



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

ANDREW M. CUOMO  
GOVERNOR

JAMES C. COX  
MEDICAID INSPECTOR GENERAL

May 14, 2014

[REDACTED]  
Dry Harbor Nursing Home  
6135 Dry Harbor Road  
Middle Village, New York 11379

Re: Medicaid PRI Audit #11-3425  
NPI Number: [REDACTED]  
Provider Number: [REDACTED]

Dear [REDACTED]

This is the final audit report of findings with regard to the Office of the Medicaid Inspector General's ("OMIG") Patient Review Instruments ("PRI") audit of Dry Harbor Nursing Home ("Facility") for the audit period July 1, 2005 through December 31, 2008. In accordance with 18 NYCRR Section 517.6, this final audit report represents the OMIG's final determination on issues raised in the draft audit report.

In your response to the revised draft audit report dated January 9, 2014, you identified specific audit findings with which you disagreed. Your comments have been considered (see Attachment A-1) and the report has been either revised accordingly and/or amended to address your comments (See Attachment A-2). Consideration of your comments resulted in an overall reduction of \$1,471,490 to the total Medicaid overpayment shown in the draft audit report.

The findings applicable to the September 1, 2006 through March 31, 2009 Medicaid rates resulted in a Medicaid overpayment of \$433,621 as detailed in Attachment A-2. This overpayment is subject to Department of Health ("DOH") and Division of Budget ("DOB") final approval. While not anticipated, any difference between the calculated overpayment and the final DOH and DOB amount will be resolved with the Facility by the OMIG Bureau of Collections Management. The finding explanation, regulatory reference, and applicable adjustment can be found in the exhibits following Attachment A-2.

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

**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:

[REDACTED]  
New York State Department of Health  
Medicaid Financial Management  
GNARESP Corning Tower, Room 2739  
File #11-3425  
Albany, New York 12237-0048

**OPTION #2:** Enter into a repayment agreement with the OMIG. 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. 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  
[REDACTED]

You have the right to challenge this action and determination by requesting an administrative hearing within sixty (60) days of the date of this notice. You may not request a hearing to raise issues related to rate setting or rate setting methodology. In addition, you may not raise any issue that was raised or could have been raised at a rate appeal with your rate setting agency. You may only request a hearing to challenge specific audit adjustments which you challenged in a response to the draft audit report.

If you wish 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, New York 12204

Questions regarding the request for a hearing should be directed to the Office of Counsel, at  
[REDACTED]

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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 a signed authorization permitting that person to represent you along with your hearing request. At the hearing, you may call witnesses and present documentary evidence on your behalf.

Should you have any questions regarding the above, please contact [REDACTED]  
[REDACTED] or through email at [REDACTED]

Sincerely,

[REDACTED]  
Division of Medicaid Audit  
Office of the Medicaid Inspector General

Attachments:

- ATTACHMENT A-1 – Analysis of Provider Response
- ATTACHMENT A-2 - Calculation of Medicaid Overpayment
- ATTACHMENT B - Change in RUG Counts for PRIs submitted on September 21, 2006 and  
December 7, 2006
- ATTACHMENT C - Detailed Findings by Sample Number
- ATTACHMENT D - Detailed Findings by Disallowance

CERTIFIED MAIL [REDACTED]  
RETURN RECEIPT REQUESTED

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

**NAME AND ADDRESS OF AUDITEE**

Dry Harbor Nursing Home  
6135 Dry Harbor Road  
Middle Village, New York 11379

**PROVIDER ID** [REDACTED]

**AUDIT #11-3425**

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

**AMOUNT DUE: \$433,621**

**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]  
New York State Department of Health  
Medicaid Financial Management  
GNARESP Corning Tower, Room 2739  
File #11-3425  
Albany, New York 12237-0048

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

[REDACTED]

**CORRECT PROVIDER NUMBER**

**DRY HARBOR NURSING HOME  
AUDIT #11-3425  
FACILITY DRAFT REPORT COMMENTS AND OMIG RESPONSE**

All OMIG disallowances were accepted by the Facility except for those shown below. The following details the disposition of final report disallowances after consideration of the Facility's draft audit report response comments.

The comments are in sample order in conjunction with the facility's response to OMIG's draft audit report dated January 9, 2014.

