



NEW YORK STATE  
DEPARTMENT OF HEALTH  
OFFICE OF THE MEDICAID INSPECTOR GENERAL

REVIEW OF THE SALVATION ARMY  
CLAIMS FOR OPWDD IRA RESIDENTIAL HABILITATION SERVICES  
PAID FROM  
AUGUST 1, 2003 – DECEMBER 31, 2006

FINAL AUDIT REPORT  
AUDIT #: 09-4247

James C. Cox  
Medicaid Inspector General

July 22, 2014



STATE OF NEW YORK  
OFFICE OF THE MEDICAID INSPECTOR GENERAL  
90 Church Street, 14<sup>th</sup> Floor  
New York, New York 10007

ANDREW M. CUOMO  
GOVERNOR

JAMES C. COX  
MEDICAID INSPECTOR GENERAL

July 22, 2014

[REDACTED]  
The Salvation Army  
120 West 14<sup>th</sup> Street  
New York, New York 10011

Re: Final Audit Report  
Audit #: 09-4247  
Provider ID #: [REDACTED]  
FEIN: [REDACTED]  
NPI #: [REDACTED]

Dear [REDACTED]

Enclosed is the Office of the Medicaid Inspector General (OMIG) final audit report entitled "Review of The Salvation Army" (Provider) paid claims for OPWDD IRA residential habilitation services covering the period August 1, 2003, through December 31, 2006.

In the attached final audit report, the OMIG has detailed our scope, procedures, laws, regulations, rules and policies, sampling technique, findings, provider rights, and statistical analysis.

The OMIG has attached the sample detail for the paid claims determined to be in error. This final audit report incorporates consideration of any additional documentation and information presented in response to the draft audit report dated July 20, 2010. The mean point estimate overpaid is \$1,404,943. The lower confidence limit of the amount overpaid is \$1,176,347. We are 95% certain that the actual amount of the overpayment is greater than the lower confidence limit. This audit may be settled through repayment of the lower confidence limit of \$1,176,347.

[REDACTED]  
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July 22, 2014

If the Provider has any questions or comments concerning this final audit report, please contact [REDACTED] or through email at [REDACTED]. Please refer to report number 09-4247 in all correspondence.

Sincerely,

[REDACTED]

Audit Manager  
Division of Medicaid Audit, New York City  
Office of the Medicaid Inspector General

[REDACTED]  
Enclosure

CERTIFIED MAIL [REDACTED]  
RETURN RECEIPT REQUESTED

cc: [REDACTED]

Ver-5.0

## **OFFICE OF THE MEDICAID INSPECTOR GENERAL**

[www.omig.ny.gov](http://www.omig.ny.gov)

The mission of the Office of the Medicaid Inspector General (OMIG), as mandated by New York Public Health Law § 31 is to preserve the integrity of the New York State Medicaid program by preventing and detecting fraudulent, abusive and wasteful practices within the Medicaid program and recovering improperly expended Medicaid funds.

### **DIVISION OF MEDICAID AUDIT**

The Division of Medicaid Audit professional staff conducts audits and reviews of Medicaid providers to assess compliance and program requirements and, where necessary, to recover overpayments. These activities are done to monitor the cost-effective delivery of Medicaid services for prudent stewardship of scarce dollars; to assess the required involvement of professionals in planning care to program beneficiaries; safeguard the quality of care, medical necessity and appropriateness of Medicaid services provided; and, to reduce the potential for fraud, waste and abuse.

### **DIVISION OF MEDICAID INVESTIGATIONS**

The Division of Medicaid Investigations (DMI) investigates potential instances of fraud, waste, and abuse in the Medicaid program. DMI deters improper behavior by inserting covert and overt investigators into all aspects of the program, scrutinizing provider billing and services, and cooperating with other agencies to enhance enforcement opportunities. Disreputable providers are removed from the program or prevented from enrolling. Recipients abusing the system are not removed from this safety net, but their access to services is examined and restricted, as appropriate. DMI maximizes cost savings, recoveries, penalties, and improves the quality of care for the state's most vulnerable population.

