



PM-04 -01

August 26, 2003

MEMORANDUM FOR ALL IN-HOME SERVICES PROVIDERS

FROM: Dr. Linda T. Allen, Director
Section for Senior Services

SUBJECT: Sale of Provider Assets

The division has recently received several questions from in-home services provider that are under contract with the Department of Health and Senior Services (DHSS) to deliver in-home services but are considering selling their assets to another in-home services provider. Any time there is a question about who delivers care, federal requirements protect the client's right to choose their provider. Pursuant to these requirements and as a reminder, the division is distributing the procedure that the division has required in the past to ensure clients are properly informed and offered choice of providers any time an in-home provider makes a decision to sell assets.

The selling provider must notify the Section for Senior Services in writing at least ten (10) days prior to the sale and provide the following information:

- date sale of assets will be effective; and
- date provider will cease delivery of services to clients.

The selling provider must also give written notice to all clients at least ten (10) days prior to the effective date of closure. Providers must submit to Senior Services for approval, a copy of the letter that will be used to notify clients of the sale. At a minimum, the following information must be included in the notice:

- general information regarding the sale;
- date current provider will discontinue delivery of services;
- the fact that the client may choose to continue to receive services from _____ (name of provider buying assets) **or** choose any other in-home services provider under contract with the department;
- clients who choose another provider must contact their Senior Services Worker (SSW) at the number provided;
- date by which client must contact the SSW to avoid interruption of service; and

- the fact that the client will continue to receive in-home services from the buying provider if they do not contact their SSW.

Written notices may include language such as:

“Your in-home services are currently being provided by [selling provider]. As of [date], [selling provider] will no longer provide these services to you.

[Name of purchasing provider] has purchased [selling provider]’s business and would like to provide your in-home services. (INCLUDE IF TRUE: [name of aide], your current aide, will continue to provide your services as an employee of [name of purchasing provider].) You may choose to transfer to [name of purchasing provider] or you may choose a different company to provide your in-home services.

If you would like to have a different company provide your in-home services, please call your case manager at [phone number]. If you do not know your case manager’s name, you may call the Department of Health and Senior Services’ (DHSS) regional office at [phone number].

If you do not call your case manager or the DHSS regional office by close of business on [date], your services will be provided by [name of purchasing provider]. If you decide you would like a different provider in the future, you may call your case manager or the DHSS regional office to request a change.

The buying provider must:

- ensure that the clients have benefited from the procedure outlined above;
- notify Senior Services in writing as to which clients choose their company; and
- update geographical areas served (Exhibit B), if necessary, that is on file with the department.

These procedures are necessary to ensure that DHSS is compliant with the Missouri State Medicaid Plan, Section 4.10, which states, in part, “that any individual eligible under the plan may obtain Medicaid services from any institution, agency, pharmacy, person or organization that is qualified to perform the services.”

If you need additional information or clarification regarding this memo, you may contact C.J. Evers, Contracts Administrator, at 573/522-8689. Questions may also be submitted to the in-home services contracts e-mail address at ihcontracts@dssda.state.mo.us.

LTA/RS/cs

CC: Distribution List 3