**Sample #15 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #35 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #63 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #70 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #72 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #80 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #80 - Finding: Level 5 toileting criteria not met** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #83 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #84 - Finding: Disallow OT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #84 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #85 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #94 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #95 - Finding: Disallow OT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #96 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #98 - Finding: Disallow OT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #102 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #102 - Finding: Disallow Continual help provided with eating** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #122 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #128 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #128 - Finding: Disallow OT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #135 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #145 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #156 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #186 - Finding: Disallow OT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #200 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #200 - Finding: Disallow OT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #202 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #222 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #229 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #231 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #235 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #238 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #242 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #246 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #246 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #247 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #253 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #255 - Finding: Primary Medical Problem** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #259 - Finding: Primary Medical Problem** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #263 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #265 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #266 - Finding: Disallow Level 5 Toileting**

**Facility Response:**

The Facility refers to the PRI instructions for level 5 toileting and the 60 percent rule. The Facility also refers to the care plan, dated 6/26/06, which indicates incontinence and that the resident is toileted routinely. In addition, the Facility also references toileting sheets from August and September 2006 that "indicate routine toileting at varying times specific to the patient."

**OMIG Response:**

The August 2006 toileting sheets submitted have missing signature and time slots noted for the entire evening shift (3-11pm) on 8/31/06. In addition, the nurse's notes for 8/31/06 document that the resident was out on pass with her daughter from 12:45pm and returned to the facility at 3:30pm. The toileting sheets have documented times and signatures for the time the resident was out on pass; specifically in the '11am-1pm' slot and the '1pm-3pm' slot.

**Disposition**

The draft report finding is unchanged and will be included in the final report.

**Sample #266 - Finding: Primary Medical Problem** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #272 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #273 - Finding: Primary Medical Problem** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #279 - Finding: Primary Medical Problem** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #279 - Finding: Disallow Level 5 Toileting**

**Facility Response:**

The Facility refers to the PRI instructions for level 5 toileting and the 60 percent rule. It also states that the care plan dated 7/7/06 indicates that the patient is "incontinent of bowel and bladder and is toileted routinely."

**OMIG Response:**

The submitted toileting schedules have missing time and signature slots. This includes August 31 2006 between 7am through 3pm. The September toileting schedule is missing times and signatures on 9/5/06 from 7am through 3pm.

**Disposition**

The draft report finding is unchanged and will be included in the final report.

**Sample #282 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #288 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #289 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #290 - Finding: Primary Medical Problem** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #293 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #294 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #295 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #296 - Finding: Primary Medical Problem** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #297 - Finding: Primary Medical Problem** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #300 - Finding: Primary Medical Problem** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #302 - Finding: Primary Medical Problem** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #303 - Finding: Primary Medical Problem** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #306 - Finding: Primary Medical Problem** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #307 - Finding: Primary Medical Problem** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #310 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #312 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #316 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #319 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #326 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #333 - Finding: Disallow Level 3 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #366 - Finding: Disallow PT Level** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #437 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

**Sample #441 - Finding: Disallow Level 5 Toileting** – Based on information and documentation provided by the Facility, this finding was reversed and is not included in the final report.

OFFICE OF THE MEDICAID INSPECTOR GENERAL  
 DRY HARBOR NURSING HOME  
 AUDIT #11-3425  
 CALCULATION OF MEDICAID OVERPAYMENT