### **DIVISION OF TECHNOLOGY AND BUSINESS AUTOMATION**

The Division of Technology and Business Automation will continue to support the data needs for the OMIG in the form of audit and investigative support, data mining and analysis, system match and recovery, through the use of commercial data mining products and procurement of expert service consultants.

### **OFFICE OF COUNSEL TO THE MEDICAID INSPECTOR GENERAL**

The Office of Counsel to the Medicaid Inspector General promotes the OMIG's overall statutory mission through timely, accurate and persuasive legal advocacy and counsel.

## **EXECUTIVE SUMMARY**

### **BACKGROUND**

Pursuant to Title XIX of the Social Security Act, the Medicaid program provides medical assistance to low-income individuals and individuals with disabilities. The federal and state governments jointly fund and administer the Medicaid program. In New York State, the Department of Health (DOH) administers the Medicaid program. As part of this responsibility, the OMIG conducts audits and reviews of various providers of Medicaid reimbursable services, equipment and supplies. These audits and reviews are conducted to determine if the provider complied with applicable laws, regulations, rules and policies of the Medicaid program as set forth by the Departments of Health and Mental Hygiene [Titles 10, 14 and 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York] and the Medicaid Provider Manuals.

People with developmental disabilities can enjoy meaningful relationships with family, friends and other people in their lives, experience personal health and growth, live in the home of their choice and fully participate in their communities. People with developmental disabilities may have difficulty learning as quickly as others, expressing themselves clearly, or taking care of their physical needs. But it is difficult to define the limits of people with developmental disabilities; what they need most, therefore, is not only encouragement and understanding – but an opportunity to become part of the community they live in. This is where the significance of the Home and Community Based Services (HCBS) waiver has its greatest impact. In providing residential habilitation services, the HCBS waiver helps people achieve a functional connection to supports and services in the person's residence.

Outpatient services provided to persons with developmental disabilities are offered at programs licensed by the Office for People With Developmental Disabilities (OPWDD). The purpose of these programs is to offer a comprehensive system of services, which has as its primary purpose the promotion and attainment of independence, inclusion, and productivity for persons with mental retardation and developmental disabilities. These services are furnished at clinic and day treatment facilities and through a home and community based Federal waiver program. The waiver program, established under the authority of section 1915 [c] of the Social Security Act, is intended for persons with mental retardation and developmental disabilities who would otherwise need the level of care provided in an intermediate care facility. The specific standards and criteria for OPWDD services are outlined in Title 14 NYCRR Parts 635, 671, 679, and 690.

### **PURPOSE AND SCOPE**

The purpose of this audit was to determine whether the Provider's claims for Medicaid reimbursement for OPWDD IRA residential habilitation services complied with applicable federal and state laws, regulations, rules and policies governing the New York State Medicaid Program. With respect to OPWDD IRA residential habilitation services, this audit covered services paid by Medicaid from August 1, 2003, through December 31, 2006.

### **SUMMARY OF FINDINGS**

We inspected a random sample of 100 services with \$675,573.85 in Medicaid payments. Of the 100 services in our random sample, 62 services had at least one error and did not comply with state requirements. Of the 62 noncompliant services, most contained more than one deficiency. Specifics are as follows:

<u>Error Description</u>	<u>Number of Errors</u>
Missing Required Elements of the Residential Habilitation Plan	32
Missing Residential Habilitation Plan	30
Missing Required Elements in the IRA Residential Habilitation Service Note	16
Missing Residential Habilitation Service Note	16
Missing Copy of Individualized Service Plan (ISP)	10
Improper Number of Countable Service Days (Full Month) – Supervised Individualized Residential Alternative (IRA)	9
Missing Residential Habilitation Plan Review	1

Based on the procedures performed, the OMIG has determined the Provider was overpaid \$394,389.05 in sample overpayments with an adjusted point estimate of \$1,404,943. The adjusted lower confidence limit of the amount overpaid is \$1,176,347.

