



Office of the
Medicaid Inspector
General

ANDREW M. CUOMO
Governor

DENNIS ROSEN
Medicaid Inspector General

August 2, 2016

██████████
Focus Rehabilitation and Nursing Center at Otsego
(aka Otsego Manor SNF)
128 Phoenix Mills Cross Road
Cooperstown, New York 11326

Re: MDS Final Audit Report
Audit #: 13-4467
Provider ID#: ██████████

Dear ██████████

This is the final audit report of findings with regard to the Office of the Medicaid Inspector General's (OMIG) Minimum Data Set (MDS) audit of Focus Rehabilitation and Nursing Center at Otsego (aka Otsego Manor SNF) for the census period ending July 25, 2012. In accordance with 18 NYCRR §517.6, this final audit report represents the OMIG's final determination on issues found during OMIG's review.

Since you did not respond to our draft audit report dated December 10, 2015, the findings in the final audit report remain identical to the draft audit report.

The Medicaid overpayment of \$22,170.27 was calculated using the number of Medicaid days paid for the rate period January 1, 2013 through June 30, 2013 and the change in the direct component of your Medicaid rate as calculated by the Department of Health's Bureau of Long Term Care Reimbursement (BLTCR). The calculation of this overpayment is detailed in Attachment A. BLTCR will adjust your Medicaid rates for the relevant rate period to reflect the change in the direct component. The findings explanation, regulatory references, and applicable adjustment can be found in the attachments following Attachment A.

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. In accordance with 18 NYCRR §519.18(a), "The issues and documentation considered at the hearing are limited to issues directly relating to the final determination. An appellant may not raise issues regarding the methodology used to determine any rate of payment or fee, nor raise any new matter not considered by the department upon submission of objections to a draft audit or notice of proposed agency action." 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

Pursuant to 18 NYCRR §519.18, at the hearing you have the right to:

- (a) request the department to reschedule the hearing (adjournment);
- (b) be represented by an attorney, or other representative, or to represent himself/herself;
- (c) have an interpreter, at no charge, if the appellant does not speak English or is deaf and cannot afford one (the appellant must advise the department prior to the hearing if an interpreter will be needed);
- (d) produce witnesses and present written and/or oral evidence to explain why the action taken was wrong;
- (e) cross-examine witnesses of the department.

Should you have any questions regarding the above, please contact

Division of Medicaid Audit
Office of the Medicaid Inspector General

OFFICE OF THE MEDICAID INSPECTOR GENERAL
FOCUS REHABILITATION AND NURSING CENTER AT OTSEGO
AUDIT 13-4467
CALCULATION OF AUDIT IMPACT

RATE TYPE	DECREASED IN DIRECT COMPONENT OF RATE*	MEDICAID DAY	IMPACT
Part B Eligible/Part B D Eligible	\$1.13	18,889	\$21,344.57
Non-Medicare/Part D Eligible	\$1.15	718	\$825.70
Total			<u>\$22,170.27</u>

*Rounded to nearest 1/100th New York State Department of Health Bureau of Managed Long Term
Care Rate Setting / FFS

OFFICE OF THE MEDICAID INSPECTOR GENERAL
 FOCUS REHABILITATION AND NURSING CENTER AT OTSEGO
 AUDIT #13-4467
 FINDINGS BY SAMPLE NUMBER

Sample #					DETAILED FINDINGS									
	Reported RUG	Derived RUG	Reported RUG Weight	Derived RUG Weight	DISALLOW COGNITIVE PATTERN	DISALLOW BED MOBILITY	DISALLOW BED MOBILITY SELF PERFORMANCE	DISALLOW TRANSFER SELF PERFORMANCE	DISALLOW TRANSFER SUPPORT PROVIDED	DISALLOW EATING SELF PERFORMANCE	DISALLOW TOILET USE SELF PERFORMANCE	DISALLOW TOILET USE SUPPORT PROVIDED	DISALLOW ACTIVE DISEASE DIAGNOSIS	DISALLOW SKIN CONDITIONS
1	SSC	PE1	1.12	0.79	1					1				1
2	SE2	SE2	1.37	1.37										
3	SSC	SSC	1.12	1.12					1					
4	SSB	SSB	1.06	1.06	1					1				
5	IA1	IA1	0.61	0.61			1				1			
6	CA1	CA1	0.77	0.77										
7	IA1	BA1	0.61	0.47	1			1						
8	IB1	PD1	0.78	0.72	1	1	1			1				
9	PD2	IB2	0.73	0.80					1					
10	IB1	PB1	0.78	0.58	1					1	1			
11	PD1	IB1	0.72	0.78		1								
12	BA1	BA1	0.47	0.47										
13	PD1	PD1	0.72	0.72										
14	IA1	PA1	0.61	0.46	1								1	
15	PE1	PE1	0.79	0.79										
16	PD1	PD1	0.72	0.72					1					
17	PC1	PC1	0.66	0.66						1				
18	PE1	PD1	0.79	0.72					1					
19	PB1	PB1	0.58	0.58								1		
20	IA1	PA1	0.61	0.46	1									
21	PE1	PE1	0.79	0.79										
22	SSB	SSB	1.06	1.06		1								
23	SSB	SSB	1.06	1.06										
24	CA1	CA1	0.77	0.77		1	1	1	1					
TOTALS					5	6	3	3	4	2	3	2	2	1

