



OHIO AUDITOR OF STATE
KEITH FABER



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INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE WITH REQUIREMENTS OF THE MEDICAID PROGRAM APPLICABLE TO SELECT HOME HEALTH SERVICES

Ohio Department of Medicaid
50 West Town Street, Suite 400
Columbus, Ohio 43215

RE: Excel Home Health Care, "LLC"
Ohio Medicaid Number: 0089471

National Provider Identifier: 1780957209

We examined compliance with specified Medicaid requirements for provider qualifications, service documentation and service authorization related to the provision of private duty nursing (PDN) services and provider qualifications and service documentation related to the provision of personal care aide services during the period of July 1, 2019 through June 30, 2021 for Excel Home Health Care, "LLC" (Excel). In addition, we examined services billed with a date of service when the recipient was potentially a hospital inpatient.

Excel entered into an agreement with the Ohio Department of Medicaid (the Department) to provide services to Medicaid recipients and to adhere to the terms of the provider agreement, Ohio Revised Code, Ohio Administrative Code, and federal statutes and rules, including the duty to maintain all records necessary and in such form so as to fully disclose the extent of services provided and significant business transactions. Excel is responsible for its compliance with the specified requirements. Our responsibility is to express an opinion on Excel's compliance with the specified Medicaid requirements based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants (AICPA). Those standards require that we plan and perform the examination to obtain reasonable assurance about whether Excel complied, in all material respects, with the specified requirements detailed in the Compliance Section. We are required to be independent of Excel and to meet our ethical responsibilities, in accordance with the ethical requirements established by the AICPA related to our compliance examination.

An examination involves performing procedures to obtain evidence about Excel complied with the specified requirements. The nature, timing and extent of the procedures selected depend on our judgment, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our modified opinion. Our examination does not provide a legal determination on Excel's compliance with the specified requirements.

Internal Control over Compliance

Excel is responsible for establishing and maintaining effective internal controls over compliance with the Medicaid requirements. We did not perform any test of the internal controls and we did not rely on the internal controls in determining our examination procedures. Accordingly, we do not express an opinion on the effectiveness of the Excel's internal controls over compliance.

Basis for Qualified Opinion

Our examination disclosed that, in a material number of instances, Excel billed for units of personal care aide services in excess of actual service delivery and Excel did not ensure that, before delivering personal care aide services, its staff obtained and maintained first aid certification.

Qualified Opinion on Compliance

In our opinion, except for the effects of the matters described in the Basis for Qualified Opinion paragraph, Excel complied, in all material respects, with the aforementioned requirements of private duty nursing services and personal care aide services for the period of July 1, 2019 through June 30, 2021.

Our testing was limited to the specified Medicaid requirements detailed in the Compliance Section. We did not test other requirements and, accordingly, we do not express an opinion on Excel's compliance with other requirements.

We identified improper Medicaid payments in the amount of \$1,922.43 This finding plus interest in the amount of \$379.22 (calculated as of June 12, 2023) totaling \$2,301.65 is due and payable to the Department upon its adoption and adjudication of this examination report. Services billed to and reimbursed by the Department, which are not validated in the records, are subject to recoupment through the audit process. See Ohio Admin. Code § 5160-1-27.

This report is intended solely for the information and use of Excel, the Department and other regulatory and oversight bodies, and is not intended to be, and should not be used by anyone other than these specified parties.



Keith Faber
Auditor of State
Columbus, Ohio

June 12, 2023

COMPLIANCE SECTION

Background

Title XIX of the Social Security Act, known as Medicaid, provides federal cost-sharing for each State's Medicaid program. The rules and regulations for the program are specified in the Ohio Administrative Code and the Ohio Revised Code. Medicaid providers must "maintain all records necessary and in such form so as to fully disclose the extent of services provided and significant business transactions" for a period of six years from receipt of payment or until any audit initiated within the six year period is completed. Providers must furnish such records for audit and review purposes. See Ohio Admin. Code § 5160-1-17.2(D) and (E).

Excel is a Medicare certified home health agency and received payment of \$383,472.22 for 5,153 home health and waiver services¹.

