



STATE OF NEW YORK
OFFICE OF THE MEDICAID INSPECTOR GENERAL
584 Delaware Avenue
Buffalo, New York 14202

ANDREW M. CUOMO
GOVERNOR

JAMES G. SHEEHAN
MEDICAID INSPECTOR GENERAL

March 3, 2011

Ms. Rosemary Holmberg, Director
Hemophilia Center of WNY
936 Delaware Avenue, Suite 300
Buffalo, New York 14209-1880

Re: Final Audit Report
Audit #: 09-4236

Dear Ms. Holmberg:

Enclosed is the Office of the Medicaid Inspector General (OMIG) final audit report entitled "Review of Hemophilia Center of WNY" (HCWNY) paid claims for Ordered Ambulatory services covering the period January 1, 2004, through December 31, 2008.

In the attached final audit report, the OMIG has detailed our objectives and scope, procedures, laws, regulations, rules and policies, sampling technique, findings, provider rights, and statistical analysis.

The OMIG has attached the sample detail for the paid claims determined to be in error. This audit report incorporates consideration of any additional documentation and information presented in response to the draft audit report dated October 18, 2010. The mean point estimate overpaid is \$1,152,422. The lower confidence limit of the amount overpaid is \$557,426. We are 95% certain that the actual amount of the overpayment is greater than the lower confidence limit. This audit may be settled through repayment of the lower confidence limit of \$557,426.

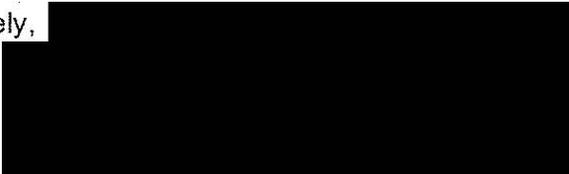
Ms. Rosemary Holmberg

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If HCWNY has any questions or comments concerning this report, please contact Guy Muto at (716) 847-5090 or through email at Guy.Muto@omig.ny.gov. Please refer to report number 09-4236 in all correspondence.

Sincerely,



George E. Meeks, Director
Division of Medicaid Audit, Buffalo
Office of the Medicaid Inspector General

GEM:pam
Enclosure



NEW YORK STATE
DEPARTMENT OF HEALTH
OFFICE OF THE MEDICAID INSPECTOR GENERAL

REVIEW OF HEMOPHILIA CENTER OF WNY
CLAIMS FOR ORDERED AMBULATORY SERVICES
PAID FROM
JANUARY 1, 2004 – DECEMBER 31, 2008

FINAL AUDIT REPORT

James G. Sheehan
Medicaid Inspector General

March 3, 2011

OFFICE OF THE MEDICAID INSPECTOR GENERAL

www.omig.ny.gov

The mission of the Office of the Medicaid Inspector General (OMIG), as mandated by New York Public Health Law § 31 is to preserve the integrity of the New York State Medicaid program by preventing and detecting fraudulent, abusive and wasteful practices within the Medicaid program and recovering improperly expended Medicaid funds.

DIVISION OF MEDICAID AUDIT

The Division of Medicaid Audit professional staff conducts audits and reviews of Medicaid providers to ensure compliance and program requirements and, where necessary, to recover overpayments. These activities are done to monitor the cost-effective delivery of Medicaid services for prudent stewardship of scarce dollars; to ensure the required involvement of professionals in planning care to program beneficiaries; safeguard the quality of care, medical necessity and appropriateness of Medicaid services provided; and, to reduce the potential for fraud, waste and abuse.

DIVISION OF MEDICAID INVESTIGATIONS

The Division of Medicaid Investigations (DMI) investigates potential instances of fraud, waste, and abuse in the Medicaid program. DMI deters improper behavior by inserting covert and overt investigators into all aspects of the program, scrutinizing provider billing and services, and cooperating with other agencies to enhance enforcement opportunities. Disreputable providers are removed from the program or prevented from enrolling. Recipients abusing the system are not removed from this safety net, but their access to services is examined and restricted, as appropriate. DMI maximizes cost savings, recoveries, penalties, and improves the quality of care for the state's most vulnerable population.

DIVISION OF TECHNOLOGY AND BUSINESS AUTOMATION

The Division of Technology and Business Automation will continue to support the data needs for the OMIG in the form of audit and investigative support, data mining and analysis, system match and recovery, through the use of commercial data mining products and procurement of expert service consultants.

