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OMIG AUDIT PROTOCOL – OPWDD IRA RESIDENTIAL HABILITATION

For service dates prior to March 29, 2013

Effective March 29, 2013

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Audit protocols are amended as necessary. Reasons for amending protocols include, but are not limited to, responding to a hearing decision, litigation decision, or statutory or regulatory change.

OMIG AUDIT PROTOCOL – OPWDD IRA RESIDENTIAL HABILITATION
Effective March 29, 2013

1.	**Missing Recipient Record**
OMIG Audit Criteria	If no recipient record is available for review, claims for all dates of service associated with the recipient record will be disallowed.
Regulatory References	18 NYCRR Section 504.3(a) 18 NYCRR Section 540.7(a)(8)

2.	**No Documentation of Service**
OMIG Audit Criteria	If the recipient record does not document that a residential habilitation service was provided, the claim will be disallowed.
Regulatory References	18 NYCRR Section 504.3(a) 18 NYCRR Section 517.3(b)(2)

3.	**No Diagnosis of Developmental Disability**
OMIG Audit Criteria	For recipients seven years of age and older, claims for services provided in the absence of a clinical assessment substantiating a specific diagnosis of developmental disability will be disallowed.
Regulatory References	14 NYCRR Section 671.4(b)(1)(i) OMRDD Advisory Guideline, Aug. 10, 2001

4.	**Missing Copy of Individualized Service Plan (ISP)**
OMIG Audit Criteria	A copy of the recipient's ISP, covering the time period of the claim, must be maintained by the agency. The claim will be disallowed in the absence of an ISP. If the ISP is not in place prior to the service date and in effect for the service date, the claim will be disallowed.
Regulatory References	14 NYCRR Section 635-10.2(a) 14 NYCRR Section 635-10.5(b)(5)

5.	**Unauthorized IRA Residential Habilitation Services Provider**
OMIG Audit Criteria	If the provider is not listed on the ISP, as the authorized provider for a specific service, the service will be disallowed.
Regulatory References	14 NYCRR Section 635-10.2(a) OPWDDD Administrative Memorandum #2002-01, p. 7

6.	**Missing Residential Habilitation Plan**
OMIG Audit Criteria	The claim will be disallowed in the absence of a residential habilitation plan. If no residential habilitation plan is in place prior to the service date and in effect for the service date, the claim will be disallowed.
Regulatory References	For services **prior to 8/01/07**, 14 NYCRR Section 635-99.1(bf); For services **8/01/07 to 12/31/07**, 14 NYCRR Section 635-99.1(bi); For services **1/01/08 to 1/31/09**, 14 NYCRR Section 635-99.1(bg); For services **2/01/09 to 5/31/10**, 14 NYCRR Section 635-99.1(bi); For services **6/01/10 to 1/24/12**, 14 NYCRR Section 635-99.1(bj); For services **1/25/12 and after**, 14 NYCRR Section 635-99.1(bk); OPWDD Administrative Memorandum #2002-01, pp. 7-8 OPWDD Administrative Memorandum #2003-03, p. 2

7.	**Missing Required Elements of the Residential Habilitation Plan**
OMIG Audit Criteria	The claim will be disallowed if any of the seven required elements are missing in the plan: 1. person's name and Medicaid identification number (CIN); 2. the habilitation service provider agency name and type of habilitation service provided; 3. date the habilitation plan was last reviewed; 4. the person's valued outcome(s) that will be addressed through the habilitation service; 5. description of the services and supports the habilitation plan staff will provide; 6. safeguards that will be provided by the habilitation service provider; 7. printed name, signature and title of the person who wrote the habilitation plan and the date it was written or revised.
Regulatory References	For services **prior to 8/01/07**, 14 NYCRR Section 635-99.1(bf); For services **8/01/07 to 12/31/07**, 14 NYCRR Section 635-99.1(bi); For services **1/01/08 to 1/31/09**, 14 NYCRR Section 635-99.1(bg); For services **2/01/09 to 5/31/10**, 14 NYCRR Section 635-99.1(bi); For services **6/01/10 to 1/24/12**, 14 NYCRR Section 635-99.1(bj); For services **1/25/12 and after**, 14 NYCRR Section 635-99.1(bk); OPWDD Administrative Memorandum #2002-03, pp. 2-4

8.	**Missing Residential Habilitation Service Note**
OMIG Audit Criteria	On any countable service day there must be documentation of at least one residential habilitation service delivered to the person by IRA residential habilitation staff. The claim will be disallowed in the absence of such documentation.
Regulatory References	14 NYCRR Section 635-10.5(b)(12)(v)

9.	**Missing Required Elements in the IRA Residential Habilitation Service Note**
OMIG Audit Criteria	The claim will be disallowed if any of the nine required elements are missing in the note: 1. recipient's name and MA number; 2. identification of category of waiver service; 3. description of the individualized service; 4. recipient's response to the service; 5. date the service was provided; 6. primary service location; 7. verification of service provision by the staff person delivering the service; 8. signature and title of the staff person; 9. date the note was written.
Regulatory References	OPWDD Administrative Memorandum #2002-01, p. 6

10.	**Improper Number of Countable Service Days (Full Month)-Supervised Individualized Residential Alternative (IRA)**
OMIG Audit Criteria	The full month supervised IRA residential habilitation payment shall be paid for services provided to a recipient who receives 22 days of face-to-face residential habilitation services. The amount of the claim will be reduced for less than 22 days of face-to-face service, by reducing the full month to a half month, if at least 11 days of face-to-face residential habilitation services are found. The difference between the amount of the full month rate and the amount of the half month rate will be disallowed.
Regulatory References	For services **prior to 01/01/10**, 14 NYCRR Section 635-10.5(b)(8)(ii)(a) For services **01/01/10 and after**, 14 NYCRR Section 635-10.5(b)(8)(iii)(a); 14 NYCRR Sections 635-10.5(b)(12)(iii)(a) and (b)

