

NEW YORK STATE  
OFFICE OF THE MEDICAID INSPECTOR GENERAL

REVIEW OF AGEWELL NEW YORK, LLC  
CAPITATION PAYMENTS FOR DECEASED MANAGED CARE ENROLLEES  
FEBRUARY 1, 2011 – NOVEMBER 1, 2014

FINAL AUDIT REPORT  
AUDIT # 15-1099

Dennis Rosen  
Acting Medicaid Inspector General

June 24, 2015

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### ATTACHMENTS

- ATTACHMENT I – Provider Response
- ATTACHMENT II – Final Report Overpayments



Office of the  
Medicaid Inspector  
General

ANDREW M. CUOMO  
Governor

DENNIS ROSEN  
Acting Medicaid Inspector General

June 24, 2015

[REDACTED]

Agewell New York, LLC  
1991 Marcus Avenue, Suite M201  
Lake Success, New York 11042

Re: Final Audit Report  
Audit # 15-1099  
Provider # [REDACTED]

Dear [REDACTED]:

The New York State Office of the Medicaid Inspector General (OMIG) has identified instances where Agewell New York, LLC (Plan) received monthly Medicaid and/or Family Health Plus capitation payments for months subsequent to the enrollee's month of death. In accordance with the Medicaid Managed Long Term Care Model Contract (Contract) and Section 517.5 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York (18 NYCRR), this report represents the final determination on the issues found during the OMIG's review.

#### **BACKGROUND**

The New York State Department of Health (Department) is the state agency responsible for the administration of the Medicaid program. As part of its responsibility as an entity within the Department, the OMIG conducts audits and reviews of various providers of Medicaid reimbursable services, equipment and supplies. These audits and reviews are directed at assessing provider compliance with applicable laws, regulations, rules and policies of the Medicaid program as set forth in New York Public Health Law, New York Social Services Law, the regulations of the Department (Titles 10 and 18 of the NYCRR), the regulations of the Office of Mental Health (Title 14 of the NYCRR) and the Department's Medicaid Provider Manuals, *Medicaid Update* publications and the Contract.

## **PURPOSE AND SCOPE**

The purpose of this audit was to identify instances where the Plan received a capitation payment subsequent to the enrollee's month of death. These cases were identified by a computerized match comparing Medicaid and Family Health Plus managed care enrollees to New York State and New York City Vital Statistic death record information. The review includes all dates of death reported through December 31, 2013 to Vital Statistics.

In accordance with 18 NYCRR Parts 517 and 518 and pursuant to the Contract, Article VI, F (1) (Department Right to Recover Premiums) and Article VIII, P (OMIG Audit Authority), the OMIG, on behalf of the Department, has a right to recover premiums paid to the Plan for enrollees listed on the monthly roster who are later determined to be deceased.

## **FINDINGS**

A Draft Audit Report was issued on March 17, 2015 identifying \$30,572.38 in overpaid capitation payments made to the Plan for periods subsequent to the enrollee's month of death. In its April 2, 2015 response (Attachment I) to the Draft Audit Report, the Plan confirmed the findings of the Draft Audit Report. As a result, the findings of the Final Audit Report remain unchanged from those cited in the Draft Audit Report.

As stated in the Contract, specifically Article VI (F) of the Contract and 18 NYCRR Parts 517 and 518, the OMIG, on behalf of the Department, has a right to recover such overpayments paid to the Plan for enrollees listed on the monthly roster.

The total amount of overpayment as defined in 18 NYCRR § 518.1, is \$30,572.38. Subsequent to the issuance of the Draft Audit Report, the Plan voided claims in the amount of \$7,643.02. Repayment of \$22,929.36 is due the New York State Department of Health (Attachment II).

## **EFFECTIVE DATE**

The OMIG, on behalf of the Department, is seeking to recover an overpayment in the amount of \$22,929.36 from the Plan, effective 20 days from the date of this Final Audit Report.

## **PAYMENT OPTIONS**

18 NYCRR Part 518 governs overpayments; the Plan's 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, include the audit number and be sent with the attached Remittance Advice to:

[REDACTED]  
New York State Department of Health  
Medicaid Financial Management, B.A.M.  
GNARESP Corning Tower, Room 2739  
File # 15-1099  
Albany, New York 12237-0016

**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  
Phone #: [REDACTED]  
Fax#: [REDACTED]

**PROVIDER RIGHTS**

The Plan has 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 Section 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."

If the Plan wishes 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].

If a hearing is held, the Plan may have a person represent the Plan or the Plan may represent itself. If the Plan chooses to be represented by someone other than an attorney, the Plan must supply along with the Plan's hearing request a signed authorization permitting that person to represent the Plan at the hearing; the Plan may call witnesses and present documentary evidence on the Plan's behalf.

[REDACTED]

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The OMIG reserves the right to conduct further reviews of the Plan's participation in the Medicaid program, take action where appropriate, and recover any associated overpayments. Please contact [REDACTED] at [REDACTED] or via e-mail at [REDACTED] if you have any questions regarding the above. Thank you for your cooperation.

Sincerely,

[REDACTED]

Division of Medicaid Audit, Albany Office  
Office of the Medicaid Inspector General

Attachments  
CERTIFIED MAIL # [REDACTED]  
RETURN RECEIPT REQUESTED

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

**NAME AND ADDRESS OF AUDITEE**

Agewell New York, LLC  
1991 Marcus Avenue, Suite M201  
Lake Success, New York 11042

**PROVIDER #:** [REDACTED]

**AUDIT # 15-1099**

**AMOUNT DUE: \$22,929.36**

**AUDIT  
TYPE**

PROVIDER  
 RATE-LTC  
 RATE-NH  
 MANAGED  
CARE

**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, B.A.M.  
GNARESP Corning Tower, Room 2739  
File # 15-1099  
Albany, New York 12237-0016

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