



Office of the
Medicaid Inspector
General

ANDREW M. CUOMO
Governor

DENNIS ROSEN
Medicaid Inspector General

April 25, 2016

[REDACTED]

Waterfront Center for Rehabilitation and Healthcare
200 7th Street
Buffalo, New York 14201-2161

Re: Waterfront Operations Associates, LLC
(formerly, Waterfront Health Care Center)
Medicaid Rate Audit #15-2380
NPI Number: [REDACTED]
Provider Number: [REDACTED]

Dear [REDACTED]:

Enclosed is the final audit report of the Office of the Medicaid Inspector General's (the "OMIG") audit of Waterfront Health Care Center's (the "Facility") Medicaid rates for the rate period January 1, 2012 through December 31, 2012. In accordance with 18 NYCRR Section 517.6, this report represents the OMIG's final determination on issues raised in the draft audit report.

Since you did not respond to our draft audit report dated November 25, 2015, the findings in the final audit report remain identical to the draft audit report. As previously stated in the draft audit report, the Medicare Part B and D offsets were not within the scope of the review and may be examined as part of a future audit. Based on the enclosed audited rates calculated by the Bureau of Long Term Care Reimbursement, the Medicaid overpayment currently due is \$263,704. This overpayment is subject to Department of Health ("DOH") and Division of Budget ("DOB") final approval. While not anticipated, any difference between the calculated overpayment and the final DOH and DOB approved amount will be resolved with the Facility by the OMIG Bureau of Collections Management.

In accordance with 18 NYCRR Part 518 which regulates the collection of overpayments, your repayment options are described below.

OPTION #1: Make full payment by check or money order within 20 days of the date of the final audit report. The check should be made payable to the New York State Department of Health and be sent with the attached Remittance Advice to:

[REDACTED]
New York State Department of Health
Medicaid Financial Management
GNARESP Corning Tower, Room 2739
File #15-2380
Albany, New York 12237-0048

OPTION #2: Enter into a repayment agreement with the Office of the Medicaid Inspector General. If your repayment terms exceed 90 days from the date of the final audit report, recoveries of amounts due are subject to interest charges at the prime rate plus 2%. If the process of establishing the repayment agreement exceeds 20 days from the date of the final audit report, the OMIG will impose a 50% withhold after 20 days until an agreement is established. OMIG acceptance of the repayment agreement is based on your repaying the Medicaid overpayment as agreed. The OMIG will adjust the rate of recovery, or require payment in full, if your unpaid balance is not being repaid as agreed. In addition, if you receive an adjustment in your favor while you owe funds to the State, such adjustment will be applied against any amount owed. If you wish to enter into a repayment agreement, please contact the Bureau of Collections Management within 20 days at the following:

Bureau of Collections Management
New York State Office of the Medicaid Inspector General
800 North Pearl Street
Albany, New York 12204
Phone #: [REDACTED]
Fax #: [REDACTED]

You have the right to challenge this action and determination by requesting an administrative hearing within sixty (60) days of the date of this notice. You may not request a hearing to raise issues related to rate setting or rate setting methodology. In addition, you may not raise any issue that was raised or could have been raised at a rate appeal with your rate setting agency. You may only request a hearing to challenge specific audit adjustments which you challenged in a response to the draft audit report.

If you wish to request a hearing, the request must be submitted in writing to:

General Counsel
Office of Counsel
New York State Office of the Medicaid Inspector General
800 North Pearl Street
Albany, New York 12204

Questions regarding the request for a hearing should be directed to the Office of Counsel at [REDACTED]

[REDACTED]

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If a hearing is held, you may have a person represent you or you may represent yourself. If you choose to be represented by someone other than an attorney, you must supply a signed authorization permitting that person to represent you along with your hearing request. At the hearing, you may call witnesses and present documentary evidence on your behalf.

Should you have any questions, please contact [REDACTED]
[REDACTED]. Please refer to audit number 15-2380 in all
correspondence.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**NEW YORK STATE
OFFICE OF THE MEDICAID INSPECTOR GENERAL
REMITTANCE ADVICE**

NAME AND ADDRESS OF AUDITEE

Waterfront Operations Associates, LLC
(formerly, Waterfront Health Care
Center)
200 7th Street
Buffalo, NY 14201-2161

NPI #: [REDACTED]
PROVIDER #: [REDACTED]

AUDIT #15-2380

AMOUNT DUE: \$263,704

AUDIT	[] PROVIDER
TYPE	[X] RATE
	[] PART B
	[] OTHER:

CHECKLIST

1. To ensure proper credit, please enclose this form with your check.
2. Make checks payable to: *New York State Department of Health*
3. Record the Audit Number on your check.
4. Mail check to:

