NEW YORK STATE | Office of the Medicaid Inspector General

ANDREW M. CUOMO
Governor

DENNIS ROSEN
Medicaid Inspector General

October 19, 2016

[redacted]
Wingate of Ulster
One Wingate Way
Highland, New York 12528

Re: MDS Final Audit Report
Audit #: 14-4914
Provider ID#: [redacted]

Dear [redacted]

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 Wingate of Ulster 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 17, 2016, the findings in the final audit report remain identical to the draft audit report.

The Medicaid overpayment of $41,488.25 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 [redacted]

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

Division of Medicaid Audit
Office of the Medicaid Inspector General

ATTACHMENT A

OFFICE OF THE MEDICAID INSPECTOR GENERAL

WINGATE OF ULSTER

AUDIT 14-4914

CALCULATION OF AUDIT IMPACT

RATE TYPE	DECREASED IN DIRECT COMPONENT OF RATE*	MEDICAID DAY	IMPACT
Part B Eligible/Part B D Eligible	$3.43	12,047	$41,321.21
Non-Medicare/Part D Eligible	$3.48	48	$167.04
Total			$41,488.25

*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
WINGATE OF ULSTER
AUDIT #14-4914
ERRORS BY SAMPLE NUMBER

Sample #	[redacted]	Reported RUG	Derived RUG	Reported RUG Weight	Derived RUG Weight	Disallow transfer self performance	Disallow eating self performance	Disallow toilet use self performance	Disallow swallowing/nutritional statu	Disallow physical therapy
1		SSB	SSB	1.06	1.06					
2		CC1	CC1	0.98	0.98					
3		PE1	PE1	0.79	0.79					
4		RMA	PA1	1.17	0.46					1
5		RMA	PA1	1.17	0.46	1				1
6		IA1	IA1	0.61	0.61					
7		IB1	IB1	0.78	0.78					
8		PE1	PE1	0.79	0.79					
9		PE1	PD1	0.79	0.72		1			
10		PE1	PE1	0.79	0.79	1		1		
11		IB1	IB1	0.78	0.78					
12		SSB	SSB	1.06	1.06					
13		RMA	CA1	1.17	0.77					1
14		RMA	RMA	1.17	1.17					
15		SSB	SSB	1.06	1.06				1	
16		IA1	IA1	0.61	0.61					

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WINGATE OF ULSTER
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Sample #	[redacted]	Reported RUG	Derived RUG	Reported RUG Weight	Derived RUG Weight	Disallow transfer self performance	Disallow eating self performance	Disallow toilet use self performance	Disallow swallowing/nutritional statu	Disallow physical therapy
17		SSB	SSB	1.06	1.06					
18		IA1	IA1	0.61	0.61					
19		PB1	PB1	0.58	0.58					
Totals						2	1	1	1	3

OFFICE OF THE MEDICAID INSPECTOR GENERAL
WINGATE OF ULSTER
AUDIT #14-4914
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*	
Transfer Self-Performance	
In 1 instance, documentation did not support resident required total assist every time.	10
In 1 instance, documentation did not support resident required supervision one or more times.	5
Eating Self-Performance	
In 1 instance, documentation did not support resident required non weight bearing assist three or more times.	9
Toilet Use Self-Performance	
In 1 instance, documentation did not support resident required total assist every time.	10
Swallowing/Nutritional Status	
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 conditions that could affect the residents' ability to maintain adequate nutrition and hydration. MDS 3.0 manual guidelines will be followed when examining the medical records.

42 CFR §483.20 (b) (xvii)
MDS 3.0 Manual K0100-0700

In 1 instance, documentation reflected incorrect resident height. 15

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 3 instances, documentation did not support medical necessity for therapy and/or therapy was not reasonable for resident condition. 4, 5, 13

RUGS-II Classifications Overturned

In 4 instances, the RUG classifications were overturned. 4, 5, 9, 13

10 NYCRR §86-2.10, Volume A-2