



STATE OF NEW YORK
OFFICE OF THE MEDICAID INSPECTOR GENERAL
800 North Pearl Street
Albany, New York 12204

DAVID A. PATERSON
GOVERNOR

JAMES G. SHEEHAN
MEDICAID INSPECTOR GENERAL

August 10, 2010

NYU Downtown Hospital
Administrator
170 William Street
New York, NY 10038-2612

FINAL AUDIT REPORT
Audit #2009Z33-146W
Provider [REDACTED]

Dear Administrator:

The New York State Office of the Medicaid Inspector General (the "OMIG") completed an audit of Medicaid claims paid for Prenatal Care Assistance Program (PCAP) services provided to Medicaid recipients. In accordance with Section 517.5 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York (18 NYCRR), this report represents the final determination on issues found during the OMIG's review.

Since you did not submit any documentation in response to the OMIG's August 26, 2009 Draft Audit Report, the findings are unchanged. A detailed Final Report, along with supporting exhibits, is appended to this notice.

Based on this determination, restitution of the overpayments as defined in 18 NYCRR 518.1 is required in the amount of \$879.84.

In accordance with 18 NYCRR Part 518 which regulates the collection of overpayments, your repayment options are described below.

OPTION #1: Make a full payment by check or money order within 20 days of the date of the final report. The check should be made payable to the New York State Department of Health and be sent with the enclosed Remittance Advice form, signed and dated, to:

[REDACTED]
New York State Department of Health
Medicaid Financial Management
GNARESP Corning Tower, Room 1237
Albany, New York 12237

OPTION #2: Enter into a repayment agreement with the Office of the Medicaid Inspector General. If your repayment terms exceed 90 days from the date of the final report, recoveries of amounts due are subject to interest charges at the prime rate plus 2%. If the process of establishing the repayment agreement exceeds 20 days from the date of the final report, the OMIG will impose a 15% withhold after 20 days until the agreement is established. The OMIG may require financial information from you to establish the terms of the repayment agreement. If additional information is requested, the OMIG must receive the information within 30 days of the request or a 50% withhold will be imposed. OMIG acceptance of the repayment agreement is based on your repaying the Medicaid overpayment as agreed. The OMIG will adjust the rate of recovery, or require payment in full, if your unpaid balance is not being repaid as agreed. The OMIG will notify you no later than 5 days after initiating such action.

If you wish to enter into a repayment agreement, you must forward your written request within 20 days to the following:

Collections Management Group
New York State Office of the Medicaid Inspector General
800 North Pearl Street
Albany, New York 12204



Do not submit claim voids or adjustments in response to this Final Audit Report.

If within 20 days you fail to make full payment or contact the OMIG to make repayment arrangements, the OMIG will establish a withhold equal to 50% of your Medicaid billings to secure payment and liquidate the overpayment amount, interest and/or penalty, not barring any other remedy allowed by law. The OMIG will provide notice to you no later than 5 days after the withholding of any funds.

In addition, if you receive an adjustment in your favor while you owe funds to the State, such adjustment will be applied against the amount owed.

The Facility has 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 Section 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 you wish to request a hearing, the request must be submitted in writing to:

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

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.

Questions concerning this audit may be directed to [REDACTED] at [REDACTED]

Sincerely,

[REDACTED]

Bureau of Business Intelligence
Office of the Medicaid Inspector General

Enclosure

CERTIFIED MAIL # [REDACTED]
RETURN RECEIPT REQUESTED

**NEW YORK STATE
OFFICE OF THE MEDICAID INSPECTOR GENERAL
REMITTANCE ADVICE**

NAME AND ADDRESS OF AUDITEE

NYU Downtown Hospital
170 William Street
New York, NY 10038-2612

Provider [REDACTED]

AUDIT #2009Z33-146W

AUDIT	<input checked="" type="checkbox"/> PROVIDER
	<input type="checkbox"/> RATE
TYPE	<input type="checkbox"/> PART B
	<input type="checkbox"/> OTHER:

AMOUNT DUE: \$879.84

CHECKLIST

1. To ensure proper credit, please enclose this form with your check.
2. Make checks payable to: *New York State Department of Health*
3. Record the Audit Number on your check.
4. Mail check to:

[REDACTED]
Medicaid Financial Management
New York State Department of Health
GNARESP Corning Tower, Room 1237
File #2009Z33-146W
Albany, New York 12237

5. If the provider number shown above is incorrect, please enter the correct number below.

[REDACTED]