OFFICE OF COUNSEL TO THE MEDICAID INSPECTOR GENERAL

The Office of Counsel to the Medicaid Inspector General promotes the OMIG's overall statutory mission through timely, accurate and persuasive legal advocacy and counsel.

EXECUTIVE SUMMARY

BACKGROUND

Pursuant to Title XIX of the Social Security Act, the Medicaid program provides medical assistance to low-income individuals and individuals with disabilities. The federal and state governments jointly fund and administer the Medicaid program. In New York State, the Department of Health (DOH) administers the Medicaid program. As part of this responsibility, the OMIG conducts audits and reviews of various 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 by the Departments of Health and Mental Hygiene [Titles 10, 14 and 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York] and the Medicaid Provider Manuals.

A diagnostic and treatment center is a medical facility with one or more health services which is not part of an inpatient hospital facility or vocational rehabilitation center. It is primarily engaged in providing services and facilities to out-of-hospital or ambulatory patients by or under the supervision of a physician or dentist, for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition. A diagnostic and treatment center is certified in accordance with Article 28 of the NYS Public Health Law and/or Article 31 of the Mental Hygiene Law to provide such services on an outpatient basis. The specific standards and criteria for diagnostic and treatment center services are principally found in various parts of 10 NYCRR Chapter V and 18 NYCRR Chapter II, as well as the MMIS Provider Manual for Clinics.

An ordered ambulatory service is a specific service performed by a hospital or diagnostic and treatment center on an ambulatory basis upon the order of a qualified physician, nurse practitioner, physician's assistant, dentist, podiatrist or the appropriate staff of a clinic not affiliated with the hospital or diagnostic and treatment center which is providing the ordered ambulatory service (the ordered ambulatory provider). The ordered ambulatory service is to test, diagnose or treat a recipient or a specimen taken from a recipient. A diagnostic and treatment center is certified in accordance with Article 28 of the NYS Public Health Law and/or Article 31 of the Mental Hygiene Law to provide such services on an outpatient basis. The specific standards and criteria for diagnostic and treatment centers and ordered ambulatory services are principally found in various parts of 10 NYCRR Chapter V and 18 NYCRR Chapter II, as well as the MMIS provider manuals for Clinics and Free-Standing Ordered Ambulatory services.

OBJECTIVE AND SCOPE

The objective of our audit was to ensure HCWNY's compliance with applicable federal and state laws, regulations, rules and policies governing the New York State Medicaid Program. With respect to ordered ambulatory services, our audit covered services paid by Medicaid from January 1, 2004, through December 31, 2008.

SUMMARY OF FINDINGS

We inspected a random sample of 100 services with \$2,111,556.14 in Medicaid payments. Sample selection was limited to ordered ambulatory claims exceeding \$10,000. Of the 100 services in our random sample, 83 services had at least one error and did not comply with state requirements. Of the 83 noncompliant services, 30 contained more than one deficiency. Specifics are as follows:

<u>Error Description</u>	<u>Number of Errors</u>
Failure to Claim Clotting Factor at Acquisition Cost	51
Missing Delivery Documentation	50
Missing Home Therapy Logs	7
Claims Submitted Over 90 Days From the Date of Service	4
Claim Exceeds the Amount of Clotting Factor Ordered By Practitioner	3
No Written Order for Clotting Factor	1

Based on the procedures performed, the OMIG has determined HCWNY was overpaid \$148,891.67 in sample overpayments with an extrapolated point estimate of \$1,152,422. The lower confidence limit of the amount overpaid is \$557,426.

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INTRODUCTION

BACKGROUND

Medicaid Program

Pursuant to Title XIX of the Social Security Act, the Medicaid program provides medical assistance to low-income individuals and individuals with disabilities. The Federal and State governments jointly fund and administer the Medicaid program.

New York State's Medicaid Program

In New York State, the Department of Health (DOH) is the State agency responsible for operating the Medicaid program. Within DOH, the Office of Health Insurance Programs administers the Medicaid program. DOH uses the electronic Medicaid New York Information system (eMedNY), a computerized payment and information reporting system, to process and pay Medicaid claims, including Ordered Ambulatory claims.

As part of this responsibility, the OMIG conducts audits and reviews of various 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 by the Departments of Health and Mental Hygiene [Titles 10, 14 and 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York] and the Medicaid Provider Manuals.

