



**Office of the
Medicaid Inspector
General**

ANDREW M. CUOMO
Governor

DENNIS ROSEN
Medicaid Inspector General

October 19, 2016

██████████
Buffalo Center for Rehabilitation and Nursing
(aka Delaware Nursing and Rehabilitation Center)
1014 Delaware Avenue
Buffalo, New York 14209

Re: MDS Final Audit Report
Audit #: 14-3413
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 Buffalo Center for Rehabilitation and Nursing (aka Delaware Nursing and Rehabilitation Center) for the census period ending July 25, 2013. 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 August 12, 2016, the findings in the final audit report remain identical to the draft audit report.

The Medicaid overpayment of \$192,932.11 was calculated using the number of Medicaid days paid for the rate period January 1, 2014 through June 30, 2014 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.

The Provider has the right to challenge this action and determination by requesting an administrative hearing within 60 days of the date of this notice. If the Provider wishes to request a hearing, the request must be submitted in writing to:

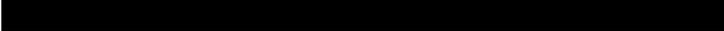
General Counsel
Office of Counsel
New York State Office of the Medicaid Inspector General
800 North Pearl Street
Albany, NY 12204

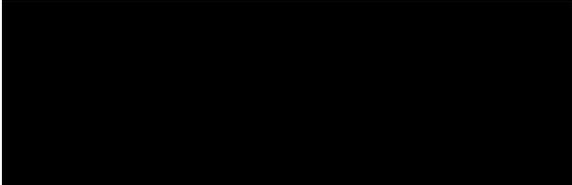
Questions regarding the request for a hearing should be directed to Office of Counsel, at ██████████

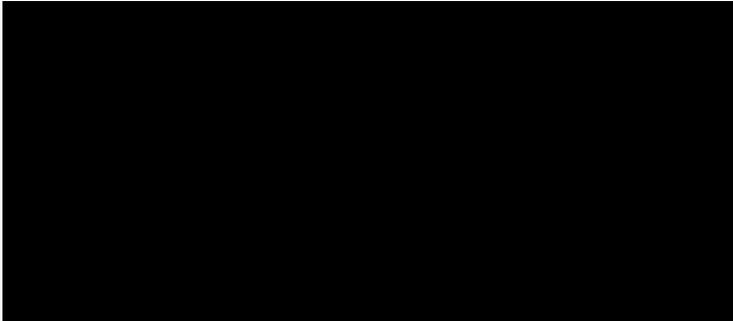
In accordance with 18 NYCRR 519.18(a), "The issues and documentation considered at the hearing are limited to issues directly relating to the final determination. An appellant may not raise issues regarding the methodology used to determine any rate of payment or fee, nor raise any new matter not considered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

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 along with your hearing request a signed authorization permitting that person to represent you at the hearing; you may call witnesses and present documentary evidence on your behalf.

For a full listing of hearing rights please see 18 NYCRR Part 519.

Should you have any questions regarding the above, please contact 
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Division of Medicaid Audit
Office of the Medicaid Inspector General



OFFICE OF THE MEDICAID INSPECTOR GENERAL
BUFFALO CENTER FOR REHABILITATION AND NURSING
AUDIT 14-3413
CALCULATION OF AUDIT IMPACT

RATE TYPE	DECREASED IN DIRECT COMPONENT OF RATE*	MEDICAID DAY	IMPACT
Part B Eligible/Part B D Eligible	\$7.87	21,259	\$167,308.33
Non-Medicare/Part D Eligible	\$7.98	3,211	\$25,623.78
Total			<u>\$192,932.11</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
 BUFFALO CENTER FOR REHABILITATION AND NURSING
 AUDIT #14-3413
 ERRORS BY SAMPLE NUMBER