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## INTRODUCTION

### BACKGROUND

#### Medicaid Program

Pursuant to Title XIX of the Social Security Act, the Medicaid program provides medical assistance to low-income individuals and individuals with disabilities. The Federal and State governments jointly fund and administer the Medicaid program.

#### New York State's Medicaid Program

In New York State, the Department of Health (DOH) is the State agency responsible for operating the Medicaid program. Within DOH, the Office of Health Insurance Programs administers the Medicaid program. DOH uses the electronic Medicaid New York information system (eMedNY), a computerized payment and information reporting system, to process and pay Medicaid claims, including OPWDD IRA Residential Habilitation claims.

As part of this responsibility, the OMIG conducts audits and reviews of various providers of Medicaid reimbursable services, equipment and supplies. These audits and reviews are conducted to determine if the provider complied with applicable laws, regulations, rules and policies of the Medicaid program as set forth by the Departments of Health and Mental Hygiene [Titles 10, 14 and 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York] and the Medicaid Provider Manuals.

#### New York State's OPWDD IRA Residential Habilitation Program

Outpatient services provided to persons with developmental disabilities are offered at programs licensed by the Office for People With Developmental Disabilities (OPWDD). The purpose of these programs is to offer a comprehensive system of services, which has as its primary purpose the promotion and attainment of independence, inclusion, and productivity for persons with mental retardation and developmental disabilities. These services are furnished at clinic and day treatment facilities and through a home and community based Federal waiver program. The waiver program, established under the authority of section 1915 [c] of the Social Security Act, is intended for persons with mental retardation and developmental disabilities who would otherwise need the level of care provided in an intermediate care facility. The specific standards and criteria for OPWDD services are outlined in Title 14 NYCRR Parts 635, 671, 679, and 690.

### PURPOSE, SCOPE, AND METHODOLOGY

#### Purpose

The purpose of this audit was to determine whether the Provider's claims for Medicaid reimbursement for OPWDD IRA residential habilitation services complied with applicable Federal and State laws, regulations, rules and policies governing the New York State Medicaid Program and to verify that:

- Medicaid reimbursable services were rendered for the dates billed;
- appropriate rate or procedure codes were billed for services rendered;

- patient related records contained the documentation required by the regulations; and,
- claims for payment were submitted in accordance with DOH regulations and the appropriate Provider Manuals.

### **Scope**

Our audit period covered payments to the Provider for OPWDD IRA residential habilitation services paid by Medicaid from August 1, 2003, through December 31, 2006. Our audit universe consisted of 487 claims totaling \$3,269,904.30.

During our audit, we did not review the overall internal control structure of the Provider. Rather, we limited our internal control review to the objective of our audit.

### **Methodology**

To accomplish our objective, we:

- reviewed applicable federal and state laws, regulations, rules and policies;
- held discussions with the Provider's management personnel to gain an understanding of the OPWDD IRA residential habilitation program;
- ran computer programming application of claims in our data warehouse that identified 487 paid OPWDD IRA residential habilitation claims, totaling \$3,269,904.30;
- selected a random sample of 100 services from the population of 487 services; and,
- estimated the overpayment paid in the population of 487 services.

For each sample selection we inspected, as available, the following:

- Medicaid electronic claim information
- Patient record, including, but not limited to:
  - ICF/MR Level of Care Eligibility Determination
  - ISP's
  - Residential Habilitation Daily Checklist
  - Residential Habilitation Service Note
  - Residential Habilitation Plan
  - Developmental Disabilities Profile
  - Plan for Protective Oversight
  - Medication Record
  - Community Integration Activity Log
  - Resident's Attendance Book
  - Employee Roster
  - Employee Earning Record
  - Weekly Attendance
- Any additional documentation deemed by the Provider necessary to substantiate the Medicaid paid claim

## LAWS, REGULATIONS, RULES AND POLICIES

The following are applicable Laws, Regulations, Rules and Policies of the Medicaid program referenced when conducting this audit:

- Departments of Health and Mental Hygiene [Titles 10, 14, and 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York (10 NYCRR, 14 NYCRR, 18 NYCRR)].
- Medicaid Management Information System and eMedNY Provider Manual.
- Specifically, Title 18 NYCRR Section 540.6, Title 14 NYCRR Part 635 and Part 671.
- In addition to any specific detailed findings, rules and/or regulations which may be listed below, the following regulations pertain to all audits:

Regulations state: "By enrolling the provider agrees: (a) to prepare and to maintain contemporaneous records demonstrating its right to receive payment . . . and to keep for a period of six years from the date the care, services or supplies were furnished, all records necessary to disclose the nature and extent of services furnished and all information regarding claims for payment submitted by, or on behalf of, the provider . . . (e) to submit claims for payment only for services actually furnished and which were medically necessary or otherwise authorized under the Social Services Law when furnished and which were provided to eligible persons; (f) to submit claims on officially authorized claim forms in the manner specified by the department in conformance with the standards and procedures for claims submission; . . . (h) that the information provided in relation to any claim for payment shall be true, accurate and complete; and (i) to comply with the rules, regulations and official directives of the department."  
*18 NYCRR Section 504.3*

Regulations state: "Fee-for-service providers. (1) All providers . . . must prepare and maintain contemporaneous records demonstrating their right to receive payment . . . All records necessary to disclose the nature and extent of services furnished and the medical necessity therefor . . . must be kept by the provider for a period of six years from the date the care, services or supplies were furnished or billed, whichever is later. (2) All information regarding claims for payment submitted by or on behalf of the provider is subject to audit for a period of six years from the date the care, services or supplies were furnished or billed, whichever is later, and must be furnished, upon request, to the department . . . for audit and review."  
*18 NYCRR Section 517.3(b)*

Regulations require that bills for medical care, services and supplies contain patient name, case number and date of service; itemization of the volume and specific types of care, services and supplies provided; the unit price and total cost of the care, services and supplies provided; and a dated certification by the provider that the care, services and supplies itemized have been in fact furnished; that the amounts listed are in fact due and owing; that such records as are necessary to disclose fully the extent of care, services and supplies provided to individuals under the New York State Medicaid program will be kept for a period of not less than six years from the date of payment; and that the provider understands that payment and satisfaction of this claim will be from Federal, State and local public funds and that he or she may

be prosecuted under applicable Federal and State laws for any false claims, statements or documents, or concealment of a material fact provided.

*18 NYCRR Section 540.7(a)(1)-(3) and (8)*

Regulations state: "An overpayment includes any amount not authorized to be paid under the medical assistance program, whether paid as the result of inaccurate or improper cost reporting, improper claiming, unacceptable practices, fraud, abuse or mistake."

*18 NYCRR Section 518.1(c)*

Regulations state: "Vendor payments for medical care and other items of medical assistance shall not be made unless such care or other items of assistance have been furnished on the basis of the appropriate authorization prescribed by the rules of the board and regulations of the department."

*18 NYCRR Section 540.1*

Regulations state: "The department may require repayment from the person submitting an incorrect or improper claim, or the person causing such claim to be submitted, or the person receiving payment for the claim."

*18 NYCRR Section 518.3(a)*

Regulations state: "The department may require repayment for inappropriate, improper, unnecessary or excessive care, services or supplies from the person furnishing them, or the person under whose supervision they were furnished, or the person causing them to be furnished...."

*18 NYCRR Section 518.3(b)*

Regulations state: "Medical care, services or supplies ordered or prescribed will be considered excessive or not medically necessary unless the medical basis and specific need for them are fully and properly documented in the client's medical record."

*18 NYCRR Section 518.3(b)*

## **AUDIT FINDINGS**

This audit report incorporates consideration of any additional documentation and information presented in response to the Draft Audit Report dated July 20, 2010. The information provided resulted in no change to any of the disallowances. The findings in the Final Audit Report are identical to those in the Draft Audit Report.

## AUDIT FINDINGS DETAIL

The OMIG's review of Medicaid claims paid to the Provider from August 1, 2003, through December 31, 2006, identified 62 claims with at least one error, for a total sample overpayment of \$394,389.05 (Attachment C). This audit report incorporates consideration of any additional documentation and information presented in response to the Draft Audit Report dated July 20, 2010.

