## STATE OF LOUISIANA LEGISLATIVE AUDITOR

Management and Oversight of Long-Term Care in Louisiana

April 1998



Performance Audit Division

Daniel G. Kyle, Ph.D., CPA, CFE Legislative Auditor LEGISLATIVE AUDIT ADVISORY COUNCIL

MEMBERS

Senatar Ronald C. Boan, Chairman Representative Francis C. Thompson, Vice Chairman

> Souter Robert J. Barlann Souter Wilson E. Field Souter Thomas A. Greese Souter Charles McMaios, Jr. Representative F. Charles McMaios, Jr. Representative Warns J. Triche, Jr. Representative Warns J. Triche, Jr. Representative Warns J. Triche, Jr.

## LEGISLATIVE AUDITOR

Daski G. KNA, Ph.D., CPA, CPB

DIRECTOR OF PERFORMANCE AUDIT

David K. Greer, CPA, CPE

Management and Oversight of Long-Term Care in Louisiana

April 1998



Performance Audit Office of Legislative Auditor State of Louisiana

Daniel G. Kyle, Ph.D., CPA, CFE Legislative Auditor

# Table of Contents

Legislative Auditor's Transmittal Latter
Executive Summary
Chapter One: Introduction
Audit Initiation and Objectives
Report Conclusions
DIOI Regulates Nursing Hornes. 4
Inahh Standards Section Responsible for Licensure and Certification of Narsing Homes
Other Agencies and Offices Involved in the Regulation of Naming Homes
Scope and Mothodology
Report Organization
Chapter Two: Licensing and Inspections
Chapter Conclusions
Licensing and Inspection Process
DOBI Ensures Licensure and Centification Requirements Are Met
No Writtan Procedure for Licensing Impertions
Inspection Timing In Predictable
Chapter Three: Complaint System
Chapter Condusions
Overview of Complaint System
Procedure Followed for Complaint Investigations
No Evidence of Complaint Screening Process
Unclear and Conflicting Criteria Used to Assign Investigation Priorities
Automated System Nat Fully Unlight 20

## **Chapter Four: Enforcement and Sanctions**

Chapter Conclusions	
Derview of Enforcement Process	
Ne Review	1
Many Facilities Did Not Receive Timely Notice, But Most Revists Were Timely	
20191 Seldora Assesses Monetary Sanctions	
Type of Sanctions Othen Conform to Regulations, But Some Finas Do Not	
Fines and Interest Are Not Collected By Due Date	
Denial of Payment for New Admissions Has Control Weaknesses	
Case Management Regulations Are Enforced	

## Chapter Five: Reimbursement for Nursing Home Care

Chapter Conclusions
Overview of Nursing Home Reinbursement
Administra and Discharge Reporting Controls Could Be Enhanced to Matimize Overpayments
Level of Care Reinbursement Controls Could Be Improved
Past Payment Reviews Ace Passive

## Exhibits

Exhibit 1-1:	Department of Health and Hospitals Naming Home Expenditates 5
Exhibit 1-3:	Bureau of Health Services Financing Organization Chart
Exhibit 1-3:	Location of BHSF Regional Offices
	Intervals Between Impections for 31 Sample Nursing Homes
Exhibit 3-1:	DHIH Naming Home Complaint Process
	Types of Naming Home Compilate Allegations and Allegations of Noncompliance
Edda 3-3:	Types of Allegations From Sample
	Assigned Investigation Priorities of Complaints in Sample
Exhibit 3-5:	Total Allogations Found to Be Unvertifiable



## Exhibits (Cont.)

Exhibit 3-6:	Late Complaint lowestigations by Time Prame
Exhibit 4-1:	D0BU's Enforcement Process
Edubit 4-2	Analysis of Consistency of Sanctions Among Sample Inspections
Exhibit 4-3:	Analysis of Assessment of Fines

## Appendixes

Appendix A:	Criteria for Assessment of Class Violation Levels.	Al
Acquedix B:	Department of Health and Hospitals' Response	



OPPICE OF LEGISLATIVE AUDITOR SEATE OF LOCASIANA BATCH RESER. LOCASIANA

DANELS AVE, PRO CEA OF

HIS NOTE THE AREA PLACE

April 5, 1998

The Honorable Randy L. Ewing, President of the Senate The Honorable II. B. "Hard" Dewsee, X., Senater of the House of Reconcentrations

Dear Senator Ewing and Representative Downer:

This report gives the results of our performance audit of the Management and Oversight of Loop-Term Care in Louisian. This mult was conducted as part of the National State Auditors Association's joint with of long-term care. As with all performance audits, the provisions of Title 24 of the Louisian Revised States of 1150, as annealed audit.