New York State's Ordered Ambulatory Services Program

An ordered ambulatory service is a specific service performed by a hospital or diagnostic and treatment center on an ambulatory basis upon the order of a qualified physician, nurse practitioner, physician's assistant, dentist, podiatrist or the appropriate staff of a clinic not affiliated with the hospital or diagnostic and treatment center which is providing the ordered ambulatory service (the ordered ambulatory provider). The ordered ambulatory service is to test, diagnose or treat a recipient or a specimen taken from a recipient. A diagnostic and treatment center is certified in accordance with Article 28 of the NYS Public Health Law and/or Article 31 of the Mental Hygiene Law to provide such services on an outpatient basis. The specific standards and criteria for diagnostic and treatment centers and ordered ambulatory services are principally found in various parts of 10 NYCRR Chapter V and 18 NYCRR Chapter II, as well as the MMIS provider manuals for Clinics and Free-Standing Ordered Ambulatory services.

OBJECTIVE, SCOPE, AND METHODOLOGY

Objective

The objective of our audit was to ensure HCWNY's compliance with applicable Federal and State laws, regulations, rules and policies governing the New York State Medicaid Program and to verify that:

- Medicaid reimbursable services were rendered for the dates billed;
- appropriate rate or procedure codes were billed for services rendered;

- patient related records contained the documentation required by the regulations; and,
- claims for payment were submitted in accordance with DOH regulations and the appropriate Provider Manuals.

Scope

Our audit period covered payments to HCWNY for Ordered Ambulatory services that exceeded \$10,000 which were paid by Medicaid from January 1, 2004, through December 31, 2008. Our audit universe consisted of 774 claims totaling \$16,072,521.94.

During our audit, we did not review the overall internal control structure of HCWNY. Rather, we limited our internal control review to the objective of our audit.

Methodology

To accomplish our objective, we:

- reviewed applicable federal and state laws, regulations, rules and policies;
- held discussions with HCWNY's management personnel to gain an understanding of the Diagnostic and Treatment Center and Ordered Ambulatory Services program;
- ran computer programming application of claims in our data warehouse that identified 774 paid Ordered Ambulatory claims, greater than \$10,000, totaling \$16,072,521.94;
- selected a random sample of 100 services from the population of 774 services; and,
- estimated the overpayment paid in the population of 774 services.

For each sample selection we inspected, as available, the following:

- Medicaid electronic claim information
- Patient record, including, but not limited to:
 - Recipient's medical records
 - Practitioner's medical orders
 - Provider's policy and procedure manual
 - Home therapy (infusion) logs
 - Paper claims and supplier invoices
 - Delivery logs
 - Third party payer EOBs
- Any additional documentation deemed by HCWNY necessary to substantiate the Medicaid paid claim

LAWS, REGULATIONS, RULES AND POLICIES

The following are applicable Laws, Regulations, Rules, and Policies of the Medicaid program referenced when conducting this audit:

- Departments of Health and Mental Hygiene [Titles 10, 14, and 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York (10 NYCRR, 14 NYCRR, 18 NYCRR)].
- Medicaid Management Information System and eMedNY Provider Manual.
- Specifically, MMIS Provider Manuals for Clinics and Free-Standing Ordered Ambulatory Services, 10 NYCRR Part 751, 18 NYCRR Parts 505 and 516.
- In addition to any specific detailed findings, rules and/or regulations which may be listed below, the following regulations pertain to all audits:

Regulations state: "By enrolling the provider agrees: (a) to prepare and to maintain contemporaneous records demonstrating its right to receive payment . . . and to keep for a period of six years from the date the care, services or supplies were furnished, all records necessary to disclose the nature and extent of services furnished and all information regarding claims for payment submitted by, or on behalf of, the provider . . . (e) to submit claims for payment only for services actually furnished and which were medically necessary or otherwise authorized under the Social Services Law when furnished and which were provided to eligible persons; (f) to submit claims on officially authorized claim forms in the manner specified by the department in conformance with the standards and procedures for claims submission; . . . (h) that the information provided in relation to any claim for payment shall be true, accurate and complete; and (i) to comply with the rules, regulations and official directives of the department."
18 NYCRR Section 504.3

Regulations state: "All bills for medical care, services and supplies shall contain: . . . (8) a dated certification by the provider that the care, services and supplies itemized have in fact been furnished; that the amounts listed are due and owing . . . ; that such records as are necessary to disclose fully the extent of care, services and supplies provided to individuals under the New York State Medicaid program will be kept for a period of not less than six years from the date of payment . . . ; and that the provider understands that payment and satisfaction of this claim will be from Federal, State and local public funds and that he or she may be prosecuted under applicable Federal and State laws for any false claims, statements or documents, or concealment of a material fact provided. . . ."