[REDACTED]
New York State Department of Health
Medicaid Financial Management
GNARESP Corning Tower, Room 2739
File #15-2380
Albany, New York 12237-0048

5. If the provider number shown above is incorrect, please enter the correct number below.

[REDACTED]

CORRECT PROVIDER NUMBER

WATERFRONT OPERATIONS ASSOCIATES, LLC - AUDIT #15-2380
RATE PERIODS JANUARY 1, 2012 THROUGH DECEMBER 31, 2012
SUMMARY OF PER DIEM IMPACT AND MEDICAID OVERPAYMENT

<u>RATE PERIOD</u>	<u>ISSUED PART B & D NON-ELIGIBLE RATES*</u>	<u>FINAL PART B & D NON-ELIGIBLE RATES</u>	<u>RATE DECREASE (INCREASE)</u>	<u>MEDICAID DAYS</u>	<u>MEDICAID OVERPAYMENT</u>
01/01/12 - 06/30/12	\$157.97	\$152.06	\$5.91	22,646	\$ 133,838
07/01/12 - 12/31/12	186.71	180.80	5.91	21,974	<u>129,866</u>
TOTAL MEDICAID OVERPAYMENT					<u>\$ 263,704</u>

* Any differences between these rates and the rates listed in Exhibit II of this audit report represent rate changes made subsequent to OMIG's audit. These changes remain open to future audit by the OMIG. For the purpose of this Exhibit, the Medicare Part B and D rates are not shown. The rate decrease/(increase) for those rates is the same as shown for the Medicare Part B and D non-eligible rates above.

WATERFRONT OPERATIONS ASSOCIATES, LLC - AUDIT #15-2380
RATE PERIODS JANUARY 1, 2012 THROUGH DECEMBER 31, 2012
SUMMARY OF MEDICAID RATES AUDITED

The Facility's Medicaid utilization was approximately 84 percent for the period under audit and the Medicaid per diem rates audited are shown below. Any differences between these rates and the "Issued Rates" listed in Exhibit I of this audit report represent rate changes made subsequent to our audit. These changes remain open to future audit by the OMIG.

<u>RATE PERIOD</u>	<u>ISSUED MEDICARE PART B & D NON-ELIGIBLE RATES *</u>
01/01/12 - 06/30/12	\$ 157.97
07/01/12 - 12/31/12	186.71

* The Medicare Part B and D rates are not shown for the purpose of this Exhibit. The Medicare Part B and D offsets were not within the scope of this audit and may be examined as part of a future audit.

WATERFRONT OPERATIONS ASSOCIATES, LLC - AUDIT #15-2380
RATE PERIODS JANUARY 1, 2012 THROUGH DECEMBER 31, 2012
PROPERTY EXPENSE DISALLOWANCES/(ALLOWANCES)

	<u>DESCRIPTION</u>	<u>COST CTR.</u>	<u>RATE PERIOD 2012</u>
Property Expense Allowed per HE-12B			<u>\$ 1,025,131</u>
Less Disallowances/(Allowances):			
1. MORTGAGE EXPENSE DISALLOWANCES			
According to the Bureau of Long Term Care Reimbursement (BLTCR) capital cost methodology, mortgage interest expense and mortgage insurance expense are reimbursed on a rate year basis. Since the Facility paid off the mortgage in 2011, all mortgage related expenses were disallowed. Regulations: 10 NYCRR Sections 86-2.17(a) and 86-2.20(a), PRM-1 Sections 2300 and 2304	R/P Mort. Interest ME Mort. Interest Mort. Insurance	003 003 003	277,919 26,516 24,966
2. MOVEABLE EQUIPMENT DEPRECIATION DISALLOWANCE			
The Facility incorrectly capitalized costs that should have been expensed as operating costs because they were for repairs. These expenditures should have been expensed in accordance with Generally Accepted Accounting Principles and the guidelines and definitions included in the RHCF Accounting and Reporting Manual. Accordingly, the depreciation expense applicable to the costs was disallowed. Regulations: 10 NYCRR Sections 86-2.4 & 451.181, RHCF Accounting and Reporting Manual	ME Depr.	002	1,391
3. ADJUSTMENT TO INVESTMENT INCOME OFFSET			
Reported investment income was appropriately offset against mortgage interest in the promulgated rate. However, adjustment #1 disallowed all mortgage interest expense. Consequently, it was necessary to eliminate the investment income offset to mortgage interest. Regulation: 10 NYCRR Section 86-2.20(c)	Invest. Income	003	(411)
Total Disallowances/(Allowances)			<u>\$ 330,381</u>
TOTAL AUDITED PROPERTY EXPENSE			<u>\$ 694,750</u>