This performance soft report centains our findings, conclusions, and recommendations. Appendix B contains the Department of Hards and Elegistal's suspons. I hope this report will benefit you is your liquidation electricies enabling process.

ッメル

Daniel G. Kyle, CPA, CFI Legislative Auditor

DGKM

17040



Office of Legislative Auditor

## Executive Summary

Performance Audit Management and Oversight of Long-Term Care in Louisiana

The De regulating many	partment of Health and Heapitals (DHH) is the primary outing for ing homes in Louisiana. Our performance audit found that:
	DHI conducts the necessary impections to ensure that menting homes meet all of the stase learning and fideral certification requirements. However, there is ne written periods for state learning impections and no formul documentation of the sorivities that take place thing these imperiods. Plathermore, the training of impections in prediction.
•	Conversity, DRB investigates completes significant surving honors within the designated into frame. However, the processor of noting protocols for investigating completes is not documented. Therefore, it is difficult to determine if evenigation prioritons are set appropriately and constrainty. Furthermore, DBB uses inconstrated and sametimes conditioning address to set investigation priorities.
•	Few inspections with deficiencies serious enough to warrant a revisit by DHH read: in monetary sentices. Therefore, DHH misses an opportunity to discourage maning homes from fature deficiencies.
•	In greent, DRH was consistent in in decisions about the type of macritors is logical. However, monetary macricas for capture difficiencies wave not levined as servedy as regulations require. In addition, had for the free levine's DHH in our sample were not collected by the due data and DRH did not charge any interest or paralises for these delayaset systems.
•	DBH ensures proper development of resident assessments and care plans through its normal impetition process. The surveyors are uncovering a significant number of resident assessment and care plan deficiencies.
•	The controls that prevent overpayments to Madicaid running home providers are weak and should be strengthened.

Andit Initiation and Objectives	The Office of the Lagislative Audior conducted this performance aufile as part of the National State Audiors Ausceission (DeAA) point adds to hoge stress ore Fouries on nursing homes. The NSAA joint add coordinating team developed as and or maggined and add beckers. The states cheer to participate is the soft. The specific abjectives: For states cheer to participate is the soft. The specific abjectives of cast and a wave to:
	<ul> <li>Determine whether the agency responsible for locening providers in adequately ensuring that the previden meet all of the licensing experiments and that all providens offering services are appropriately licensed</li> </ul>
	<ul> <li>Determine whether the agency conducts the necessary inspections before issuing a forene and whether the inspections measure the provider is complying with the appropriate rules out regulations</li> </ul>
	<ul> <li>Determine whether the agency is imposing sanctions if providers are found not to be in compliance with the appropriate node and ingulations and determine whether the agency is constantly imposing analytical for provident who are not in compliance (including fullow-up to some violations are corrected)</li> </ul>
	<ul> <li>Determine whether the agency's process of receiving compliants is adequate and whether the agency reviews all compliants alleging violations of rules or regulations in a timoly meaner</li> </ul>
	<ul> <li>Determine whether the agency ensures that services that were billed were actually presided</li> </ul>
	<ul> <li>Determine whether the agency is ensuring</li> </ul>

to ensure each resident receives appropriate services

DHH Regulates Nursing Henses The Losinian Department of Health and Hospitah (DBR), through its Barsas of Health Services Fluancing (BHSF), is primarily responsible for regulating the 300 losses of nasting bornes in Losinians. As of December 31, 1997, there were 35,711 locense miring bornes bein is Losinians. According to a DBRI official, the department spent an estimated \$2,988,000 regulating nursinghorases in the 1997 federal feeal year.

As part of the imprecision process, DiBH owart means that nursing homes that serve Medical residents need certain federal health and safety standards. Navning homes that meet these requirements become "certified" and are allowed to serve Medicald readents. There were 2004 certified nursing homes in Louisians at the time of our suffit.

