

OMIG RELEASES AUDIT PROTOCOLS FOR CDPAP

Home Care Alert
January 22, 2018

The New York State Office of the Medicaid Inspector General ("OMIG") has released its long-awaited audit protocols for Consumer Directed Personal Assistance Program Fiscal Intermediaries ("CDPAP-FIs"). OMIG develops separate audit protocols for different Medicaid provider types as a resource for developing Medicaid compliance programs. While the audit protocols do not have the legal authority of statutes or regulations, they provide insight into how the OMIG will apply statutes and regulations in the course of an audit.

The audit protocol contain 10 elements that OMIG will review during the course of CDPAP-FI audits:

1. Missing Documentation of Service (lack of time sheets/time records for personal assistants);
2. Missing Recipient Record (examining whether a consumer's record is available for review);
3. Billing for More Units than Documented or Authorized (if a consumer record does not support the total units billed, the difference between the total units billed and the total units authorized will be disallowed and must be repaid);
4. Missing Authorization or Reauthorization (the patient's record must include a currently valid authorization);
5. Services Performed by a Precluded Individual (the regulations prohibit performance of personal assistant services by a designated representative or ineligible family member);
6. Failure to Complete Required Health Assessment (the regulations require that personnel records must include documentation of personal assistants' annual health assessments);
7. Missing Certificate of Immunization (the regulations require that personnel records include documentation of assistants' certificates of immunization);
8. Missing Documentation of PPD Skin Test or Follow-Up (the regulations require that personal assistants' personnel files must include PPD documentation);
9. Missing Personnel Records (the regulations require that personal assistants' personnel records must be available for review when requested);

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10. Failure to Process CDPAP Wages and Benefits (the regulations require that CDPAP-FIs must process personal assistant's income tax and other required wage withholdings and comply with workers' compensation, disability and unemployment insurance requirements).

While the audit protocol does not contain any unusual requirements, in that all 10 elements are set forth in the CDPAP-FI statute and regulations, CDPAP-FIs should be prepared for an increase in audits in the near future. The recent implementation of the FI Authorization process, coupled with the release of the audit protocols, suggests that New York State will be increasing enforcement activity in this area. FIs should review consumer files, personnel files, and billing records, to ensure that they are in compliance with the documentation elements identified in the audit protocols. If you have any questions or concerns about your FI compliance, please do not hesitate to contact any member of the Hodgson Russ Home Care Team.