Purpose, Scope, and Methodology

The purpose of this examination was to determine whether Excel claims for payment complied with Ohio Medicaid regulations. Please note that all rules and code sections relied upon in this report were those in effect during the examination period and may be different from those currently in effect.

The scope of the engagement was limited to PDN and personal care aide services, along with the exception test as specified below as specified below for which Excel billed with dates of service from July 1, 2019 through June 30, 2021 and received payment.

We obtained Excel's fee-for-service claims data from the Medicaid database of services billed to and paid by Ohio's Medicaid program. We also obtained paid claims data from one Medicaid managed care organization (MCO) and confirmed the services were paid to Excel's tax identification number. From the fee-for-service and MCO data, we removed all services paid at zero. From the remaining total paid services, we selected the following services in the order listed:

- All instances in which a PDN service (T1000) was billed during a potential; hospital inpatient stay (Services During Potential Inpatient Stay Exception Test);
- A random sample of PDN services (T1000) by RDOS²; and
- A random sample of personal care aide services (T1019) and any other services on same day.

The exception test and calculated sample sizes are shown in **Table 1**.

Table 1: Exception Test and Samples			
Universe	Population Size	Sample Size	Selected Services
Exception Test			
Services During Potential Inpatient Stay (T1000)	2		2
Samples			
PDN Services (T1000)	349 RDOS	60 RDOS	64
Personal Care Aide Services (T1019)			
Additional Services (G0156 & G0300)	402	60	60
Total Personal Care Aide and Additional Services			4
			64
Total			130

¹ Payment data from the Medicaid Information Technology System (MITS).

² A RDOS is defined as all services for a given recipient on a specific date of service.

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A notification letter was sent to Excel setting forth the purpose and scope of the examination. During the entrance conference, Excel described its documentation practices and billing process. During fieldwork, we obtained an understanding of the documentation that would be provided, reviewed service documentation and verified professional licensure and obtained first aid certification cards.

We sent preliminary results to Excel and it subsequently submitted additional documentation which we reviewed for compliance prior to the completion of our fieldwork.

Results

The summary results are shown in **Table 2**. The non-compliance and basis for findings is discussed below in further detail.

Table 2: Results				
Universe	Services Examined	Non-compliant Services	Non-compliance Errors	Improper Payment
Exception Test				
Services During Potential Inpatient Stay	2	0	0	\$0
Samples				
PDN Services	64	3	3	\$718.92
Personal Care Aide Services	60	18	19	\$1,203.51
Additional Services	4	0	0	0
Total Personal Care Aide and Additional Services	64	18	19	\$1,203.51
Total	130	21	22	\$1,922.43

A. Provider Qualifications

Exclusion or Suspension List

Per Ohio Admin. Code § 5160-1-17.2(H), in signing the Medicaid provider agreement, a provider agrees that the individual practitioner or employee of the company is not currently subject to sanction under Medicare, Medicaid, or Title XX; or is otherwise prohibited from providing services to Medicaid beneficiaries.

We identified 12 providers in the service documentation for the selected services and compared their names to the Office of Inspector General exclusion database and the Department's exclusion/suspension list. We also compared the identified owners and administrative staff names to the same database and exclusion/suspension list. We found one nurse that was excluded in May, 2022; however, we had no services in our tests by this nurse after the date of exclusion. We found no other matches.

Nurses

According to Ohio Admin. Code § 5160-12-02 (A), private duty nursing services are performed by either a registered nurse (RN) or a licensed practical nurse (LPN) at the direction of a registered nurse. Based on the eLicense Ohio Professional Licensure System, the licenses for the eight nurses were current and valid on the first date of service in our selected services and were valid during the examination period.

A. Provider Qualifications (Continued)

Personal Care Aides

Medicare certified home health agencies must ensure that personal care aides, prior to commencing service delivery, must obtain and maintain first aid certification. See Ohio Admin. Code § 5160-46-04.

Of the four personal care aides who rendered services in our testing, one aide lacked first aid certification and one aide had a gap in first aid certification.