Sample #	Reported RUG	Derived RUG	Reported RUG Weight	Derived RUG Weight	Disallow bed mobility self performance	Disallow bed mobility support provided	Disallow transfer self performance	Disallow transfer support provided	Disallow eating self performance	Disallow toilet use self performance	Disallow toilet use support provided	Disallow special treatments, procedures	Disallow speech therapy	Disallow occupational therapy	Disallow physical therapy
1	CC2	PE1	1.12	0.79					1		1				
2	RMA	RMA	1.17	1.17											
3	IB1	IA1	0.78	0.61	1	1	1	1	1	1	1				
4	RMB	RMB	1.22	1.22										1	
5	CB2	CA2	0.91	0.84	1	1	1	1		1	1				
6	RVC	RVC	1.53	1.53											
7	CC2	CA2	1.12	0.84	1	1	1	1	1	1	1				
8	RMC	RMC	1.27	1.27					1						
9	RUX	RUL	2.38	1.98					1					1	
10	RMB	CA2	1.22	0.84	1	1	1	1		1	1			1	
11	RMC	PD1	1.27	0.72								1			
12	CC2	CB2	1.12	0.91					1						
13	RMC	RMB	1.27	1.22					1						
14	CC2	CA2	1.12	0.84	1	1	1	1	1	1	1				
15	CC2	CA2	1.12	0.84	1	1	1	1	1	1	1	1			
16	SSC	CA2	1.12	0.84	1	1	1	1	1	1	1				
17	RMC	CB2	1.27	0.91										1	
18	CC2	CA2	1.12	0.84	1	1	1	1	1	1	1				
19	SSC	CA2	1.12	0.84	1	1	1	1	1	1	1				
20	SSC	IA1	1.12	0.61	1	1	1	1	1	1	1				
21	RVB	RMA	1.39	1.17	1	1	1	1		1	1		1	1	
22	CC2	IA1	1.12	0.61	1	1	1	1	1	1	1				
23	CA2	IA1	0.84	0.61			1	1		1	1				

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24	RMC	RMB	1.27	1.22					1					1	
25	RHC	RHB	1.4	1.27							1	1			
26	RMC	PA1	1.27	0.46	1	1	1	1	1	1					1
27	CC2	IA1	1.12	0.61	1	1	1	1	1	1					
28	SSC	PA1	1.12	0.46	1	1	1	1	1	1					
29	SSC	PA1	1.12	0.46	1	1	1	1	1	1					
30	CC2	IA1	1.12	0.61	1	1	1	1	1	1					
31	RHC	RMA	1.4	1.17	1	1	1	1		1	1				1
32	IB1	IB1	0.78	0.78	1	1	1	1							
33	CC2	CC2	1.12	1.12											
34	RMC	CA2	1.27	0.84	1	1	1	1	1	1					1
35	RMC	RMA	1.27	1.17	1	1	1	1	1	1					
36	RMC	RMA	1.27	1.17	1	1	1	1	1	1					
37	CC2	IA1	1.12	0.61	1	1	1	1	1	1	1				
38	RHC	RMA	1.4	1.17	1	1	1	1	1	1					
39	CC2	CA2	1.12	0.84	1	1	1	1	1	1					
40	CC2	CA2	1.12	0.84	1	1	1	1	1	1					
41	CC2	CC2	1.12	1.12											
42	CB2	CB2	0.91	0.91							1				
43	CC2	CB2	1.12	0.91					1						
44	CB2	CA2	0.91	0.84	1	1	1	1	1						
45	CC2	CB2	1.12	0.91						1					
46	CB2	CA2	0.91	0.84	1	1	1	1	1	1					

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 ERRORS BY SAMPLE NUMBER

Sample #	Reported RUG	Derived RUG	Reported RUG Weight	Derived RUG Weight	Disallow bed mobility self performance	Disallow bed mobility support provided	Disallow transfer self performance	Disallow transfer support provided	Disallow eating self performance	Disallow toilet use self performance	Disallow toilet use support provided	Disallow special treatments, procedures	Disallow speech therapy	Disallow occupational therapy	Disallow physical therapy
47	RMB	IA1	1.22	0.61	1	1	1	1	1	1	1			1	
48	CC2	CA2	1.12	0.84	1	1	1	1	1	1	1				
49	RHC	RMA	1.4	1.17	1	1	1	1	1	1	1			1	
50	CC2	CB2	1.12	0.91					1						
51	RMC	RMA	1.27	1.17	1	1	1	1	1	1	1				
52	CB2	CB2	0.91	0.91											
53	CC2	CA2	1.12	0.84	1	1	1	1	1	1	1				
Totals					33	34	34	35	37	33	33	7	1	5	9