DBH's Health Standards Section essures compliance with locating and certification replacements by regiler importants and complicat lowering does not be an explanated. The net comply with locating and certification requirements. The sections on many from no rate plotter providers admitting a plan of correction, which tolh how deficiencies will be corrected, to correlate the number how of the corrected, to correlate the number how of the corrected of the corrected of the section of the section of the corrected of the corrected of the section of the s

DBT 3 Modewid representitives also include reinhursing some for the ocor of caring for Medical reinhursing. Naring homes are inisitement formage a property payment system based in officient levels of carine. A daily annual, or part dama, in pair for each reinhurs according to his/her level of care. A daily and for order many from 554.7 to 1 5480. IL DBT space marky 5500 million on Modical distinguishment for starting homes during the 1996. 1997 East

(See pages 4.5 of the report.)

DHH Easures Licensing and Certification Requirements Are Met Our review of the documentation for 30 unsting hours showed that DBM followed all licensing and certification procedures. The documentation also indicates that appropriate imperiors took place before granting a license or certifying a house for Medicate molecute.

However, we found two areas related to certification and increases where DHBI could make improvements. The first area involves the procedures followed on increases imperiates of private-pay facilities. The second area involves the timing of instructions. For naming bonns that and Learnand-only, DHH does not here written prevedences detailing the predict activities to be Sdowned by surveyers in conducting supportence. There is also one documentation of the apecific activities that the tapleted of the inspection. Only 14 of the 100 surving bornet (75%) is the area here no Medinard and be Medinare realisters. The table is evaluation procedures and documentation makes in difficult to ensure undirentity is the conduct of them tenerate inspection.

In our sample of improving documentations, see frond this is substantial number of propertiess occurred inner everyle roor year after the provings important. The law requires that inspections in improving data means that marring homes are predict with some critically when their the table properties of the core. As a result, the strength of the strength of the core. As a result, the strength of the strength of the core. As a result, the strength of the strength of the core of the strength of the the previous new (2006). Just of the strength of the the previous new (2006).

(See pages 14-37 of the report.)

#### **Recommendations**

- 2.1 DHH should develop written procedures detailing the actions in the followed during a forming impaction. These procedures should be documented in some systematic manner to ensure consistency in the conduct of discussion impections. These procedures should also ensure the adverse and writtens of the residence.
- 2.2 DBH should increase the variability of the impection datas so that surving home administration are less able to predict when their next impection will occur.

No Evidence of Complaint Screening Process Upon receipt of a complaint, DBH makes an immediate assumant of the information and prioritizes the complaint according to severity. However, there is no documentation of this proteen in the complaint files. Although complaint servering is a subjective process that requires the use of profinsional jodgment, widence of this screening process should be apparent in the files. This documentation could ast as a management control for DEBL program managem in assessing the effectiveness of the screening process.

Currently, the autoenated complaint tracking system is used to track all complaints and ensures that all are investigated. However, DOBI could use the systems to liok for trends in complaint numbers and types, investigation cancernes, as well as differences among inprevious teams.

(See paper 25-28 and 30-33 of the report.)

Unclear and Conflicting Criteria Used to Assign Investigation Priorities Department policies and precedent regarding angipting invergiation policies area not consistent with mass and federal regulations. Because of this inconsistency, we were stanklit to verify which not of policies the agency was following when angipting investigation ploticities. However, eose at the finance for investigation was ast, most investigations occurred withis the time means stankload.

Outdefines for when compliants of memotians increasely and be investigated ways from now working days (Boland galobiens) to fine days (DHH) policy). In addition, the reprintments for investigating absorbingher (can reage fire 24 compliant (with a set of the set of the set of the set compliant (with any set of the set of the set of the increase) of the set of the local set of the local set of the set of t

#### Recommendations

3.1 DHH should document screening procedures used when deciding how quickly a complaint is investigated. The department theski develop standardized operations to a site with the size a complete in taken, so design a complete matrix laterating how the secrety of the complete alignations is determined. This procedure will support how completely of the to the contention linearchigation precisely reliable to the contentions of the completion reliable to the contentions of the completion lowering being on orders the number of completion lowering before.

- 3.2 DBHI should review and clarify in policies and to assign investigation priorities to complainty. DBH should adopt priorities that are consistent with federal regulations and state law. This would farther source uniformly is anighing investigation priorities.
- 3.3 DIIII should fully implement in assumated complaint tracking system. The system could be used to compile performance data that would be useful to DIIII management, surveyers, and compilated data staff.