18 NYCRR Section 540.7(a)

Regulations state: "An overpayment includes any amount not authorized to be paid under the medical assistance program, whether paid as the result of inaccurate or improper cost reporting, improper claiming, unacceptable practices, fraud, abuse or mistake."
18 NYCRR Section 518.1(c)

Furthermore, according to regulations, all providers must prepare and maintain contemporaneous records demonstrating their right to receive payment under the medical assistance program. In addition, the provider must keep, for a period of six years, all records necessary to disclose the nature and extent of services furnished and the medical necessity therefore, including any prescription or fiscal order for the service or supply. This information is subject to audit for a period of six years and must be furnished, upon request.

18 NYCRR Section 517.3(b)

COMPLIANCE REGULATIONS

The following are requirements under 18 NYCRR Part 521:

The OMIG would like to emphasize your requirements under newly adopted Regulations 18 NYCRR Part 521. These include, but are not limited to the following provider obligations as a condition of participating in the Medicaid Program. Provider duties now include:

"To be eligible to receive medical assistance payments for care, services, or supplies . . . the following persons shall adopt and implement effective compliance programs: persons subject to the provisions of articles twenty-eight or thirty-six of the public health law."
18 NYCRR 521.1(a)

"Every provider shall adopt and implement an effective compliance program."
18 NYCRR 521.3(a)

The compliance program shall include "a system for routine identification of compliance risk areas specific to the provider type, for self-evaluation of such risk areas, including, but not limited to internal audits and as appropriate external audits, and for evaluation of potential or actual non-compliance as a result of such self-evaluations and audits . . ."
18 NYCRR 521.3(c)(6)

"**a system for responding to compliance issues as they are raised**; for investigating potential compliance problems; **responding to compliance problems as identified in the course of self-evaluations and audits**; correcting such problems promptly and thoroughly and implementing procedures, policies and systems as necessary to reduce the potential for recurrence; identifying and reporting compliance issues to the Department of the Office of Medicaid Inspector General; and **refunding overpayments.**"
18 NYCRR 521.3(c)(7)
(Bold Added)

"In the event that the Medicaid Inspector General finds that the required provider does not have a satisfactory program, the provider may be subject to any sanctions or penalties permitted by federal or state laws and regulations, including revocation of the provider's agreement to participate in the medical assistance program."
18 NYCRR 521.4(c)

DETAILED FINDINGS

The OMIG's review of Medicaid claims paid to HCWNY from January 1, 2004, through December 31, 2008, identified 83 claims with at least one error, for a total sample overpayment of \$148,891.67 (Attachment C).

Sample Selection

1. Failure to Claim Clotting Factor at Acquisition Cost

5, 6, 7, 8, 10, 15,16,19, 25, 26, 29,
33, 36, 41, 43, 44, 46, 47, 48, 51,
52, 53, 54, 56, 59, 63, 66, 67, 68,
69, 70, 72, 74, 76, 77, 78, 79, 80,
81, 82, 83, 85, 87, 90, 91, 93, 94,
96, 97, 98,100

The MMIS Provider Manual states: "Reimbursement for supplies and materials (including drugs, vaccines and immune globulins) furnished by practitioners to their patients is based on the acquisition cost to the practitioner. For all items furnished in this fashion, it is expected that the practitioner will maintain auditable records of the actual itemized invoice cost represented on the invoice. New York State Medicaid does not intend to pay more than the acquisition cost, as established by invoice, to the practitioner. Regardless of whether an invoice must be submitted to Medicaid for payment, the practitioner is expected to limit his or her Medicaid claim amount to the actual invoice cost of the item provided. Itemized invoices must document acquisition cost, the line item cost from a manufacturer or wholesaler net of any rebates, discounts or other valuable considerations."

The MMIS Provider Manual also states: "Payment will be made for ordered ambulatory goods only on a fee-for-service basis and will be limited to the lower of the actual acquisition cost of the goods or the New York State-approved fee."

MMIS Provider Manual for Ordered Ambulatory Services, Fee Schedule, General Information Section
MMIS Policy Guidelines Manual for Article 28 Certified Clinic, Page 11

In 51 instances pertaining to 14 patients, clotting factor was not claimed at the acquisition cost to HCWNY.