### 1. Missing Required Elements of the Residential Habilitation Plan

Regulations state: "If habilitation services are provided (i.e., residential habilitation, day habilitation, community habilitation [5/26/10 and after], supported employment, pre-vocational services), the relevant habilitation plan(s) must be developed, and on a semiannual basis thereafter, reviewed and revised as necessary by the habilitation service provider. The service coordinator shall attach the relevant habilitation plan(s) to the ISP."

*14 NYCRR Section 635-99.1(bf)*

OPWDD Administrative Memorandum #2003-03 states, "The initial Habilitation Plan is written by the Habilitation Service Provider in collaboration with the person, their advocate and service coordinator within 60 days of the start of the Habilitation Service and is forwarded to the service coordinator. Subsequent revised Habilitation Plans, which are also written by the Habilitation Service Provider, are given to the person's service coordinator no more than 30 days after either: (a) the six-month ISP review date, or (b) the Habilitation Service Provider makes a significant change in the Habilitation Plan as agreed upon by the person, their advocate and service coordinator."

*OPWDD Administrative Memorandum #2003-03, p. 2*

OPWDD Administrative Memorandum #2003-03 also states, "**The Habilitation Plan Must Contain the Following Seven Elements:**

1. The person's (a) name and (b) Medicaid Identification Number (CIN), if the person is a Medicaid enrollee.
2. The **Habilitation Service Provider agency name and type of Habilitation Service provided . . .**
3. The **date on which the Habilitation Plan was last reviewed. . . .**
4. The person's **valued outcome(s)** that will be addressed through the Habilitation Service. . . .
5. A description of the **services and supports** the Habilitation Service Provider staff will provide to the person. . . .
6. The **safeguards** (health and welfare) that will be provided by the Habilitation Service Provider. . . .
  - a. Safeguards for persons receiving IRA Residential Habilitation are addressed in the individual's Plan of Protective Oversight in accord with 14 NYCRR Section 686.16. The individual's Plan of Protective Oversight is *attached* to the IRA Residential Habilitation Plan.
  - b. For all other Habilitation Services . . .
  - c. As required in 14 NYCRR Part 633, the medication records stand-alone from the Habilitation Plan.
  - d. Providers of residential habilitation . . . must have written procedures for providing back-up supports to consumers when the absence of the provider's

regularly scheduled staff would pose a serious threat to the person's health or safety. . . .

7. The **printed name, signature and title** of the person who wrote the Habilitation Plan and the **date** it was written or revised."

*OPWDD Administrative Memorandum #2003-03, pp. 2-4*

In 32 instances pertaining to 16 recipients, one or more required elements were missing in the residential habilitation plan. This finding applies to Sample #'s 1, 2, 4, 5, 7, 8, 10, 11, 15, 16, 19, 20, 44, 68, 71, 72, 74, 84, 86, 87, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100.

## 2. Missing Residential Habilitation Plan

Regulations state: "If habilitation services are provided (i.e., residential habilitation, day habilitation, community habilitation [5/26/10 and after], supported employment, pre-vocational services), the relevant habilitation plan(s) must be developed, and on a semiannual basis thereafter, reviewed and revised as necessary by the habilitation service provider. The service coordinator shall attach the relevant habilitation plan(s) to the ISP." *14 NYCRR Section 635-99.1(bf)*

OPWDD Administrative Memorandum #2002-01 states, "In addition to the service note(s) supporting each monthly IRA residential habilitation claim, your agency must maintain the following documentation: . . .

- The Residential Habilitation Plan covering the time period of the claim developed by your agency. The Residential Habilitation Plan is attached to the person's ISP. For supportive IRAs, the Residential Habilitation Plan must state the number of service visits residential habilitation staff will provide to meet the consumer's individualized need. This service visit number can be expressed as a range."

