

Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services
Financial Services - Audit
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Final Informal Review Decision

October 31, 2013

Jeff Cake, Executive Director
Yesterday's Children, Inc.
P.O. Box 829
Ellsworth, Maine 04605

Re: **Birchwood Living Center**

Dear Mr. Cake:

Your facility requested an informal review of an audit report for **Birchwood Living Center** dated June 24, 2013 for the fiscal period from July 1, 2008 through June 30, 2009, which resulted in an overpayment of \$39,471.89. Your appeal request is based upon a letter dated August 17, 2013 from Ken Bustard d/b/a The Accounting Coach.

As a result of this request, we have prepared an informal review. Our **Final Informal Review Decision** is as follows:

The letter states that the following mandated training costs were disallowed as to meeting the criteria as "mandated training":

United Technologies Center – C.N.A. Training	\$780.00
Hancock County Higher Education Center – C.N.A Training	\$1,750.00

The course taken at United Technologies Center was for a C.N.A. related course. The courses taken at Hancock County Higher Education Center were for BIO 321 (Microbiology with Lab) and CONP (Holistic Health).

The MaineCare Benefits Manual Chapter III, Section 50, Principle 3005.10 states that in order to be part of the fixed cost per diem rate that training should be, "mandated direct care staff training program costs as required by State and Federal regulations." Principle 4033 states, "educational training programs which a staff member must successfully complete in order to qualify for a position or job shall be considered basic education. Costs related to this education is not within the scope of reimbursement."

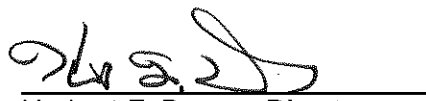
Per audit, it was determined that the courses were not mandated and were taken in order for the employees to qualify for a position. Since the training costs are not allowable no revision will be made to the audit report dated June 24, 2013.

This final informal review decision was based upon a consultation with the auditor of record, a review of her audit report and the related work papers, and your subsequent communications to us.

Please refer to the attached Notice of Appeal Rights of MaineCare Providers for an explanation of your facility's further appeal options.

Sincerely,


Laurie L. Cummings
Auditor of Record


Herbert F. Downs, Director
Division of Audit

Enclosures:

Notice of Appeal Rights of MaineCare Providers

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF AUDIT – MAINECARE AND SOCIAL SERVICES**

NOTICE OF APPEAL RIGHTS OF MAINECARE PROVIDERS

1. Informal Review:

If you disagree with any portion of the audit report, you must request an informal review by the Director of the Division of Audit, or his designee, by notifying the Division of Audit, 11 State House Station, Augusta, Maine 04333-0011, in writing **within 60 days of receipt of the audit report** of the issues that are in dispute. You must also provide any and all information that you intend to rely upon in disputing each issue. Failure to give timely notice or to include the information relied upon shall constitute a waiver of your facility's right to an informal review and to any subsequent administrative appeals. See the following chart for a reference to the Department's regulation that provides further explanation of your facility's appeal rights and the information you must present in your response:

<u>Type of Facility</u>	<u>Effective Date</u>	<u>Appeal Regulation Citation</u>
ICF/MR	7-1-08	Principle #8010 (MCBM, Chapter III, section 50)
Developmental Training	5-1-90	Principle #9000 (MMAM, Chapter III, section 24)

(Note: MMAM = Maine Medical Assistance Manual, MCBM = MaineCare Benefits Manual)

2. Administrative Hearing:

If you disagree with the decision made after an informal review, you must request an administrative hearing by the Commissioner of the Department of Health and Human Services, or Commissioner's designee, by notifying the Commissioner's office, in writing **within 60 days of receipt of the informal review decision** of the issues that are in dispute. Only those issues presented for informal review will be considered at the administrative hearing. See MaineCare Benefits Manual, Chapter, I, Section 1.21; also see the Administrative Hearing Regulations.

3. Petition for Judicial Review:

If you disagree with the Commissioner's final decision made after an administrative hearing, you may petition the Superior Court for judicial review of final agency action. See 5 M.R.S.A §§ 11001-11007.