



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services
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Final Informal Review Decision

November 25, 2013

Stephen Reevy, Controller
Tri-County Mental Health Services
P. O. Box 2008
Lewiston, Maine 04241-2008

Re: **Kelly Drive Home**

Dear Mr. Reevy:

Your facility requested an informal review of an audit report for **Tri-County Mental Health Services –Kelly Drive Home** dated August 27, 2013 for the fiscal period from July 1, 2009 through June 30, 2010, which resulted in an overpayment of \$26,672.17. Your appeal request is based upon your letter dated October 25, 2013.

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

1. In the appeal letter dated October 25, 2013, the provider is “disputing the unallowable consultant finding” removing Certified Nurses Aids Alward Guillermina, Ashli Bruce, Fulton Beal, Andrea Johnson, Kimberly Kosiavelon, Alicia McIntire, Leiloni Morton, Angela Romano and Certified Medication Technician Wayne Matson.

Please see the MaineCare Benefits Manual (MBM), Chapter II Section 97, principles 97.04, 97.07-2(I) and Chapter III Section 97, Appendix E, Section 2400.01 for a detailed explanation as to why the determination was made to remove unallowable consultant’s wages.

In addition, Section 97.07-2(I) in part states, “Clinical Consultant Services must be provided by licensed or certified professionals as described in Chapter II Section, 97.07-02”. Chapter II Section, 97.07-02 for Professional Staff refers to Chapter II Section, 97.04 which does not include Certified Nurses Aid (CNA) or Certified Medical Technician (CMT) as allowable service for reimbursement. Therefore, your request is denied.

This final informal review decision was based upon a consultation with the auditor of record, a review of his 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,



David Prior
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 – MaineCare and Social Services, or his designee, by notifying the Division of Audit – MaineCare and Social Services, 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. 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>
PNMI	06-15-09	Principle #6000 (MCBM, Chapter III, Section 97)
	07-02-09	Principle #6000 (MCBM, Chapter III, Section 97)
	08-01-09	Principle #6000 (MCBM, Chapter III, Section 97)
	05-15-10	Principle #6000 (MCBM, Chapter III, Section 97)

(Note: MBM = 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; see also 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.