Many Facilities Did Not Receive Timely Notice, But Most Revisits Were Timely We amplied DHU's varying here film and found that 31 of the 71 (49%) of the imposition that we mainteed distance there the requirement for timely initial oration of imposition results. However, northy if of the imposition in our sample had invery review, if model. A delay of the initial notice may lengthen the time that maring here may be subjected to substantial earse and/or conditions.

For mening houses not in substantial compliance during the imposition, DEDI may conduct revisits to emane that the deficiencies have been remoded. Federal guidelines arigulate the time frame which which revisits are to be conducted. Only 3 of the 34 surveys (7%) that received revisits in car sample did not affere to the required time frame.

(See pages 36-37 of the report )

### Recommendation

4.1 DIIII should produce initial notices of certification impaction results in accordance with the State Operations Manual.

Few messence y suscesses are imposed on nationg basies found to have deficiencies. Because of the limited use of monotory suscesses, the enforcement process may not be as effective as it could be.

In our sample of 67 inspections conducted at 30 facilities, 27 inspections had deficiencies nations enough to warrant a revisit. Only 3 of these 27 (11%) were fixed. Recease Diffit does not long a monetary nuccion on facilities that require revisits, it mines at concernative to discontance namine bream from fixers of disferences.

(See pages 37-38 of the report.)

#### Recommendation

4.2 DBBI should use its discretisency antheney to fine all facilities that are found not to be in substantial compliance and that require a revisit. This practice may encourage facilities to strive to be in understantial compliance all year.

Type of Sanctions Often Conform to Regulations, Bat Some Fines Do Not DHH has broad discretion over the type and severity of searchors. We examined imperition review's to see if faidhers in similar standards were treated the same in the endercement process. In general, we found that DHH was consistent in its decision about the type of sanchines to impose. However, some fines, orea imposed, were to levid as a service in the requiring require and the levid as a service in the requiring require

Is 3 of the 12 fixes that we examined, facilities with repeat deficiencies were fixed a con-line fee instead of the per-day fee as outlined in D0BI regulations. When fixes are not assessed for the

Assesses Assesses Monetary Sanctions repeat violations using the stricter per-day fine, the deterrorst effect must be leasened or even lost.

(See pages 38-42 of the report.)

#### Reconstruction

4.3 DHH should ensure that fines are assessed using the appropriate method. Fines that DHH determines to be repeat violations should be fined on a pre-day basis in accordance with the Standard for Passar for Nexula Fischiles.

Fines and Interest Are Not Collected by Due Date Out 50% of the free locks by DHH wave collected by the order. In oblight, DHH is due to change are interest on pressible for these delinpant payments. With one comparison, DHH is due to Shire it a consequent payment. White one comparison, DHH is due to Shire it a consequent payment, and the downerst effect of the free free more hash lost revenues, and the downerst effect of the free free more walks to the start free due to the free free more walks to the start free due to the free free more walks to the free free more walks to be seen lost. Freethenson, the free that wave collected are depended to a start field. But see of the more is the free due to the seen seen:

There were 12 filess in the sample of files we constitud. DBH has collected use of how, but as of November 1, 1997, three faces were all pending. Two of these these faces were under appeal by the mening hours and has, therefore, not hower final. Of the test from that has been faultiond, and, therefore, were collectable, flow were not collocated on time. These final were an average of 91 days definipient and none of them were assured instant.

Once from are collected, XOBI forwards the money to the state transmut" collect to be deposited into the Naming Honge Resident Tara (Nami. State has equivalent that the models in this trans find are to be used in protect the built or property of residence of maring bones that DBI finds definition. According to a DBH official, no claim have were been find appired the find. As of November 21, 1997, the find has more than \$100,000.

(See pages 42-86 of the report.)

Recommendations

- 4.4 After flars become final, they should be treated as accounts receivable and collected by DEEP's accounting accion.
- 4.5 For those fains that are delinquent, DIIII should charge interest and deduct the total amount due from the facility's Medicaid reimbursement prometer.
- 4.6 DHB should inform residents and their families, through its publication Naming Bone Case in Louisians, of the existence and possible uses of the Naming Bone Residents' Trust Fund, whenever applicable.