OFFICE OF THE MEDICAID INSPECTOR GENERAL
FOCUS REHABILITATION AND NURSING CENTER AT OTSEGO
AUDIT #13-4467
MDS DETAILED FINDINGS

MDS FINDINGS

SAMPLE SELECTION

Cognitive Pattern

If the provider is unable to produce the supporting documentation for the patient, the service will be disallowed and the Case Mix will be adjusted. A repayment schedule will be developed.

Documentation must indicate the residents' ability to remember both recent and long past events and to think coherently. MDS 3.0 manual guidelines will be followed when examining the medical records.

42 CFR §483.20 (b) (xvii)
MDS 3.0 Manual 1.1-2.15

42 CFR §483.20 (b) (xvii)
MDS 3.0 Manual C0100-C1600

In 5 instances, documentation did not support staff assessment for impaired cognition.

7, 8, 10, 14, 20

Functional Status-ADL Self-Performance and Support

If the provider is unable to produce the supporting documentation for the patient, the service will be disallowed and the Case Mix will be adjusted. A repayment schedule will be developed.

Documentation must indicate an assessment was done to evaluate the need for assistance with activities of daily living (ADL's), altered gait and balance, and decreased range of motion (ROM). MDS 3.0 manual guidelines will be followed when examining the medical records.

42 CFR §483.20 (b) (xvii)
MDS Manual 3.0 G0100-0900

Bed Mobility Self-Performance

In 3 instances, documentation did not support resident required total assist every time. 1, 4, 22

In 1 instance, documentation did not support resident required non weight bearing assist three or more times. 11

In 1 instance, documentation did not support resident required supervision one or more times. 24

In 1 instance, documentation did not support that the resident was independent. 8

Bed Mobility Support Provided

In 2 instances, documentation did not support resident was a one person physical help at least once. 5, 24

In 1 instance, documentation did not support that the resident required no set up help. 8

Transfer Self-Performance

In 1 instance, documentation did not support resident required weight bearing assist three or more times. 24

In 1 instance, documentation did not support resident required non weight bearing assist three or more times. 9

In 1 instance, documentation did not support resident required supervision one or more times. 7

Transfer Support Provided

In 2 instances, documentation did not support resident was a 2+ person physical help at least once. 16, 18

In 2 instances, documentation did not support resident was a one (1) person physical help at least once. 5, 24

Eating Self-Performance

In 1 instance, documentation did not support resident required total assist every time. 3

In 1 instance, documentation did not support that the resident was independent. 8

Toilet Use Self-Performance

In 2 instances, documentation did not support resident required total assist every time. 1, 4

In 1 instance, documentation did not support resident required weight bearing assist three or more times. 10

Toilet Use Support Provided

In 2 instances, documentation did not support resident was a one person physical help at least once. 5, 10

Active Disease Diagnosis

If the provider is unable to produce the supporting documentation for the patient, the service will be disallowed and the Case Mix will be adjusted. A repayment schedule will be developed.

Documentation must indicate the diseases coded relate to the resident's functional, cognitive, mood or behavior status, medical treatments, nursing monitoring, or risk of death. MDS 3.0 manual guidelines will be followed when examining the medical records.

*42 CFR §483.20 (b) (xvii)
MDS Manual 3.0 I0100-I8000*

In 2 instances, documentation did not support dementia as an active diagnosis during the 7 day look back. 14, 19

Skin Conditions

If the provider is unable to produce the supporting documentation for the patient, the service will be disallowed and the Case Mix will be adjusted. A repayment schedule will be developed.

Documentation must indicate an assessment of the documented risk, presence, appearance and change of pressure ulcers. This section also notes other skin ulcers, wounds, or lesions, and documents treatment categories related to skin injury or avoiding injury.

MDS 3.0 manual guidelines will be followed when examining the medical records.

42 CFR §483.20 (b) (xvii)
MDS 3.0 Manual M0100-1200

In 1 instance, documentation did not support surgical wound. 1

In 1 instance, documentation did not support surgical wound care. 1

RUGS-II Classifications Overturned

In 9 instances, the RUG classifications were overturned. 1, 7, 8, 9, 10, 11, 14, 18, 20

10 NYCRR §86-2.10, Volume A-2