| <u>Service</u>             | <u>Effective Period</u> | <u>Part B Non-Elig.</u> |           | <u>Part B-Elig</u> |           | <u>Difference</u> | <u>Medicaid Days</u> | <u>Medicaid Impact</u> |
|----------------------------|-------------------------|-------------------------|-----------|--------------------|-----------|-------------------|----------------------|------------------------|
|                            |                         | <u>From</u>             | <u>To</u> | <u>From</u>        | <u>To</u> |                   |                      |                        |
| NF                         | 09/01/06 - 11/30/06     | 273.92                  | 270.86    | 273.90             | 270.84    | 3.06              | 17789                | \$ 54,434              |
| NF                         | 12/01/06 - 12/31/06     | 276.15                  | 274.13    | 276.13             | 274.11    | 2.02              | 6673                 | 13,479                 |
| NF                         | 01/01/07 - 03/31/07     | 284.06                  | 281.99    | 284.04             | 281.97    | 2.07              | 19453                | 40,268                 |
| NF                         | 04/01/07 - 06/30/07     | 282.48                  | 280.43    | 282.46             | 280.41    | 2.05              | 19349                | 39,665                 |
| NF                         | 07/01/07 - 08/31/07     | 281.49                  | 279.44    | 281.47             | 279.42    | 2.05              | 13121                | 26,898                 |
| NF                         | 09/01/07 - 12/31/07     | 281.49                  | 279.44    | 281.47             | 279.42    | 2.05              | 25079                | 51,412                 |
| NF                         | 01/01/08 - 03/31/08     | 286.95                  | 284.85    | 286.93             | 284.83    | 2.10              | 18388                | 38,615                 |
| NF                         | 04/01/08 - 06/30/08     | 281.53                  | 279.45    | 281.51             | 279.43    | 2.08              | 19303                | 40,150                 |
| NF                         | 07/01/08 - 12/31/08     | 287.72                  | 285.64    | 287.70             | 285.62    | 2.08              | 40800                | 84,864                 |
| NF                         | 01/01/09 - 03/31/09     | 288.38                  | 286.24    | 288.36             | 286.22    | 2.14              | 20484                | 43,836                 |
| TOTAL MEDICAID OVERPAYMENT |                         |                         |           |                    |           |                   |                      | <u>\$ 433,621</u>      |

OFFICE OF THE MEDICAID INSPECTOR GENERAL  
 DRY HARBOR NURSING HOME  
 CHANGE IN RUG CATEGORIES  
 SEPTEMBER 21, 2006

| RUG<br>CATEGORY | CHANGE IN RUG<br>CATEGORY |           |           | ADJUSTED   |
|-----------------|---------------------------|-----------|-----------|------------|
|                 | REPORTED                  | INCREASE  | DECREASE  |            |
| BA              | 0                         |           |           | 0          |
| BB              | 0                         |           |           | 0          |
| BC              | 0                         |           |           | 0          |
| CA              | 0                         |           |           | 0          |
| CB              | 12                        | 6         |           | 18         |
| CC              | 46                        |           | 14        | 32         |
| CD              | 11                        |           | 4         | 7          |
| PA              | 0                         | 1         |           | 1          |
| PB              | 0                         | 5         |           | 5          |
| PC              | 13                        | 36        |           | 49         |
| PD              | 10                        | 7         |           | 17         |
| PE              | 15                        |           | 6         | 9          |
| RA              | 0                         |           |           | 0          |
| RB              | 205                       |           | 32        | 173        |
| SA              | 6                         |           | 1         | 5          |
| SB              | 12                        | 2         |           | 14         |
| <b>TOTAL</b>    | <b>330</b>                | <b>57</b> | <b>57</b> | <b>330</b> |

Dementia Patient Per Diem Calculation

|              |          |          |          |          |
|--------------|----------|----------|----------|----------|
| CA           |          |          |          | 0        |
| BA           |          |          |          | 0        |
| PA           |          |          |          | 0        |
| PB           |          |          |          | 0        |
| <b>TOTAL</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |

OFFICE OF THE MEDICAID INSPECTOR GENERAL  
 DRY HARBOR NURSING HOME  
 CHANGE IN RUG CATEGORIES  
 DECEMBER 7, 2006

| RUG<br>CATEGORY | CHANGE IN RUG<br>CATEGORY |           |           | ADJUSTED   |
|-----------------|---------------------------|-----------|-----------|------------|
|                 | REPORTED INCREASE         | DECREASE  |           |            |
| BA              | 0                         |           |           | 0          |
| BB              | 0                         |           |           | 0          |
| BC              | 0                         |           |           | 0          |
| CA              | 0                         |           |           | 0          |
| CB              | 11                        | 7         |           | 18         |
| CC              | 46                        |           | 16        | 30         |
| CD              | 8                         |           | 2         | 6          |
| PA              | 0                         | 1         |           | 1          |
| PB              | 0                         | 5         |           | 5          |
| PC              | 10                        | 31        |           | 41         |
| PD              | 9                         | 5         |           | 14         |
| PE              | 11                        |           | 5         | 6          |
| RA              | 0                         | 1         |           | 1          |
| RB              | 226                       |           | 29        | 197        |
| SA              | 6                         |           |           | 6          |
| SB              | 10                        | 2         |           | 12         |
| <b>TOTAL</b>    | <b>337</b>                | <b>52</b> | <b>52</b> | <b>337</b> |