*OPWDD Administrative Memorandum #2002-01, pp. 7-8*

OPWDD Administrative Memorandum #2003-03 states, "The ... Habilitation Plan is written by the Habilitation Service Provider in collaboration with the person, their advocate and service coordinator ... and is forwarded to the service coordinator. Subsequent revised Habilitation Plans, which are also written by the Habilitation Service Provider, are given to the person's service coordinator ... after either : (a) the six-month ISP review date, or (b) the Habilitation Service Provider makes a significant change in the Habilitation Plan as agreed upon by the person, their advocate and service coordinator." *OPWDD Administrative Memorandum #2003-03, p. 2*

In 30 instances pertaining to 14 recipients, the residential habilitation plan valid for the service date was not available. This finding applies to Sample #'s 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 77, 78 and 83.

## 3. Missing Required Elements in the IRA Residential Habilitation Service Note

OPWDD Administrative Memorandum #2002-01 states, "IRA residential habilitation service note documentation must include the following:

### Required Elements

1. Recipient's name and Medicaid number . . .
2. Identification of category of waiver service provided . . .
3. **A description of the individualized service provided by staff . . .**
4. The recipient's response to the service . . .
5. The date the service was provided.
6. The primary service location . . .
7. Verification of service provision by **the staff person delivering the service** (initials are permitted, if a "key" is provided which identifies the title, signature and full name associated with the staff initials).
8. The signature and title of the staff person writing the note.
9. The date the note was written."

*OPWDD Administrative Memorandum #2002-01, p. 6*

In 16 instances pertaining to 11 recipients, one or more required elements were missing in the IRA residential habilitation service note. This finding applies to Sample #'s 1, 51, 52, 55, 56, 58, 59, 61, 62, 63, 64, 65, 66, 67, 93 and 94.

#### **4. Missing Residential Habilitation Service Note**

Regulations state, "Services provided on countable service days must be documented. On any countable service day there must be documentation of at least one residential habilitation service delivered to the person by IRA staff on that day."

*14 NYCRR Section 635-10.5(b)(12)(v)*

In 16 instances pertaining to 12 recipients, a residential habilitation service was not documented. This finding applies to Sample #'s 10, 11, 15, 16, 20, 21, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 53.

#### **5. Missing Copy of Individualized Service Plan (ISP)**

Regulations state, ". . . Specific services and the intensity with which they are delivered will be set forth in an individualized service plan . . ." *14 NYCRR Section 635-10.2(a)*

Regulations state, "Total reimbursable residential habilitation services costs shall be related to the service specifications of each person's individualized service plan (ISP). . ."

*14 NYCRR Section 635-10.5(b)(5)*

In 10 instances pertaining to 8 recipients, ISP for the service date was not available. This finding applies to Sample #'s 42, 43, 46, 47, 48, 49, 50, 52, 53 and 58.

#### **6. Improper Number of Countable Service Days (Full Month) – Supervised Individualized Residential Alternative (IRA)**

Regulations state, "The full month supervised IRA price shall be paid for services provided to an individual who meets the enrollment requirement in subparagraph (11)(i) of this subdivision and who receives face-to-face residential habilitation services in accordance with the individual's individualized service plan (ISP) and residential habilitation plan on each of the 22 days of the enrollment requirement. These are known as countable service days."

*14 NYCRR Section 635-10.5(b)(8)(ii)(a)*

Regulations also state, "For supervised IRAs only: in determining countable service days the provider may include days when an individual consumer is away from the IRA, for purposes such as vacations and visits with family or friends, only when staff from the consumer's IRA deliver and document services to that consumer that are similar in scope, frequency and duration to the residential habilitation services typically delivered to the consumer at the IRA.

- (a) No more than 14 days in a calendar month that meet the conditions of this subparagraph may be countable service days for a full month supervised IRA price.
- (b) No more than seven days in a calendar month that meet the conditions of this subparagraph may be countable service days for one-half of a full month supervised IRA price."

*14 NYCRR Section 635-10.5(b)(12)(iii)(a) and (b)*

In 9 instances pertaining to 5 recipients, the recipients did not receive residential habilitation service for the required number of countable days. This finding applies to Sample #'s 54, 64, 67, 68, 69, 74, 91, 92 and 100.