Denial of Payments for New Admissions Has Control Weakness The proceeders used to enforce the sensition of denial of payments for new administration look sufficient internal controls. Prolifier could will be substanted through the Medicaid program for new administration during the anaction pariod. This resulters may issue the efficience going the denial of payments sameline.

The procedures followed to efforte the detail of payments for new datasiation searcing and informal. IDH3 endites the staff remetion who protens new administen net to sutheritize new administers for the suscitional finality during a specified period. An overright by a DDH3 mall mamber processing new administence could like it a payment for a new datasiation chaing the satisfication period. No overside, either by other staff members are by computer edits, ensure that the matching is a staff our barrowise.

(See page 46 of the report.)

#### Recommendation

4.7 DHH should adopt formal procedures that protect against possible administion errors during the denial of partnersh for new administic susceim. This could include computer odis by the flacal intermediary to deep payment for new admissions during the sanction period.

Case Management Regulations Are Enforced DBH ensures proper development of resident assessments and case plans through its normal inspection precision. This process appears to be autified on operaptive priving angular analysis of resident assessment and care plan deficiencies being uncovered by the surveyors. Appropriate surctions wave imposed for all deficiencies related to resident assessments and care plans for the 19 anguing homes in the sample.

We reviewed the inspection documentation for a sample of maning human. We found that surveyes that discussments 51 resident assessment and care plan definitions within the 60 imperiors in your sample. These data suggest that the DOBS surveyors upond considerable time evaluating resident assessments and care share.

DBH imposes succious for resident assument and care plan deficiencies creatementy. This serves to ensure that the bashh and well being of the residents is being effectively maintained

(See paper 47-48 of the report )

Admission and Discharge Reporting Controls Could Be Enhanced to Minimize Overpayments DHH has sense controls in place to ensure the securacy of Modeaid respirer schedules and meanin chara on payment measure. However, some of these controls in order meanal processes that are susceptible to error. It is defining, DHH has ne controls its welf the docharge date merceported by the meaning homes. There welchosers can allow randing facilities to be paid for mercine that were not correled.

For each person applying to Madicaid for naming home care, DBH mean random het mancial and needical eligibility of the applicant. If an applicant is determined to be eligible, DBH sends a document in the finding informating them of the architest due that Medicaid can begin reinforcing the finding the first reinforce due that Medicaid can begin reinforcing the first line in the houst. Each month, providers submit payment requests to the Medical data intermediary for the province month's surving facility services. While DEUs reinformement systems appares to be working, it is a manual process that is susceptible to error. An enversight by shift could usage comparements to surving home providers.

If a numing house resident receiving Mattenid benefits is destarged, the finite is required to notify DRH. Discharges could be to a hought or house, or does to the desk of the middent. If a facility fulls to accurately notify DRH of a Medicaid resident's desharge, DHH will continue to numbers the facility for the care of the excitent.

Gee pages 50-33 of the report.

### Recommendations

- 5.1 DHII should have Unity install a comparter with on its payman report presenting system. When Unity data cetry paramatal input new administra, this oil is walk available that the number information from the new administr and her that a systematic report. This would ensure that as the payment report. This would ensure the payment document times and it would patient apaint ensure by the staff manually recreasing the billing expension.
- 5.2 BISF should respon that the Offer of Public BiothY Vanil Researts Registry regularly previde BISF with information about doubt in Louisians. This Information should be the compared on the Miccial dightity offer and data of doubt chould be updated. In addition, BISF should have the focal information determine a data we cholomoust were made for determine and any cholomoust were made for determine and the focal information of the determine and the focal and the strength of determine the Uth funda are reserved. BISF and the strength of the strength of the strength should amount that Uth funda are reserved.

Level of Care Reimbursement Controls Could Be Improved The process of changing the level of care visioheated has no vurification system is place to protect against houses error. In addicat, the loss of care constraint that DBBC concerdly has in place do not ensure that if the invol of care seeded by the notifiest document, the level of care seeded by the notifiest these control are incomplete, naming home previden can be reinhursed for services that were not provided.