Dementia Patient Per Diem Calculation

|              |          |          |          |          |
|--------------|----------|----------|----------|----------|
| CA           |          |          |          | 0        |
| BA           |          |          |          | 0        |
| PA           |          |          |          | 0        |
| PB           |          |          |          | 0        |
| <b>TOTAL</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |











OFFICE OF THE MEDICAID INSPECTOR GENERAL  
 REVIEW OF PATIENT REVIEW INSTRUMENT  
 DRY HARBOR NURSING HOME  
 AUDIT #11-3425

| Sample# | DOB | Initials | PRIDate   | Reported RUG | Derived RUG | Reported RUG Weight | Derived RUG Weight | DETAILED FINDINGS                |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
|---------|-----|----------|-----------|--------------|-------------|---------------------|--------------------|----------------------------------|---------------------|-------------------|-----------------|-------------------|-----------------------|-------------------|-----------------|--------------------------|------------------------|--|--|--|
|         |     |          |           |              |             |                     |                    | Disallow Primary Medical Problem | Disallow Toiletting | Disallow PT Level | Disallow Eating | Disallow OT Level | Disallow Stasis/Ulcer | Disallow Transfer | Disallow Oxygen | Disallow Decubitus Level | Disallow Chemo Therapy |  |  |  |
| 126     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 127     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               | 1                                |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 128     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               | 1                                |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 129     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               | 1                                |                     | 1                 |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 130     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 131     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 132     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 133     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          | 1                      |  |  |  |
| 134     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 135     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 136     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   | 1               |                   |                       |                   |                 |                          |                        |  |  |  |
| 137     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 138     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 139     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 140     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               | 1                                |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 141     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 142     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 143     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               | 1                                |                     |                   | 1               |                   |                       |                   |                 |                          |                        |  |  |  |
| 144     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 145     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               | 1                                |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 146     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 147     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 148     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 149     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          |                        |  |  |  |
| 150     |     |          | 9/21/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                     |                   |                 |                   |                       |                   |                 |                          | 1                      |  |  |  |





















OFFICE OF THE MEDICAID INSPECTOR GENERAL  
 REVIEW OF PATIENT REVIEW INSTRUMENT  
 DRY HARBOR NURSING HOME  
 AUDIT #11-3425

| Sample# | DOB | Initials | PRIDate   | Reported RUG | Derived RUG | Reported RUG Weight | Derived RUG Weight | DETAILED FINDINGS                |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
|---------|-----|----------|-----------|--------------|-------------|---------------------|--------------------|----------------------------------|--------------------|-------------------|-----------------|-------------------|-----------------------|-------------------|-----------------|--------------------------|------------------------|--|--|
|         |     |          |           |              |             |                     |                    | Disallow Primary Medical Problem | Disallow Toileting | Disallow PT Level | Disallow Eating | Disallow OT Level | Disallow Stasis/Ulcer | Disallow Transfer | Disallow Oxygen | Disallow Decubitus Level | Disallow Chemo Therapy |  |  |
| 401     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 402     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 403     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 404     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 405     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 406     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 407     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 408     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 409     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 410     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 411     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 412     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 413     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 414     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 415     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 416     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 417     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 418     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 419     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 420     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 421     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 422     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 423     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 424     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |
| 425     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |  |  |

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OFFICE OF THE MEDICAID INSPECTOR GENERAL  
 REVIEW OF PATIENT REVIEW INSTRUMENT  
 DRY HARBOR NURSING HOME  
 AUDIT #11-3425

