

**Attachment 2: Performance Measures Liquidated Damages Contract Citations**

Attachment II, Exhibit II-A, Section IX.B.1.d.

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Section IX. Quality

B. Performance Measures (PMs)

1. Required Performance Measures

- d. Beginning with the Performance Measures Report that is due to the Agency no later than July 1, 2020, covering the measurement period of year 2019 all performance measure-related liquidated damages and sanctions will be in effect.

**Attachment II, Exhibit II-A, Section XIV.C.1.**

**Attachment II, Exhibit II-A, Section XIV.C.2.**

**Attachment II, Exhibit II-A, Section XIV.C.3.**

**Attachment II, Exhibit II-A, Section XIV.C.4.**

**Attachment II, Exhibit II-A, Section XIV.C.5.**

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Section XIV. Liquidated Damages

C. Performance Measure Liquidated Damages

1. The Agency may impose liquidated damages for performance measures as described below in the event that the Managed Care Plan fails to perform at the level of the Agency's expected minimum standards, as specified in sub-item 2 of this item.
2. The Managed Care Plan's performance measure rates shall be compared to the NCQA HEDIS National Means and Percentiles for Medicaid plans. For each measure where the Managed Care Plan's rate falls below the fiftieth (50th) percentile, the Managed Care Plan may receive liquidated damages. Liquidated damages will be calculated based on the number of members eligible for the measure who did not receive the service being measured up to the fiftieth (50th) percentile rate. For measures calculated using a sample, liquidated damages will be calculated based on the extrapolated number of eligible members who did not receive the service being measured, not just those in the sample, up to the fiftieth (50th) percentile rate.
3. For performance measures in Tier 1 where the Managed Care Plan's rate falls below the fiftieth (50th) percentile, liquidated damages may be assessed at one hundred fifty dollars (\$150.00) per eligible member not receiving the service being measured up to the fiftieth (50th) percentile rate for the measure.
4. For performance measures in Tier 2 where the Managed Care Plan's rate falls below the fiftieth (50th) percentile, liquidated damages may be assessed at one hundred dollars (\$100.00) per eligible member not receiving the service being measured up to the fiftieth (50th) percentile rate for the measure.
5. For performance measures in Tier 3 where the Managed Care Plan's rate falls below the fiftieth (50th) percentile, liquidated damages may be assessed at eighty dollars (\$80.00) per eligible member not receiving the service being measured up to the fiftieth (50th) percentile rate for the measure

**Attachment 2: Performance Measures Liquidated Damages Contract Citations**

**Attachment II, Exhibit II-B, Section IX.B.2.a.(8)**

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Section IX. Quality

B. Performance Measures (PMs)

2. Required Performance Measures

a. Agency-Prescribed Performance Measures

- (8) Beginning with the Performance Measures Report that is due to the Agency no later than July 1, 2020, covering the measurement period of calendar year 2019 all performance measure-related liquidated damages and sanctions will be in effect.

**Attachment II, Exhibit II-B, Section IX.B., Table 8., Item #18, Item #19, Item #20, Item #21**

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Section XIV. Liquidated Damages

B. Issues and Amounts

If the Managed Care Plan fails to perform any of the services set forth in the Contract, the Agency may assess liquidated damages for each occurrence listed in the LTC Liquidated Damages Issues and Amounts Table, Table 8, below.

<b>TABLE 8</b>		
<b>LTC LIQUIDATED DAMAGES ISSUES AND AMOUNTS</b>		
<b>#</b>	<b>LTC Program Issue</b>	<b>Damages</b>
18	Performance Measure: Comprehensive LTC Assessment and Update	Failure to achieve a rate of eighty-five percent (85%) or higher for this measure will result in liquidated damages of one hundred dollars <b>(\$100.00)</b> per each case in the denominator not present in the numerator for the measure up to the eighty-five (85%) rate
19	Performance Measure: Comprehensive LTC Care Plan	Failure to achieve a rate of eighty-five percent (85%) or higher for this measure will result in liquidated damages of <b>\$100.00</b> per each case in the denominator not present in the numerator for the measure up to the eighty-five (85%) rate
20	Performance Measure: Shared Care Plan	Failure to achieve a rate of eighty-five (85%) or higher for this measure will result in liquidated damages of one hundred dollars <b>(\$100.00)</b> per each case in the denominator not present in the numerator for the measure up to the eighty-five (85%) rate
21	Performance Measure: Reassessment and Care Plan Update after Discharge	Failure to achieve a rate of eighty-five (85%) or higher for this measure will result in liquidated damages of one hundred dollars <b>(\$100.00)</b> per each case in the denominator not present in the numerator for the measure up to the eighty-five (85%) rate