS

Partnership Health Plan of California has the right to request a hearing in connection with any sanctions within 15 business days after receipt of the final notice of sanction. DHCS will stay the imposition of sanctions upon receipt of the request for a hearing until the effective date of a final decision from the Office of Administrative Hearings and Appeals. Partnership Health Plan of California may request a hearing by sending a letter so stating to the Office of Administrative Hearings and Appeals at the address below:

Chief Administrative Law Judge
Office of Administrative Hearings and Appeals Department of Health Care Services
3831 N. Freeway Blvd., Suite 200
Sacramento, CA 95834

A copy of the hearing request shall also be sent to:

Priya Motz
Acting Quality & Health Equity Transformation Branch Chief
Quality and Population Health Management
Department of Health Care Services
MS 441
P.O. Box 997413
Sacramento CA 95899-7413

John Puente
Deputy Director and Chief Counsel
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