**7. Missing Residential Habilitation Plan Review**

Regulations state: "If habilitation services are provided (i.e., residential habilitation, day habilitation, community habilitation [5/26/10 and after], supported employment, pre-vocational services), the relevant habilitation plan(s) must be developed, and on a semiannual basis thereafter, reviewed and revised as necessary by the habilitation service provider. The service coordinator shall attach the relevant habilitation plan(s) to the ISP."

*14 NYCRR Section 635-99.1(bf)*

In 1 instance, the residential habilitation plan review was not found. This finding applies to Sample # 8.

## PROVIDER RIGHTS

In accordance with 18 NYCRR Part 518 which regulates the collection of overpayments, your repayment options are described below. If you decide to repay the adjusted lower confidence limit amount of \$1,176,347, one of the following repayment options must be selected within 20 days from the date of this letter:

**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:

  
New York State Department of Health  
Medicaid Financial Management  
GNARESP Corning Tower, Room 2739  
File #09-4247  
Albany, New York 12237

**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 the 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  


If you choose not to settle this audit through repayment of the adjusted lower confidence limit, you have the right to challenge these findings by requesting an administrative hearing where the OMIG would seek and defend the adjusted point estimate of \$1,404,943. As allowed by state regulations, you must make your request for a hearing, in writing, within sixty (60) days of the date of this report to:

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

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

Issues you may raise shall be limited to those issues relating to determinations contained in the final audit report. Your hearing request may not address issues regarding the methodology used to determine the rate, or any issue that was raised at a proceeding to appeal a rate determination.

At the hearing you have the right to:

- a) be represented by an attorney or other representative, or to represent yourself;
- b) present witnesses and written and/or oral evidence to explain why the action taken is wrong; and
- c) cross examine witnesses of the Department of Health and/or the OMIG.

The OMIG reserves the right to conduct further reviews of your participation in the Medicaid Program, take action where appropriate, and recover monies owed through the initiation of a civil lawsuit or other legal mechanisms including but not limited to the recovery of state tax refunds pursuant to Section 206 of the Public Health Law and Section 171-f of the State Tax Law.

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

**NAME AND ADDRESS OF AUDITEE**

[REDACTED]  
The Salvation Army  
120 West 14 Street  
New York, New York 10011

**PROVIDER ID** [REDACTED]

**AUDIT #09-4247**

**AMOUNT DUE: \$1,176.347**

**AUDIT  
TYPE**

**PROVIDER**  
 **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 #09-4247  
Albany, New York 12237

*Thank you for your cooperation.*

## **SAMPLE DESIGN**

The sample design used for Audit #09-4247 was as follows:

- Universe - Medicaid claims for OPWDD IRA residential habilitation services paid during the period August 1, 2003, through December 31, 2006.
- Sampling Frame - The sampling frame for this objective is the Medicaid electronic database of paid Provider claims for OPWDD IRA residential habilitation services paid during the period August 1, 2003, through December 31, 2006.
- Sample Unit - The sample unit is a Medicaid claim paid during the period August 1, 2003, through December 31, 2006.
- Sample Design – Simple sampling was used for sample selection.
- Sample Size – The sample size is 100 services.

### SAMPLE RESULTS AND ESTIMATES

Universe Size	487
Sample Size	100
Sample Value	\$ 675,573.85
Sample Overpayments	\$ 394,389.05
Net Financial Error Rate	58%
Confidence Level	90%

#### Extrapolation of Sample Findings

Total Sample Overpayments	\$ 394,389.05
<b>Less Overpayments Not Extrapolated*</b>	<u>(133,264.10)</u>
Sample Overpayments for Extrapolation Purposes	\$ 261,124.95
 Sample Size	 100
 Mean Dollars in Error for Extrapolation Purposes	 \$ 2,611.25
 Universe Size	 487
 Point Estimate of Total Dollars	 \$ 1,271,679
<b>Add Overpayments Not Extrapolated*</b>	<u>133,264</u>
Adjusted Point Estimate of Totals Dollars	<u>\$ 1,404,943</u>
 Lower Confidence Limit	 \$ 1,043,083
<b>Add Overpayments Not Extrapolated*</b>	<u>133,264</u>
Adjusted Lower Confidence Limit	<u>\$ 1,176,347</u>