Sample Selection

2. Failure to Document the Receipt or Delivery of Factor

1, 2, 3, 4, 5, 6, 8, 9, 12, 13, 15, 16, 17, 18, 20, 21, 22, 23, 24, 27, 28, 32, 35, 39, 40, 42, 44, 45, 48, 49, 51, 54, 56, 60, 63, 68, 73, 74, 86, 87, 89, 90, 91, 92, 93, 94, 95, 97, 99, 100

Regulations state: "The operator shall: ensure that the medical record for each patient contains and centralizes all pertinent information which identifies the patient, justifies the treatment, and documents the results of such treatment."

Regulations also state: "By enrolling the provider agrees: (a) to prepare and to maintain contemporaneous records demonstrating its right to receive payment . . . and to keep for a period of six years from the date the care, services or supplies were furnished, all records necessary to disclose the nature and extent of services furnished and all information regarding claims for payment submitted by, or on behalf of, the provider . . . (e) to submit claims for payment only for services actually furnished and which were medically necessary or otherwise authorized under the Social Services Law when furnished and which were provided to eligible persons..."

10 NYCRR Section 751.7(d)
18 NYCRR Section 504.3

In 50 instances pertaining to 11 patients, clinic records failed to document patient receipt and/or delivery of clotting factor.

This finding is being treated as a compliance issue in the current audit of HCWNY.

3. Missing Home Therapy Logs

5, 8, 9, 19, 21, 57, 59

Regulations state: "The department may require the payment of a monetary penalty as restitution to the MA program by: the payment was a result of the provision of or ordering of care, services or supplies which were medically improper, unnecessary or in excess of the documented medical needs of the person to whom they were furnished."

The MMIS Provider Manual states, "Payment may be made for an ordered ambulatory service only if a written report of the test, procedure, or treatment has been furnished directly to an ordering practitioner."

Sample Selection

Regulations also state: "The operator shall: ensure that the medical record for each patient contains and centralizes all pertinent information which identifies the patient, justifies the treatment, and documents the results of such treatment."

18 NYCRR Section 516.1(c)(i)

MMIS Provider Manual for Clinics, Section II

Page 10

10 NYCRR Section 751.7(d)

In 7 instances pertaining to 3 patients, the medical record did not contain home therapy logs demonstrating the usage of clotting factor by the patient.

This finding is being treated as a compliance issue in the current audit of HCWNY.

4. Claims Submitted Over 90 Days From the Date of Service 25, 28, 34, 46

Regulations state, "Claims for payment for medical care, services or supplies furnished by any provider under the medical assistance program must be initially submitted within 180 days of the date the medical care, services or supplies were furnished to an eligible person to be valid and enforceable against the department or a social services district, unless the provider's submission of the claims is delayed beyond 90 days due to circumstances outside of the control of the provider. Such circumstances include but are not limited to attempts to recover from a third-party insurer, legal proceedings against a responsible third-party or the recipient of the medical care, services or supplies or delays in the determination of client eligibility by the social services district. All claims submitted after 90 days must be accompanied by a statement of the reason for such delay and must be submitted within 30 days from the time submission came within the control of the provider, subject to the limitations of paragraph (3) of this subdivision."

Sample Selection

Regulations also state: "Any claim returned to a provider due to data insufficiency or claiming errors may be resubmitted by the provider upon proper completion of the claim in accordance with the claims processing requirements of the department within 60 days of the date of the notification to the provider advising the provider of such insufficiency or invalidity. Any returned claim not correctly resubmitted within 60 days or on the second resubmission is neither valid nor enforceable against the department or a social services district."

The MMIS Provider Manual states: "Medicaid regulations require that claims for payment of medical care, services, or supplies to eligible enrollees be initially submitted within **90 days of the date of service** to be valid and enforceable, unless the claim is delayed due to circumstances outside the control of the provider."

18 NYCRR Section 540.6(a) (1)

18 NYCRR Section 540.6(a) (2)

MMIS Provider Manual Information For All Providers, General Billing

In 2 instances pertaining to 1 patient, the claims were submitted more than 180 days after the date of service without the valid use of an exception code as the reason for late submission of claims. Regulations require a claim to be submitted within 90 days of the date of service; however, the OMIG disallowed claims submitted more than 180 days after the date of service without supporting documentation. This is in keeping with general industry standards. In 2 instances pertaining to 2 patients, claims were not resubmitted within 60 days of notification to the provider that the claim was denied or returned for correction. These disallowed claims were also submitted more than 180 days after the date of service.