11.	**Improper Number of Countable Service Days (Full Month)-Supportive Individualized Residential Alternative (IRA)**
OMIG Audit Criteria	The full month supported IRA residential habilitation payment shall be paid for services provided to a recipient who is enrolled for 22 days and receives 4 days of face-to-face residential habilitation services. The amount of the claim will be reduced for less than 4 days of face-to-face service, by reducing the full month to a half month, if at least 11 enrolled days and 2 days of face-to-face residential habilitation service. The difference between the amount of the full month rate and the amount of the half month rate will be disallowed.
Regulatory References	For services **prior to 01/01/10**, 14 NYCRR Section 635-10.5(b)(9)(ii)(a) For services **01/01/10 and after**, 14 NYCRR Section 635-10.5(b)(9)(iii)(a)

12.	**Improper Number of Countable Service Days (Half Month)-Supervised Individualized Residential Alternative (IRA)**
OMIG Audit Criteria	The half month supervised IRA residential habilitation rate shall be paid for services provided to a recipient who meets the enrollment requirement of 11 days and receives face-to-face residential habilitation services on 11 days. The claim will be disallowed for less than 11 days of face-to-face service.
Regulatory References	For services **prior to 01/01/10**, 14 NYCRR Section 635-10.5(b)(8)(ii)(b) For services **01/01/10 and after**, 14 NYCRR Section 635-10.5(b)(8)(iii)(b); 14 NYCRR Sections 635-10.5(b)(12)(iii)(a) and (b)

13.	**Improper Number of Countable Service Days (Half Month)-Supportive Individualized Residential Alternative (IRA)**
OMIG Audit Criteria	The half month supported IRA residential habilitation rate shall be paid for services provided to a recipient who meets the enrollment requirement of 11 days and receives face-to-face residential habilitation services on 2 days. The claim will be disallowed for recipients who do not meet the enrollment requirement of 11 days or for less than 2 days of face-to-face service.
Regulatory References	For services **prior to 01/01/10**, 14 NYCRR Section 635-10.5(b)(9)(ii)(b) For services **01/01/10 and after**, 14 NYCRR Section 635-10.5(b)(9)(iii)(b)

14.	**Recipient Absent from IRA on Countable Service Day**
OMIG Audit Criteria	The provider cannot include days that the recipient is in a hospital, nursing home or other government funded residential site as a countable service day. Claims will be disallowed for days counted while the recipient is out of the IRA. Note: As per ADM #2002-01, the day of admission and day of discharge to a hospital, nursing home, ICF, or other government funded residential site may be counted when IRA residential habilitation staff deliver and document residential habilitation services. Also, up to 14 days per calendar month may be counted when IRA residential habilitation staff deliver and document residential habilitation services to a resident who is away from the IRA for purposes of vacation and visits with family or friends.
Regulatory References	14 NYCRR Section 635-10.5(b)(12)(i) OPWDD Administrative Memorandum #2002-01, pp. 3-6 (for "Note")

15.	**Billing for Unauthorized IRA Residential Habilitation Services**
OMIG Audit Criteria	The IRA residential habilitation rate shall be paid in accordance with the recipient's ISP and residential habilitation plan. Claims billed for services not authorized by the ISP and residential habilitation plan will be disallowed.
Regulatory References	For services **prior to 01/01/10**, 14 NYCRR Section 635-10.5(b)(8)(ii)(a) For services **01/01/10 and after**, 14 NYCRR Section 635-10.5(b)(8)(iii)(a); For services **prior to 01/01/10**, 14 NYCRR Section 635-10.5(b)(8)(ii)(b) For services **01/01/10 and after**, 14 NYCRR Section 635-10.5(b)(8)(iii)(b);

16.	**Missing IRA Residential Habilitation Monthly Summary Note**
OMIG Audit Criteria	A summary note shall be recorded, at least monthly, by the staff member(s) having a substantive responsibility for delivering or monitoring delivery of the plan of services. Claims will be disallowed in the absence of the monthly summary note.
Regulatory References	For services **prior to 8/01/10**, 14 NYCRR Section 671.6(a)(10) For services **8/01/10 and after**, 14 NYCRR Section 671.6(a)(8) OPWDD Administrative Memorandum #2002-01, p. 7

17.	**Missing Residential Habilitation Plan Review**
OMIG Audit Criteria	For dates of service prior to and including July 15, 2010, and after March 31, 2012, claims will be disallowed if the relevant habilitation plan(s) is not developed, reviewed or revised as necessary at a minimum of at least twice annually. At least annually one of the residential habilitation plan reviews must be conducted at the time of the ISP meeting.
Regulatory References	For services **prior to 8/01/07**, 14 NYCRR Section 635-99.1(bf); For services **8/01/07 to 12/31/07**, 14 NYCRR Section 635-99.1(bi); For services **1/01/08 to 1/31/09**, 14 NYCRR Section 635-99.1(bg); For services **2/01/09 to 5/31/10**, 14 NYCRR Section 635-99.1(bi); For services **6/01/10 to 1/24/12**, 14 NYCRR Section 635-99.1(bj); For services **1/25/12 and after**, 14 NYCRR Section 635-99.1(bk);