\* The actual dollar disallowance for the following findings was subtracted from the total sample overpayment and added to the Point Estimate and Lower Confidence Limit:

- **Finding #1 – Missing Required Elements of the Residential Habilitation Plan**
- **Finding #3 – Missing Required Elements in the IRA Residential Habilitation Service Note**
- **Finding #7 – Missing Residential Habilitation Plan Review**

The dollar disallowance associated with these findings was not used in the extrapolation. However, this does not apply if an extrapolated finding was also identified for a sampled claim.





OFFICE OF THE MEDICAID INSPECTOR GENERAL  
THE SALVATION ARMY  
REVIEW OF IRA RESIDENTIAL HABILITATION SERVICES  
PROJECT NUMBER: 09-4247  
REVIEW PERIOD: 08/1/03 - 12/31/06

Sample Number	Date of Service	Rate Code		Amount		Over Payment		DETAILED AUDIT FINDINGS							
		Billed	Derived	Paid	Derived	Extrapolated	Not-Extrapolated	1. Missing Required Elements of the Residential Habilitation Plan	2. Missing Required Elements in the IRA Residential Habilitation Service Note	3. Missing Required Elements in the IRA Residential Habilitation Service Note	4. Missing Residential Habilitation Service Note	5. Missing Copy of Individualized Service Plan (ISP)	6. Improper Number of Countable Service Days (Full Month) - Supervised (IRA)	7. Missing Residential Habilitation Plan Review	
51	09/01/03	4706		\$ 6,772.34	\$ -	\$ 6,772.34	\$ -		X	X	X	X			
52	09/01/03	4706		6,772.34	-	6,772.34	-		X	X	X	X			
53	09/01/03	4706		6,772.34	-	6,772.34	-		X	X	X	X			
54	10/01/03	4706		6,772.34	-	6,772.34	-		X	X	X	X			
55	11/01/03	4706		6,772.34	-	6,772.34	-		X	X	X	X			
56	11/01/03	4706		6,772.34	-	6,772.34	-		X	X	X	X			
57	11/01/03	4706		6,772.34	-	6,772.34	-		X	X	X	X			
58	12/01/03	4706		6,772.34	-	6,772.34	-		X	X	X	X			
59	12/01/03	4706		6,772.34	-	6,772.34	-		X	X	X	X			
60	01/01/04	4706		6,772.34	-	6,772.34	-		X	X	X	X			
61	02/01/04	4706		6,772.34	-	6,772.34	-		X	X	X	X			
62	02/01/04	4706		6,772.34	-	6,772.34	-		X	X	X	X			
63	02/01/04	4706		6,772.34	-	6,772.34	-		X	X	X	X			
64	03/01/04	4706		6,772.34	-	6,772.34	-		X	X	X	X			
65	04/01/04	4706		6,772.34	-	6,772.34	-		X	X	X	X			
66	04/01/04	4706		6,772.34	-	6,772.34	-		X	X	X	X			
67	05/01/04	4706		6,772.34	-	6,772.34	-		X	X	X	X			
68	06/01/04	4706	4707	6,772.34	3,386.17	6,772.34	3,386.17		X	X	X	X			
69	06/01/04	4706		6,772.34	-	6,772.34	-		X	X	X	X			
70	06/01/04	4706		6,772.34	-	6,772.34	-		X	X	X	X			
71	06/01/04	4706		6,772.34	-	6,772.34	-		X	X	X	X			
72	08/01/04	4706		6,610.68	-	6,610.68	-	6,772.34	X	X	X	X			
73	08/01/04	4706	4706	6,610.68	6,610.68	6,610.68	6,610.68	6,610.68	X	X	X	X			
74	09/01/04	4706		6,610.68	-	6,610.68	-		X	X	X	X			
75	09/01/04	4706	4706	6,610.68	6,610.68	6,610.68	6,610.68		X	X	X	X			