| Sample# | DOB | Initials | PRDate    | Reported RUG | Derived RUG | Reported RUG Weight | Derived RUG Weight | DETAILED FINDINGS                |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
|---------|-----|----------|-----------|--------------|-------------|---------------------|--------------------|----------------------------------|--------------------|-------------------|-----------------|-------------------|-----------------------|-------------------|-----------------|--------------------------|------------------------|---|--|--|
|         |     |          |           |              |             |                     |                    | Disallow Primary Medical Problem | Disallow Toileting | Disallow PT Level | Disallow Eating | Disallow OT Level | Disallow Stasis/Ulcer | Disallow Transfer | Disallow Oxygen | Disallow Decubitis Level | Disallow Chemo Therapy |   |  |  |
| 426     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 427     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 428     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 429     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 430     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 431     |     |          | 12/7/2006 | RB           | RB          | 1.79                | 1.79               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 432     |     |          | 12/6/2006 | SB           | SB          | 1.74                | 1.74               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 433     |     |          | 12/6/2006 | SB           | SB          | 1.74                | 1.74               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 434     |     |          | 12/6/2006 | PE           | PE          | 1.41                | 1.57               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 435     |     |          | 12/4/2006 | CC           | CC          | 1.32                | 1.32               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 436     |     |          | 12/6/2006 | CC           | CC          | 1.32                | 1.32               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 437     |     |          | 12/6/2006 | CC           | CC          | 1.32                | 1.32               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 438     |     |          | 12/6/2006 | CC           | CB          | 1.32                | 1.18               | 1                                |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 439     |     |          | 12/6/2006 | PD           | PD          | 1.17                | 1.17               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 440     |     |          | 12/6/2006 | PD           | PD          | 1.17                | 1.17               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| 441     |     |          | 12/6/2006 | PC           | PC          | 1.03                | 1.03               |                                  |                    |                   |                 |                   |                       |                   |                 |                          |                        |   |  |  |
| TOTALS  |     |          |           |              |             |                     |                    |                                  | 83                 | 27                | 12              | 12                | 7                     | 3                 | 3               | 2                        | 2                      | 1 |  |  |

## DRY HARBOR NURSING HOME DETAILED FINDINGS

### PRI FINDINGS

### Sample Selection

#### **Decubitus Level Disallowed**

The PRI instructions/clarifications state, *"For a patient to be cited as level 4, documentation by a licensed clinician must exist which describes the following three components: 1. A description of the patient's decubitus, 2. Circumstance or medical condition which led to the decubitus, 3. An active treatment plan."*

In addition, *"necrotic breakdown of skin and subcutaneous tissue which may involve muscle, fascia and bone"* must be documented.

*10 NYCRR Section 86-2.30 (II) 16*

In 1 instance, documentation did not support a description of the wound as decubitus level 2, 3, or 4. 133

In 1 instance, documentation did not support an active treatment plan. 175

In 1 instance, documentation did not support a necrosis qualifier. 175

#### **Stasis Ulcer**

The PRI instructions/clarifications define a stasis ulcer as *"open lesion, usually in lower extremities, caused by decreased blood flow from chronic venous insufficiency."*

*10 NYCRR Section 86-2.30 (II) 17D*

In 3 instances, documentation did not support the definition of stasis ulcer. 22, 115, 332

#### **Oxygen - (Daily)**

PRI instructions/clarifications state *"For medical treatments having a daily frequency requirement, treatments must be provided every day of the four week period."*

*10 NYCRR Section 86-2.30 (II) 18C*

In 2 instances, documentation did not support the daily frequency requirement for oxygen. 150, 228

**Chemotherapy**

The PRI instructions/clarifications define chemotherapy as *"treatment of carcinoma through IV and/or oral chemical agents."*

*10 NYCRR Section 86-2.30 (II) 18H*

In 1 instance, the medical record did not support the chemotherapy during the past 28 days. 19

**Eating**

PRI instructions/clarifications state:

*10 NYCRR Section 86-2.30 (III) 19*

**Level 3 eating** continual help *"means that the patient requires a staff person's continual presence and help for reasons such as: patient tends to choke, has a swallowing problem, is learning to feed self, or is quite confused and forgets to eat."*

In 11 instances, documentation did not support continual help with eating. 68, 88, 98, 123, 129, 166, 301, 325, 334, 384, 410

**Level 4 eating** is *"totally fed by hand: patient does not manually participate."*

In 1 instance, documentation did not support that the resident was totally fed by hand. 64

**Transfer**

The PRI instructions/clarifications state:

*10 NYCRR Section 86-2.30 (III) 21*

**Level 3 transfer** continuous assistance; *"requires one person to provide constant guidance, steadiness and/or physical assistance. Patient may participate in transfer."*

In 2 instances, documentation did not support constant guidance or physical assistance in transfer. 34, 303

**Level 4 transfer** *“requires two people to provide constant supervision and/or physical lift. May need lifting equipment. Documentation must support a logical medical reason why the patient required two people to transfer.”*

In 1 instance, documentation did not support the resident; required two people or the use of lifting equipment to transfer. 205

### **Toileting**

The PRI instructions/clarifications state:

*10 NYCRR Section 86-2.30 (III) 22*

**Level 3 toileting** resident is *“continent of bowel and bladder. Requires constant supervision and/or physical assistance with major/all parts of the task, including appliances (i.e. colostomy, ileostomy, urinary catheter).”*

In 1 instance, documentation did not support constant supervision and/or physical assistance with toileting. 34

**Level 4 toileting** resident is *“incontinent 60% or more of the time; does not use a bathroom. The patient may be bed bound or mentally confused to the extent that a scheduled toileting program is not beneficial.”*

In 2 instances, documentation did not support incontinence 60% of the time. 106, 325

**Level 5 toileting** resident is *“incontinent of bowel and/or bladder but is taken to a bathroom every two to four hours during the day and as needed at night.”* Additionally, PRI clarifications state that *“the resident’s care plan must establish a toileting assistance program that is based on an assessment of the resident’s needs. The assessment should establish the needs of the resident which lead to the development of the program.”* To meet Toileting Level 5 there must be a *“care plan established for the resident based on an assessment.”* The toileting schedule must include *“the name or initials of the health care worker performing the toileting assistance and the specific time the toileting assistance was provided must be present in each instance assistance is provided.”*

ATTACHMENT D

In 24 instances, documentation did not support an individualized toileting schedule, the specific time the resident was toileted, the toileting schedule contained blanks, and/or or the toileting schedule contained intervals greater than four hours.

63, 66, 68, 82, 83, 85, 87, 93, 99, 114, 188, 219, 225, 236, 244, 245, 255, 266, 268, 273, 279, 292, 298, 438

**Physical Therapy**

PRI instructions/clarifications state:

*10 NYCRR Section 86-2.30 (V) 27A*

In order for therapy to qualify as restorative *"there is positive potential for improved functional status within a short and predictable period of time"*... The qualifier for maintenance therapy is *"to maintain and/or retard deterioration of current functional/ADL status."*

In 6 instances, documentation did not support the positive potential for improvement within a short and/or predictable period of time.

32, 34, 46, 159, 163, 349

PRI instructions/clarifications also state *"in order for therapy to qualify as restorative, treatment is provided at least five days per week and 2.5 hours per week."*

In 3 instances, documentation did not support treatment five days/ 2.5 hours per week.

67

PRI instructions/clarifications state *"in order for therapy to qualify as restorative the resident must continue to show improvement during treatment."*

In 9 instances, documentation did not support continued improvement in ADL/functional status through the past 28 days.

7, 26, 45, 46, 117, 159, 163, 337, 349

**Occupational Therapy**

PRI instructions/clarifications state:

*Title 10 NYCRR Section 86-2.30 (V) 27A*

In order for therapy to qualify as restorative therapy *"there is positive potential for improved functional status within a short and predictable period of time"*... Qualifier for maintenance therapy is *"to maintain*

*and/or retard deterioration of current functional/ADL status.”*

In 6 instances, documentation did not support the positive potential for improvement within a short and/or predictable period of time.

136, 143, 159, 366, 380, 383

PRI instructions/clarifications further state *“in order for therapy to qualify as restorative the resident must continue to show improvement during treatment.”*

In 2 instances, documentation did not support continued improvement in ADL/functional status through the past 28 days.

159, 194

**Primary Medical Problem**

The PRI instructions/clarifications state: *“The primary medical problem should be selected based on the condition that has created the most need for nursing time during the past four weeks.”*

*10 NYCRR Section 86-2.30 (i) (VI) 30*

In 83 instances, documentation did not support that the primary medical problem (ICD-9 code) was based on the condition that created the most need for nursing time.

1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 23, 25, 26, 35, 36, 51, 52, 57, 58, 68, 71, 72, 75, 77, 80, 81, 85, 91, 95, 96, 97, 98, 99, 100, 101, 102, 104, 105, 106, 107, 108, 109, 110, 111, 114, 116, 117, 118, 119, 122, 123, 127, 128, 129, 140, 143, 145, 177, 180, 184, 186, 195, 207, 209, 211, 213, 214, 287, 294, 331, 335, 336, 337, 349, 354, 355, 358, 359, 366, 370, 371, 393

**RUGS-II Classifications Overturned**

In 24 instances, the RUG-II classifications were overturned.

*10 NYCRR Section 86-2.11*

7, 26, 32, 34, 45, 46, 67, 117, 159, 163, 219, 225, 228, 236, 244, 245, 255, 266, 268, 273, 279, 337, 349, 438