

Tales from the Crypt II: Investigations and Audit Tactics of Government Contractors for Nursing Homes and Tactics for Response

Cristine M. Miller, CMPE, CCP, CHC
Mountjoy Chilton Medley

G. Brenda Coey, Esq.
Buckingham, Doolittle & Burroughs, LLP

Pre-Audit Activity

- Review contracts with service providers
- Quality assurance program
- Consultants
- Attorney

Invitation to Participate in Audit

- Gathering of records
 - Psychotherapy notes
- Reviewing record
- Ascertaining the purpose of the audit
- Contacting an attorney
- Sending the record
 - 30 days
 - Extensions

The Waiting Game

- Thorough record review
- Identification of experts
 - Service provider
 - Others
- Turnaround time
 - 60 days

Type of Reviews

- Prepayment
- Postpayment
- Non-complex
- Complex
- Probe review
- Additional development request

Judgment Day

- Letter
- Computer disc
 - Spreadsheets
 - pdf vs. Excel
 - Extrapolation
- Attorney
 - Appeal
 - Notice to suppliers/providers

Appeals

- Levels
 - Rebuttal
 - Redetermination
 - Reconsideration
 - ALJ
- Appeal letter
 - Expert prepares under attorney cover
 - Include all bases for appeal
 - Recoupment

Decisions, Decisions

- Different “denial reason” at each level
- “Denial reason” may be based on information that was never requested or previously argued
- Must be prepared to address all areas of denial at each progressive level, plus
- Learn the “quirks” of the ALJ

Administrative Law Judge

- Methods of holding the hearing
 - In person
 - Video
 - Telephone
- Addressing the claim(s) from A to Z
 - Threshold requirements
 - Underlying reason(s) for denial
 - Supporting payment level billed
- Extrapolation

Extrapolation

- Must put PSC on notice
- Statistics
- Technical
- Getting information pertinent to the audit

Attack Plan

- Know the PIM, rules, regulations and case law
- Review did not allow for extrapolation
- Claims not subject to the extrapolation
- Cost reporting period
- Limited claim type expanded to entire population
- Credentials of the witness

Red Herrings

- Error rate
- PSC committed technical violations
 - May/can vs. must/shall/will
- Point estimation
- Sample size

Conclusion

- Preventative measures
- Knowledgeable individuals
- Flexibility is key
- KISS

Questions

Cristine M. Miller

502-749-1900

www.mcmcpa.com

G. Brenda Coey

330-491-5255

www.bdbl.com