

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Kansas City Regional Office
601 East 12th Street, Room 355
Kansas City, Missouri 64106



MIDWEST DIVISION OF SURVEY AND CERTIFICATION

December 22, 2015

CMS Certification Number: 174004

Dr. John Worley, Superintendent
Osawatomie State Hospital Psychiatric
500 State Hospital Drive
Osawatomie, Kansas 66064

Dear Dr. Worley:

The Centers for Medicare & Medicaid Services (CMS) has determined that Osawatomie State Hospital Psychiatric no longer meets the requirements for participation in the Medicare program because of deficiencies that represent an **immediate jeopardy** to patient health and safety. We have reviewed the Kansas Department of Health and Environment (KDHE) surveyors December 18, 2015 survey findings which show the following Medicare Condition of Participation (CoP) remains out of compliance:

42 Code of Federal Regulations (CFR) §482.23 Nursing Services

In addition, Osawatomie State Hospital Psychiatric remains out of compliance with the following CoPs from the January 23, 2015 full Medicare survey conducted by KDHE surveyors, the January 15, 2015 and the July 15, 2015 psychiatric hospital Medicare survey completed by federal contract surveyors:

42 CFR §482.12 Governing Body;
§482.13 Patient's Rights;
482.21 Quality Assessment and Performance Improvement Program;
§482.41 Physical Environment;
§482.43 Discharge Planning;
§482.61 Special Medical Record Requirements for Psychiatric Hospitals;
§482.62 Special Staff Requirements for Psychiatric Hospitals.

Hospitals must meet all provisions of Section 1861(e) of the Social Security Act, be in compliance with each of the Medicare Conditions of Participation, and be free of hazard to patient health and safety in order to participate as providers of services in the Medicare program.

Due to your failure to correct the immediate jeopardy and attain compliance with the Medicare hospital Conditions of Participation, we have terminated your Medicare provider agreement effective, December 21, 2015. No payment for patients admitted on or after that date will be made by the Medicare program. For patients admitted prior to December 21, 2015, payment may

continue to be made for up to 30 days of covered inpatient hospital services furnished on or before December 21, 2015.

A list of the names and health insurance claim numbers of the Medicare patients that were in your hospital on **December 21, 2015** must be forwarded immediately to the Centers for Medicare & Medicaid Services, Midwest Division of Survey and Certification, Attention: Captain Victoria Vachon, Richard Bolling Federal building, 601 East 12th Street, Room 355, Kansas City, Missouri 64106.

CMS published a notice in the Osawatomi Graphic on December 16, 2015 to advise the public of the termination. We will notify the appropriate State officials concerning termination of your provider agreement under Title XVIII because the requirements for participation in the Medicaid program are substantially the same as those for Medicare.

In accordance with the Medicare regulation 42 CFR §489.57 a new Medicare provider agreement will not be accepted until it has been determined that the reason for termination of the previous agreement has been removed and there is reasonable assurance that it will not recur. The terminated facility will have to operate for a period of time determined by CMS, during which the reasonable assurance requirement has been satisfied. During this period the facility must fulfill, or make satisfactory arrangements to fulfill, all of the statutory and regulatory responsibilities of the previous agreement.

The CMS contact for Osawatomi State Hospital Psychiatric is Julie Metz at the Kansas City Regional Office. If you have any questions concerning this letter, please contact Julie at 816-426-2011.

Sincerely,



Nadine Renbarger, Associate Regional Administrator
Midwest Division of Survey and Certification

cc:
KDHE
OGC
SMA
Ombudsman
WPS
QIO