



Office of the
Medicaid Inspector
General

ANDREW M. CUOMO
Governor

DENNIS ROSEN
Medicaid Inspector General

September 16, 2016

██████████
Absolut Center for Nursing and Rehabilitation
at Orchard Park, LLC
300 Glead Avenue
East Aurora, New York 14062

Re: MDS Final Audit Report
Audit #: 14-3410
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 Absolut Center for Nursing and Rehabilitation at Orchard Park, LLC for the census period ending January 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 July 28, 2016, the findings in the final audit report remain identical to the draft audit report.

The Medicaid overpayment of \$101,860.30 was calculated using the number of Medicaid days paid for the rate period July 1, 2013 through December 31, 2013 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

Division of Medicaid Audit
Office of the Medicaid Inspector General

OFFICE OF THE MEDICAID INSPECTOR GENERAL
ABSOLUT CENTER FOR NURSING AND REHABILITATION AT ORCHARD PARK
AUDIT 14-3410
CALCULATION OF AUDIT IMPACT

RATE TYPE	DECREASED IN DIRECT COMPONENT OF RATE*	MEDICAID DAY	IMPACT
Part B Eligible/Part B D Eligible	\$3.80	26,086	\$99,126.80
Non-Medicare/Part D Eligible	\$3.85	710	\$2,733.50
Total			<u>\$101,860.30</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
 ABSOLUT CENTER FOR NURSING AND REHABILITATION AT ORCHARD PARK
 AUDIT #14-3410
 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 active disease diagnosis	Disallow occupation diagnosis	Disallow physical therapy	Disallow nursing rehabilitation claimed
1	SSA	SSA	1.03	1.03											
2	RMA	BA1	1.17	0.47									1		
3	IB1	IB1	0.78	0.78							1				1
4	PE1	PE1	0.79	0.79											
5	RHB	RHB	1.27	1.27											
6	PE1	PE1	0.79	0.79	1		1			1					
7	RVC	RHC	1.53	1.4		1		1			1				
8	RHC	RVB	1.4	1.39					1			1			
9	PE1	PE1	0.79	0.79											
10	RMX	RMX	1.96	1.96											
11	PE1	PD1	0.79	0.72		1					1				
12	PE1	PE1	0.79	0.79	1			1			1				
13	RMB	RMB	1.22	1.22											
14	RVC	RVC	1.53	1.53											
15	RUC	RUC	1.82	1.82			1			1					
16	PE1	PE1	0.79	0.79											
17	RVC	RVC	1.53	1.53											
18	RVC	RVC	1.53	1.53								1			
19	IB1	IB1	0.78	0.78											
20	RVC	RMC	1.53	1.27						1		1			
21	RHC	SSA	1.4	1.03									1		
22	RMB	RMA	1.22	1.17	1	1	1	1		1	1				

**OFFICE OF THE MEDICAID INSPECTOR GENERAL
ABSOLUT CENTER FOR NURSING AND REHABILITATION AT ORCHARD PARK
AUDIT #14-3410
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 5 instances, documentation did not support resident required total assist every time. 6, 12, 41, 51, 56

In 1 instance, documentation did not support resident required weight bearing assist three or more times. 50

In 2 instances, documentation did not support resident required non weight bearing assist three or more times. 22, 52

Bed Mobility Support Provided

In 2 instances, documentation did not support resident was a 2+ person physical help at least once. 7, 11

In 4 instances, documentation did not support resident was a one person physical help at least once. 22, 50, 51, 52

Transfer Self-Performance

In 6 instances, documentation did not support resident required total assist every time. 6, 12, 15, 41, 42, 51

In 1 instance, documentation did not support resident required weight bearing assist three or more times. 50

In 2 instances, documentation did not support resident required non weight bearing assist three or more times. 22, 52

Transfer Support Provided

In 2 instances, documentation did not support resident was a 2+ person physical help at least once. 7, 42

In 4 instances, documentation did not support resident was a one (1) person physical help at least once. 22, 50, 51, 52

In 1 instance, documentation did not support resident was set up at least once. 46

Eating Self-Performance

In 1 instance, documentation did not support resident required total assist every time. 51

In 3 instances, documentation did not support resident required weight bearing assist three or more times. 27, 36, 50

Toilet Use Self-Performance

In 7 instances, documentation did not support resident required total assist every time. 6, 12, 15, 20, 41, 51, 56

In 3 instances, documentation did not support resident required weight bearing assist three or more times. 8, 50, 52

In 1 instance, documentation did not support resident required non weight bearing assist three or more times. 22

Toilet Use Support Provided

In 3 instances, documentation did not support resident was a 2+ person physical help at least once. 7, 11, 52

In 3 instances, documentation did not support resident was a one person physical help at least once. 22, 50, 51

In 1 instance, documentation did not support resident was set up at least once. 46

Active Disease Diagnosis

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 the diseases coded relate to the resident's functional, cognitive, mood or behavior status, medical treatments, nursing monitoring, or risk of death. MDS 3.0 manual guidelines will be followed when examining the medical records.

42 CFR §483.20 (b) (xvii)
MDS Manual 3.0 I0100-I8000

In 1 instance, documentation did not support dementia as an active diagnosis during the 7 day look back. 3

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

Occupational Therapy

In 3 instances, documentation reflected incorrect individual/concurrent/group minutes.	8, 18, 50
In 2 instances, documentation reflected incorrect days.	18, 50
In 4 instances, documentation did not support medical necessity for therapy and/or therapy was not reasonable for resident condition.	20, 31, 45, 54

Physical Therapy

In 1 instance, documentation reflected incorrect individual/concurrent/group minutes.	25
In 1 instance, documentation did not support an order for therapy.	21
In 6 instances, documentation did not support medical necessity for therapy and/or therapy was not reasonable for resident condition.	2, 21, 31, 34, 44, 54

Restorative Nursing Programs

In 1 instance, documentation did not support resident participated in a nursing rehabilitation program.	40
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Dementia Add-on

In 1 instance, documentation did not support the diagnosis of Alzheimer's/dementia required for the add-on.	3
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10 NYCRR §86-2.40 (z)(1)

RUGS-II Classifications Overturned

In 18 instances, the RUG classifications were overturned.	2, 7, 8, 11, 20, 21, 22, 27, 31, 34, 36, 40, 44, 45, 50, 51, 52, 54
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10 NYCRR §86-2.10, Volume A-2