



**LEGISLATORS, CP of NYS CALL ON GOVERNOR TO INCLUDE PEOPLE WITH DISABILITIES AND THEIR ADVOCATES IN PLANNING HOW FEDERAL STIMULUS MONEY WILL BE SPENT IN NEW YORK STATE**

Assembly Mental Hygiene Committee Chair Peter Rivera held a press conference in Albany on March 9 with CP of NYS and NYSARC. The legislative press room was overflowing with parents, consumers, professionals and advocates. Other members of the Legislature at the press conference were Shirley Huntley, the new Senate Mental Hygiene Chair, and Assembly members Mark Schroeder and Jane Corwin, both of whom are on the Assembly Mental Hygiene Committee. Representatives of the Executive Branch were in the audience.

Chairman Rivera called for the Legislature to establish an oversight committee for expenditure of federal stimulus funding heading for New York State. Chairwoman Huntley echoed his concern. Marc Brandt and Ben Golden from NYSARC spoke and Barbara Crosier from CP of NYS introduced parents and consumer Ed Bartz,

from the Center for Disability Services, who addressed the group through his augmentative communication device. All related their concerns with the New York State budget as proposed by Governor Paterson. The message was that stimulus funds can and should be spent to help restore cuts. It was an impressive display of unity and appeared to make a strong impression on Chairpersons Rivera and Huntley. The Center for Disability Services did a great job in helping fill the press room with consumers and families.

Unfortunately, the event had to compete with the Governor's press conference announcing plans for a multi-billion dollar high speed rail initiative, which included U.S. Senators and a large contingent of New York's House delegation. Most of the press stories for the day covered that event.

The news conference was mentioned in the Albany Times Union and a cable newscast on State news that aired in Albany and Rochester. Parent contact information and news releases were distributed to local media in several markets across the state and those outlets have been contacted about doing follow-up stories with local angles. There is more to come and we will keep you informed as events materialize.

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**CP of NYS, AFFILIATES PRODUCE ART DISPLAY IN MANHATTAN**

Queens Centers for Progress (QCP), United Cerebral Palsy of New York City (UCP/NYC) and Cerebral Palsy Associations of New York State – Metro Services have combined to produce a display of art work created by consumers of the three agencies at the Port Authority Bus Terminal in Manhattan. More than 30 works of art by people with disabilities will be on display at the facility on 8th Avenue until March 27th. The display is in the main hallway near the 9th Avenue side of the Port

Authority Terminal and is available for viewing during all hours of operation.

For a look at some of the artwork on display, visit this link: [http://www.cpoofnys.org/uploads/doc\\_14802009%20PA%20Art%20Display.pdf](http://www.cpoofnys.org/uploads/doc_14802009%20PA%20Art%20Display.pdf).

## **DEPUTY MEDICAID INSPECTOR GENERAL AND AUDIT DIRECTOR MEET WITH CP AFFILIATES**

John Foley, Deputy Medicaid Inspector General for Audit, and Bruce Gembala, Director of Provider Audits recently spoke to the Corporate Compliance and Clinic committees regarding Article 28 audits. In a lively discussion, the guest presenters answered questions prepared in advance by the Compliance Officers as well as questions posed by meeting participants.

After a brief overview by Deputy MIG Foley, the discussion focused on the development of audit protocols and sharing those protocols with providers. While most of the “business lines” have written audit protocols, the OMIG audit division is working to develop the remainder of audit protocols including those for Article 28 Diagnostic and Treatment Centers. A small work group of auditors is working on the Article 28 protocol. They want providers to be familiar with the protocol and they will be sharing it when completed. They prefer to work with provider associations to release the information. Once the protocol is set the auditors will go through education on the new protocol and then begin auditing by it. They anticipate the protocol will become more detailed.

The audit discussion included news that there will be three types of findings for an audit once the revised audit process and related materials are finalized. The first type of finding is the projection method where the payback is determined by projecting the citations against the provider’s universe or total billings for the audit period. The second type of audit finding that an auditor may choose is simple disallowances where the OMIG only requires repayment of that single day of service. The final type of finding is the corrective action where there is not a monetary payback but only the correction of the issue. It is up to the field auditor to determine what category of finding is used.