CORRECT PROVIDER NUMBER

**NEW YORK STATE
OFFICE OF THE MEDICAID INSPECTOR GENERAL**

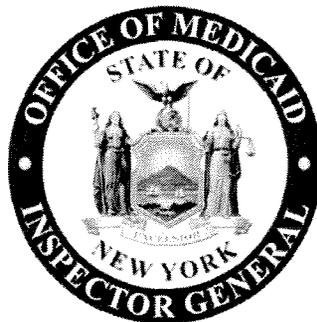
**DAVID A. PATERSON
GOVERNOR**

**JAMES G. SHEEHAN
MEDICAID INSPECTOR GENERAL**

FINAL REPORT

**NYU DOWNTOWN HOSPITAL
170 WILLIAM STREET
NEW YORK, NY 10038-2612**

**PRENATAL CARE ASSISTANCE PROGRAM
#2009Z33-146W**



ISSUED AUGUST 10, 2010

BACKGROUND, PURPOSE AND SCOPE

The New York State Department of Health (DOH) is responsible for the administration of the Medicaid program. As an independent office within DOH, the OMIG conducts audits and reviews of providers of Medicaid reimbursable services, equipment and supplies. These audits and reviews are directed at ensuring provider compliance with applicable laws, regulations, rules and policies of the Medicaid program as set forth in NY Public Health Law, NY Social Services Law, regulations of the Departments of Health, [Titles 10 and 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York] and the Medicaid Provider Manuals.

The Prenatal Care Assistance Program (PCAP) is a comprehensive prenatal care program that offers complete pregnancy care and other services to women. Facilities enter into a contract with DOH to become a PCAP provider and in doing so, agree to provide comprehensive prenatal services to pregnant women who are eligible for Medicaid.

Such services may be provided directly or through qualified medical professionals and/or professional agents (such as a laboratory, university, etc.) with whom the PCAP provider contracts or subcontracts. The PCAP provider is reimbursed by Medicaid for all PCAP services through the all-inclusive, enhanced PCAP clinic rates established by DOH. Each PCAP provider agrees to establish procedures whereby it is ensured that ancillary services such as lab and ultrasound procedures related to prenatal care are not billed directly to Medicaid.

The PCAP provider is responsible for compensating any outside vendors for services they provide. When ordering diagnostic services such as lab or ultrasounds, the PCAP provider must utilize a referral form that does not contain any information that would allow billing to Medicaid and clearly identifies the PCAP provider as the party responsible for making payment.

The OMIG reviewed billings for PCAP patients to ensure that:

- Clinic services were billed appropriately and in accordance with DOH rules and regulations, and provider billing guidelines;
- Other Medicaid enrolled providers who performed PCAP covered services did not bill Medicaid.

To accomplish this, claims submitted with payment dates from January 1, 2006 through December 31, 2008 were reviewed.

Please note that due to the implementation of the National Provider Identifier (NPI) on September 1, 2008, there may be multiple Provider Identification Numbers associated with the Primary Provider Identification Number. The NPI is linked to the Primary Provider Identification Number. The Primary Provider Identification Number is used for correspondence and recoupment.

DETAILED FINDINGS

4. Ultrasound Services and Diagnostic Procedure Services Billed Fee for Services That Are Included In the PCAP Rate – Facility Billed

The PCAP Billing Guidelines Manual states: "What is included in the PCAP subsequent visit? ...Recommended Laboratory Tests and Other Procedures: Obstetrical ultrasound, as clinically indicated..."

PCAP Billing Guidelines Manual, May 2005

The PCAP Medicaid Policy Guidelines Manual states: "Clinic visit rates established for PCAP are considered reimbursement in full for the following: ...diagnostic testing..."

PCAP Medicaid Policy Guidelines Manual, January 2007

The Medicaid Update states: "When ordering diagnostic services such as labs or ultrasounds, the PCAP provider must utilize a referral form that states that the provider should not bill Medicaid."

An ultrasound, non-stress test and/or biophysical profile performed during a prenatal follow-up visit, is part of the follow-up visit and may not be billed separately.

If a client has been referred to a non-PCAP provider for an ultrasound, non-stress test or biophysical profile, the PCAP provider is responsible for reimbursing the medical provider who performs these services."

*DOH Medicaid Update
September 2008, Vol. 24, No. 10*

Regulations state: "The Department may require overpayment from the person submitting an incorrect or improper claim, or the person causing such claim to be submitted..."

*18 NYCRR 518.3(a)
(emphasis added)*

Ultrasounds and other diagnostic procedures related to monitoring the patient's pregnancy are included in the PCAP reimbursement, whether the service is performed at the PCAP facility or outside the PCAP facility. These procedures should not be billed fee for service. When a facility bills these services in addition to the PCAP clinic rate, a duplicate payment occurs. The PCAP provider is responsible for reimbursing the service provider for these services. We identified obstetrical ultrasounds and diagnostic procedures performed within 30 days of a PCAP visit, excluding any procedures associated with visits to other facilities or non-obstetrical providers.

Exhibit IV is a list of ultrasounds and other diagnostic procedures that were billed incorrectly. This resulted in an overpayment of \$797.20.

DETERMINATION

In accordance with 18 NYCRR 518.4, interest may be collected on any overpayments identified in this audit and will accrue at the current rate from the preliminary determination of the overpayment. For the overpayments identified in this audit, the OMIG has determined that accrued interest totals \$82.64.

Based on this determination, the total amount of overpayment, as defined in 18 NYCRR 518.1(c) is \$879.84, inclusive of interest. Restitution of \$879.84 is due the New York State Department of Health.