



Office of the
Medicaid Inspector
General

ANDREW M. CUOMO
Governor

DENNIS ROSEN
Medicaid Inspector General

June 13, 2016

██████████
Waterfront Center for Rehabilitation and Healthcare
(aka Waterfront Health Care Center)
200 Seventh Street
Buffalo, New York 14201

Re: MDS Final Audit Report
Audit #: 13-2429
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 Waterfront Center for Rehabilitation and Healthcare (aka Waterfront Health Care Center) for the census period ending January 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 November 25, 2015, the findings in the final audit report remain identical to the draft audit report.

The Medicaid overpayment of \$21,119.38 was calculated using the number of Medicaid days paid for the rate period July 1, 2012 through December 31, 2012 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 [REDACTED]

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 [REDACTED]
[REDACTED]



Division of Medicaid Audit
Office of the Medicaid Inspector General

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

OFFICE OF THE MEDICAID INSPECTOR GENERAL
WATERFRONT CENTER FOR REHABILITATION AND HEALTHCARE
AUDIT # 13-2429
CALCULATION OF AUDIT IMPACT

RATE TYPE	DECREASED IN DIRECT COMPONENT OF RATE*	MEDICAID DAYS	IMPACT
Part B Eligible/Part B D Eligible	\$0.96	19,540	\$18,758.40
Non-Medicare/Part D Eligible	\$0.97	2,434	\$2,360.98
Total			<u>\$21,119.38</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
 WATERFRONT CENTER FOR REHABILITATION AND HEALTHCARE
 AUDIT #13-2429
 FINDINGS BY SAMPLE NUMBER

Sample #	[REDACTED]	Reported RUG	Derived RUG	Reported RUG Weight	Derived RUG Weight	DETAILED FINDINGS			
						DISALLOW MOOD	DISALLOW SKIN CONDITIONS	DISALLOW SPECIAL TREATMENTS, PROCEDURES	DISALLOW PHYSICAL THERAPY
1	[REDACTED]	RMC	RMC	1.27	1.27				
2	[REDACTED]	CB2	PD1	0.91	0.72			1	
3	[REDACTED]	RMC	RMC	1.27	1.27				
4	[REDACTED]	PE1	PE1	0.79	0.79				
5	[REDACTED]	RHC	RHC	1.40	1.40				
6	[REDACTED]	SSC	SSC	1.12	1.12				
7	[REDACTED]	RMC	RMC	1.27	1.27			1	
8	[REDACTED]	CC2	CC2	1.12	1.12				
9	[REDACTED]	SSC	SSC	1.12	1.12				
10	[REDACTED]	PA1	PA1	0.46	0.46				
11	[REDACTED]	SSB	SSB	1.06	1.06				
12	[REDACTED]	RMA	RMA	1.17	1.17				
13	[REDACTED]	RMB	RMB	1.22	1.22				
14	[REDACTED]	RMC	RMC	1.27	1.27				
15	[REDACTED]	RVB	RVB	1.39	1.39				
16	[REDACTED]	RHC	RHC	1.40	1.40				
17	[REDACTED]	RMA	RMA	1.17	1.17				
18	[REDACTED]	RMA	RMA	1.17	1.17				

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 AUDIT #13-2429
 FINDINGS BY SAMPLE NUMBER

Sample #	Reported RUG	Derived RUG	Reported RUG Weight	Derived RUG Weight	DETAILED FINDINGS			
					DISALLOW MOOD	DISALLOW SKIN CONDITIONS	DISALLOW SPECIAL TREATMENTS, PROCEDURES	DISALLOW PHYSICAL THERAPY
19	RMA	RMA	1.17	1.17				
20	PB1	PB1	0.58	0.58				
21	RMC	RMC	1.27	1.27				
22	CC2	PE1	1.12	0.79	1		1	
23	SSC	CC1	1.12	0.98	1	1	1	
24	PA1	PA1	0.46	0.46				
25	RMA	RMA	1.17	1.17				
26	RMC	RMC	1.27	1.27				
27	RHB	RHB	1.27	1.27				
28	PA1	PA1	0.46	0.46				
29	CA2	CA2	0.84	0.84				
TOTALS					<u>2</u>	<u>1</u>	<u>3</u>	<u>1</u>

**OFFICE OF THE MEDICAID INSPECTOR GENERAL
WATERFRONT CENTER FOR REHABILITATION AND HEALTHCARE
AUDIT #13-2429
MDS DETAILED FINDINGS**

MDS FINDINGS**SAMPLE SELECTION****Mood**

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

*42 CFR §483.20 (b) (xvii)
MDS 3.0 Manual D0100-D0650*

In 2 instances, documentation did not support staff assessment of depressive symptoms. 22, 23

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 correct number of ulcer(s). 23

In 1 instance, documentation did not support the skin and ulcer treatments. 23

In 1 instance, documentation did not support the application of ointments/medications. 23

Special Treatments, Procedures, and Programs

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.

The intent of the items in this section is to identify any special treatments, procedures, and programs that the resident received during the specific time periods. MDS 3.0 manual guidelines will be followed when examining the medical records.

42 CFR §483.20 (b) (xv)

MDS 3.0 Manual O0100-0300, O0600-0700

In 2 instances, documentation did not support the number of days with MD exams during the look back period. 22, 23

In 3 instances, documentation did not support the number of days with MD orders during the look back period. 2, 22, 23

Skilled Therapy

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.

The qualified therapist, in conjunction with the physician and nursing staff, is responsible for determining the necessity for and the frequency and duration of the therapy provided to residents. Rehabilitation (i.e., via Speech-Language Services, and Occupational and Physical Therapies) and respiratory, psychological, and recreational therapy helps the residents to attain or maintain their highest level of well-being and improve their quality of life. MDS 3.0 manual guidelines will be followed when reviewing the documentation provided by the facility.

42 CFR §483.20 (b) (xvii)

MDS 3.0 Manual O0400-0500

Physical Therapy

In 1 instance, documentation reflected incorrect individual/concurrent/group minutes. 7

RUGS-II Classifications Overturned

In 3 instances, the RUG classifications were 2, 22, 23 overturned.

10 NYCRR §86-2.10, Volume A-2