Other points of information covered by Mr. Gembala and Mr. Foley in the meeting included:

- Audits may go back 6 years and providers will only be audited by the regulations relevant to that time period.
- If questions arise during the course of the audit, the provider should first contact the Director of the Regional Office, then Bruce Gembala, and then the issue would go to John Foley. CP of NYS, as a provider association, may work with the OMIG on your questions.
- The OMIG differentiates between two types of audit: case reviews and service reviews. A case review involves the examination of all documentation for the audit period. There is not a specific service date being reviewed. Case reviews are generally triggered by quality of care and medical necessity issues. Service reviews are the more traditional audits that examine the documentation around a specific service date.
- Providers are selected for audit based upon surveys (DOH and all other regulatories), complaints, medical necessity concerns, or through analytic (data mining) selection such as large amounts of a particular type of billing. Providers will not necessarily be selected due to high dollar value billings but may be selected because of high billings in one area or simply because the provider is “in the middle of the pack.”
- When the issue of quality of care or medical necessity arises in an audit, the OMIG pulls in nurses to work with the auditors. Quality of care is not defined but is described as egregious deficiencies in care.
- The sample sizes of audits are going to become smaller. Mr. Foley shared that an audit could end based on several cases or the sample could be 100 or 150 cases. This has not yet begun amongst Article 28 providers. They anticipate they will be asking for significantly more organization financial information to determine the financial viability of the organization.
- In the instance of large monetary findings, the OMIG will discuss with other regulatories the impact of a large finding on the organization. The provider has 20 days after the final report to apply for economic hardship from an audit.
- The final version of the voluntary self-disclosure process has just been released. Providers may self-report to either OMRDD or to the OMIG. We recommend that providers first self-disclose to OMRDD. Self-disclosures should only be made with the guidance of a health

care attorney. We will certainly consult with Affiliates on self-disclosure issues but that should not be construed as legal advice. John Foley stated the OMIG encourages the use of attorneys in self-disclosures and reminded us that it should not be a real estate attorney but an attorney well versed in health care issues.

We will continue our ongoing dialogue with the Office of the Medicaid Inspector General on issues that impact CP of NYS Affiliates. If you have any questions, please feel free to contact me at (518) 436-0178.

### **CP of NYS ART CONTEST WINNER MEETS WITH OMRDD COMMISSIONER**

Kimberly Evans, of Parishville and Cerebral Palsy of the North Country, was in Albany March 19 to meet with Diana Jones Ritter, Commissioner of the Office of Mental Retardation and Developmental Disabilities (OMRDD), and presented her with the 2008 *Visions of New York* Poster.

Evans was chosen Artist of the Year last fall and had her winning entry featured on the fifth annual addition of the poster. The art contest is conducted by Cerebral Palsy Associations of New York State (CP of NYS). The poster includes art work submitted by CP of NYS Affiliates across the state.

The deadline for submission of entries to the 2009 *Visions of New York* contest is May 29. For more information, contact Al Shibley at (518) 436-0178 or [ashibley@cpofnys.org](mailto:ashibley@cpofnys.org).



*Susan Constantino, President & CEO, CP of NYS (left) and Kimberly Evans, CP of the North Country present Visions of New York poster to OMRDD Commissioner Diana Jones Ritter (right)*

### **NEW SED RATE SETTING CHIEF**

The Rate Setting Unit (RSU) welcomes Ms. April Wojtkiewicz to the State Education Department. April will head the rate setting unit effective April 2, 2009.

April is a graduate of Mount Union College and is pursuing a Doctoral degree in Educational Administration and Policy studies at the State University at Albany.

April has over 10 years experience in State government including several years in the Division of the Budget starting as a Graduate Assistant reviewing documents in response to the Campaign for Fiscal Equity court case. April worked for five years on a variety of programs in the Education Unit, School Aid Section including the full range of rate setting activities, before moving to the Budget Services unit, Legislative Section.

April was previously employed by the NYS Office of Mental Health, Community Budget and Financial Management Group.