



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services  
Financial Services - Audit  
# 11 State House Station  
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## Final Informal Review Decision

August 1, 2013

Peter Pellerin  
Downeast Accounting Services, PA  
39 Ohio Street  
Bangor, ME 04401-4731

Re: **Jacob's Residential Care Center**

Dear Mr. Pellerin:

You requested an informal review of an audit report for **Jacob's Residential Care Center (RCF)** for the fiscal period from January 1, 2010 through December 31, 2010, which resulted in an underpayment of \$9,792.60. Your appeal request is based upon your letter dated June 27, 2013.

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

You stated that the facility requested a change to the licensed capacity from 6 beds to 5 beds effective January 1, 2010. Licensing and Regulatory Services granted the capacity change to 5 beds effective November 7, 2011, reflected in the rate letter dated March 29, 2012. You are requesting that Licensing grant the retroactive application of the downsize request to January 1, 2010.

The audit is conducted in accordance with the licensing and rate information for the applicable audit period. During the audit of fiscal year of December 31, 2010 the provider was licensed for six beds. Therefore, the audit correctly utilized the rate information based on six licensed beds. Consequently, we are unable to satisfy your request.

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,

Lisa A. Jones  
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>
Residential Care Facility	10-30-08	Principle #34.7 (DHHS rules 10-144, chapter 115)
	05-01-10	Principle #34.7 (DHHS rules 10-144, chapter 115)
PNMI	08-01-09	Principle #6000 (MCBM, Chapter III, Section 97)
	05-15-10	Principle #6000 (MCBM, Chapter III, Section 97)
	10-01-10	Principle #6000 (MCBM, Chapter III, Section 97)
	11-15-10	Principle #6000 (MCBM, Chapter III, Section 97)

**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.