5. Claim Exceeds the Amount of Clotting Factor Ordered by Practitioner 16, 17, 18

The MMIS Provider Manual states, "In addition to ordered ambulatory services, facilities and diagnostic and treatment centers may provide "ordered ambulatory goods", which have been ordered by a qualified physician, nurse practitioner, physician's assistant, dentist or podiatrist in accordance with appropriate scope of practice. Such goods include...blood products."

MMIS Provider Manual for Free-Standing Ordered Ambulatory, Section 2.2F

In 3 instances pertaining to 2 patients, the claim for clotting factor exceeded the amount ordered by the practitioner.

6. No Written Order for Clotting Factor 96

Regulations require that the operator maintains a medical record for each patient which contains medical orders; documentation of the services provided and the referrals made.

Regulations state: "Drugs may be obtained only upon the written order of a practitioner, except for non-prescription emergency contraceptive drugs..."

Regulations further state: "The cost of blood, plasma, or blood related products when not available without charge...may be eligible for reimbursement if provided on the written order of a physician."

The MMIS Provider Manual states, "In addition to ordered ambulatory services, facilities and diagnostic and treatment centers may provide "ordered ambulatory goods", which have been ordered by a qualified physician, nurse practitioner, physician's assistant, dentist or podiatrist in accordance with appropriate scope of practice. Such goods include...blood products."

The provider's policy and procedure manual states, "Each time a patient is seen for their annual comprehensive visit a new order for product should be completed and faxed."

Sample Selection

10 NYCRR Section 751.7(e)(9)(11)

18 NYCRR Section 505.3(b)(1)

18 NYCRR Section 505.24(b)

MMIS Provider Manual for Free-Standing Ordered Ambulatory, Section 2.2F

HCWNY Policy and Procedure Manual, Factor Order policy, dated 7/9/04

In 1 instance, the medical record did not contain a written order for the clotting factor claimed.

PROVIDER RIGHTS

In accordance with 18 NYCRR Part 518 which regulates the collection of overpayments, your repayment options are described below. If you decide to repay the lower confidence limit amount of \$557,426, one of the following repayment options must be selected within 20 days from the date of this letter:

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

Mr. Donald Collins
New York State Department of Health
Medicaid Financial Management
GNARESP Corning Tower, Room 1237
Albany, New York 12237-0048

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 audit 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 audit report, the OMIG will impose a 15% withhold after 20 days until the agreement is established.

Furthermore, 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:

Bureau of Collections Management
New York State Office of the Medicaid Inspector General
800 North Pearl Street
Albany, New York 12204
Phone #: (518) 474-5878
Fax#: (518) 408-0593

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 recover payment and liquidate the lower confidence limit 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.

If you choose not to settle this audit through repayment of the adjusted lower confidence limit, you have the right to challenge these findings by requesting an administrative hearing where the OMIG would seek and defend the point estimate of \$1,152,422. As allowed by state regulations, you must make your request for a hearing, in writing, within sixty (60) days of the date of this report to:

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

Questions regarding the request for a hearing should be directed to Charlene D. Fleszar, Esq., Office of Counsel, at (518) 408-5811.

Issues you may raise shall be limited to those issues relating to determinations contained in the final audit report. Your hearing request may not address issues regarding the methodology used to determine the rate, or any issue that was raised at a proceeding to appeal a rate determination.

At the hearing you have the right to:

- a) be represented by an attorney or other representative, or to represent yourself;
- b) present witnesses and written and/or oral evidence to explain why the action taken is wrong; and
- c) cross examine witnesses of the Department of Health and/or the OMIG.

The OMIG reserves the right to conduct further reviews of your participation in the Medicaid Program, take action where appropriate, and recover monies owed through the initiation of a civil lawsuit or other legal mechanisms including but not limited to the recovery of state tax refunds pursuant to Section 206 of the Public Health Law and Section 171-f of the State Tax Law.

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

NAME AND ADDRESS OF AUDITEE

Hemophilia Center of WNY, Inc.
936 Delaware Avenue, Ste 300
Buffalo, NY 14209

PROVIDER ID # [REDACTED]

AUDIT #09-4236

AMOUNT DUE: \$557,426

**AUDIT
TYPE**

PROVIDER
 RATE
 PART B
 OTHER:

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:

Mr. Donald Collins
New York State Department of Health
Medicaid Financial Management, B.A.M.
GNARESP Corning Tower, Room 1237
File #09-4236
Albany, New York 12237-0048

Thank you for your cooperation.