**OFFICE OF THE MEDICAID INSPECTOR GENERAL
BUFFALO CENTER FOR REHABILITATION AND NURSING
AUDIT #14-3413
MDS DETAILED FINDINGS**

MDS FINDINGS**SAMPLE SELECTION****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 1 instance, documentation did not support resident required total assist every time. 19

In 24 instances, documentation did not support resident required weight bearing assist three or more times. 5, 7, 14, 15, 16, 18, 20, 22, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 39, 40, 48, 49, 51, 53

In 8 instances, documentation did not support resident required non weight bearing assist three or more times. 3, 10, 21, 32, 38, 44, 46, 47

Bed Mobility Support Provided

In 22 instances, documentation did not support resident was a 2+ person physical help at least once. 7, 14, 15, 16, 18, 19, 20, 22, 26, 27, 28, 29, 34, 35, 36, 37, 39, 40, 45, 48, 51, 53

In 12 instances, documentation did not support resident was a one person physical help at least once. 3, 5, 10, 21, 30, 31, 32, 38, 44, 46, 47, 49

Transfer Self-Performance

In 1 instance, documentation did not support resident required total assist every time.	19
In 25 instances, documentation did not support resident required weight bearing assist three or more times.	5, 7, 14, 15, 16, 18, 20, 22, 23, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 39, 40, 48, 49, 51, 53
In 8 instances, documentation did not support resident required non weight bearing assist three or more times.	3, 10, 21, 32, 38, 44, 46, 47

Transfer Support Provided

In 17 instances, documentation did not support resident was a 2+ person physical help at least once.	7, 14, 15, 18, 19, 20, 27, 28, 29, 30, 37, 39, 40, 45, 48, 51, 53
In 18 instances, documentation did not support resident was a one (1) person physical help at least once.	3, 5, 10, 16, 21, 22, 23, 26, 31, 32, 34, 35, 36, 38, 44, 46, 47, 49

Eating Self-Performance

In 7 instances, documentation did not support resident required weight bearing assist three or more times.	16, 18, 22, 30, 38, 39, 43
In 25 instances, documentation did not support resident required non weight bearing assist three or more times.	1, 7, 9, 12, 13, 14, 15, 19, 20, 24, 25, 27, 28, 29, 34, 35, 36, 37, 40, 44, 45, 46, 48, 50, 53
In 5 instances, documentation did not support resident required supervision one or more times.	3, 8, 47, 49, 51

Toilet Use Self-Performance

In 1 instance, documentation did not support resident required total assist every time.	18
In 27 instances, documentation did not support resident required weight bearing assist three or more times.	7, 14, 15, 16, 19, 20, 22, 23, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 40, 44, 46, 48, 49, 51, 53
In 5 instances, documentation did not support resident required non weight bearing assist three or more times.	3, 5, 10, 21, 47

Toilet Use Support Provided

In 17 instances, documentation did not support resident was a 2+ person physical help at least once.	7, 14, 15, 16, 19, 20, 22, 26, 27, 28, 29, 30, 37, 40, 45, 48, 53
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In 16 instances, documentation did not support resident was a one person physical help at least once.

3, 5, 10, 18, 21, 23, 31, 34, 35, 36, 38, 39, 46, 47, 49, 51

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 7 instances, documentation did not support the number of days with MD exams during the look back period.

1, 14, 15, 22, 23, 37, 42

In 1 instance, documentation did not support the number of days with MD orders during the look back period.

42

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

Speech-Language Pathology

In 1 instance documentation reflected incorrect individual/concurrent/group minutes. 25

Occupational Therapy

In 2 instances, documentation reflected incorrect individual/concurrent/group minutes. 24, 25

In 1 instance, documentation reflected incorrect days. 21

In 2 instances, documentation did not support medical necessity for therapy and/or therapy was not reasonable for resident condition. 11, 47

Physical Therapy

In 3 instances, documentation reflected incorrect individual/concurrent/group minutes. 9, 31, 49

In 2 instances, documentation reflected incorrect days. 4, 21

In 4 instances, documentation did not support medical necessity for therapy and/or therapy was not reasonable for resident condition. 10, 17, 26, 34

RUGS-II Classifications Overturned

In 44 instances, the RUG classifications were overturned. 1, 3, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 40, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53.

10 NYCRR §86-2.10, Volume A-2