Personal Care Aide Services Sample

The 60 services examined contained 15 instances in which a service was rendered by an aide who did not have the required first aid certification on the date of service. These 15 errors are included in the improper payment amount of \$1,203.51.

Recommendation

Excel should ensure all personnel meet applicable requirements prior to rendering direct care services. Excel should address the identified issue to ensure compliance with Medicaid rules and avoid future findings.

B. Service Documentation

All Medicaid providers are required to submit claims only for services actually performed and meet requirements that include, but are not limited to, disclosing the type, extent and duration of services provided to Medicaid recipients. See Ohio Admin. Code §§ 5160-1-17.2(A) and 5160-1-27(A)³. We applied these requirements to all services examined.

We obtained service documentation from Excel and compared it to the required elements. We also compared units billed to documented duration. For errors where the number of units billed exceeded the documented duration, the improper payment was based on the unsupported units.

For services on the same RDOS as hospital inpatient services, we obtained documentation from the hospital and compared it to Excel's documentation to determine if there were overlaps in services.

Services During Potential Inpatient Stay Exception Test

We confirmed the hospital admission and discharge dates and determined that one date of service was prior to the hospital admission and the other date of service was the same as the date of admission. Excel had documentation to support both of the selected payments.

PDN Services Sample

The 64 services examined contained three instances in which there was no documentation to support the payment. These three errors resulted in an improper payment amount of \$718.92.

³ Providers of personal care aide services in the Ohio Home Care Waiver are required to document the tasks performed, arrival and departure times, and the dated signatures of the provider and individual or the individual's authorized representative, verifying the service delivery upon completion of service delivery. See Ohio Admin. Code § 5160-46-04(A)(9).

B. Service Documentation (Continued)

Personal Care Aide Services Sample

The 60 services examined contained three instances in which units billed exceeded the documented duration and one instance in which service duration was not documented. These four errors are included in the improper payment amount of \$1,203.51.

We noted that in three of the four additional selected payments Excel provided one continuous visit but billed as two visits using different procedure codes. Specifically, Excel billed part of the one continuous visit as personal care aide service and part of the same visit as a home health aide service. By billing in this manner, Excel received two base rates for one visit. We did not identify any improper payment for these three instances.

Recommendation

Excel should implement a quality review process to ensure that documentation is present, complete, and accurate prior to submitting claims for reimbursement. Excel should address the identified issues to ensure compliance with Medicaid rules and avoid future findings.

The Department should review the practice of billing one continuous visit as two separate services, one waiver paid by the Department and one state plan service paid by a managed care organization, to determine if this results in additional cost to the Medicaid program.

C. Authorization to Provide Services

All home health providers are required in part by Ohio Admin. Code § 5160-12-03(B)(3)(b) ⁴ to create a plan of care for recipients indicating the type of services to be provided to the recipient and the plan is required to be signed by the recipient's treating physician.

We obtained plans of care from Excel and confirmed there was a plan of care that covered the date of service examined, authorized the type of service, and was signed by a physician.

Private Duty Nursing Services Sample

All 64 PDN services examined were supported by a signed plan of care. We did not examine authorization to provide PDN services in the potential inpatient exception test.

Official Response

Excel acknowledged the errors related to first aid certification and stated that these errors occurred prior to the current owners taking control of the business. In addition, Excel indicated it did inform the Department of the change in ownership as a result of the executed Membership Interest Purchase Agreement.

AOS Conclusion

We confirmed with the Department that Excel's ownership was updated in the Provider Network Management portal. Accordingly, we updated the results in this report.

⁴ This rule refers to the Medicare Benefit Policy Manual which requires that the plan of care be signed by the recipient's treating physician.

OHIO AUDITOR OF STATE KEITH FABER



EXCEL HOME HEALTH CARE, "LLC"

MONTGOMERY COUNTY

AUDITOR OF STATE OF OHIO CERTIFICATION

This is a true and correct copy of the report, which is required to be filed pursuant to Section 117.26, Revised Code, and which is filed in the Office of the Ohio Auditor of State in Columbus, Ohio.



Certified for Release 7/25/2023

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This report is a matter of public record and is available online at
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