As downship down, DOB downshop for initial over of users to real Metadian initia. The dogenerate dise inferences may changes to the level of care residuand. As autocritation form, than DIBIT may account for the dogenerative respect that bill for the residuant in the new level of care. Using parsented resets the proper dogeneration. Lake the procedure used for may represent the second second and the second for may automatical the second second for the second second particular second second second second for the proper dogenerating is when the bit burst error of his nesinghestored cold status perpendent to be made to second particular second particular dogenerating and particular second particular second particular dogenerating and particular second particular second particular second particular second particular second particular particular provided.

Currently, the level of care controls roly on moving theiline to report to DBHS if the level of care needed by the metadat decrement. DBH does not southedy compare the level of care provided with the level of care rolenatored. Confidentian inspections and complaint investigations may discover minerarchine between the minimatoresemi levels and the care provided, but this is not a formal part of the imprecision or investigation. Therefine, which furthing much be relevant of the same to soft the method.

(See pages 53-55 of the report.)

#### Recommendations

5.3 DBH should have Using instal a compart with on its payment regard processing appendix. When Using data only personnel layer thanges in large of any shift of the should require the layer of some information from the layer of our change authorization document (human) by (DHI) that is not to the payment require. This would name the should be apprearing the should be should be appeare any bott that the should be should be appeare any by the staff manually screening the payment requests. 5.4 DBIT should add a procedure to the certification important to the transformation of the certification of th

Post Payment Reviews Are Passing The Survillance and Urbancio Review Subsystem (ORRS): of Usiny may incompare billing receptionies by marking findities. These investigations, however, we usually initiated when recipients or private classes provide the initial information. In addition, the investigations are by their nearon conducted after conductionation have scenared, thereby lineing the states in byto recover fisch mather than processing arranges or informer methors methods.

In addition, the fiscal intermediary and/or participanity to 30 sample of Models or explores. The departmentine task the respirent to confirm that the support all networks were received. If a sentjent duration tark the support of t

Each of these methods of triggering an investigation reliev or paranac conside of DHH to report disrepancies. Furthermore, many moring home residents may be too ill to tell if they got the services for which Medicaid is preving. As a result, DHH may get lattle or to feedback from conidents who are sampled using the method.

(See pages 55-36 of the report.)

### Recommendation

5.5 DIHI should send the Recipient's Explanation of Medical Bundla notices to the guardians of survive bone residents rather than the residents themselves. This may generate more feedback to occure that facilities are providing the Medicald services that are reinhumed.

## Chapter One: Introduction

Audit Initiation

The Office of the Legalitor's Auditor conducted this performance and a sport of the National Stars Auditors Annoximic (NSLS) joint and its lange-term care focusing on many forces. Early two Parabolic resolutions and the spin is the addressed by any mander more than the stars the performance constraints game developed as and finageneous Audit Agelows. The objective focus on some largets of energies that defende the advection of the operation of englishing the NSLA. The objective focus on some largets of energies that defende the advection of the operation of englishing the NSLA and adjustance or developing additional department. We chose to the objective focus on the operation of englishing the NSLA and adjustance or developing additional department. We chose to the speech developed the adjustance of the operation of the adjustance of the adjustan

- Determine whather the agency responsible for forming providers is adequately ensuring that the providers meet all of the forming requirements and that all providers offering services are appropriately formed.
- Desensive whether the agency conducts the recessary inspections before ioning a license and whether the inspections ensure the provider is comoving with the agencerates rules and resultations
- Determine whether the agency is imposing staticizes if peopletes are found not to be in compliance with the aggregation rate and explaintions and determine whether the agency is consistently imposing anactions for provident who are not in compliance (including failure-up to master violations are computed).
- Determine whether the agency's process of socialing complaints is adequate and whether the agency reviews all complaints aligning violations of rules or considence is a timely manner.
- Determine whether the agency ensures that services that were hilled were actually corrected
- Determine whether the agency is ensuring assessments are conducted and eare place developed to ensure each resident receives appropriate services.

Report Conclusions The Department of Health and Hospitals (DHIR) is the primary only in Louisiana for regularing mering bornes. Our audit found that DHII conduct the noncompy largecian to resoure that surving bones in Lauisiana meet all of the state lisensing requirements and forced certifications requirements.

For these starting beams not subject is followed coefficients requirements, havever, there are no written precedence for how static licensing importions are to be conducted. These are also so standard frames to document the articlistic flut take place design their importants. These starting the static static static of a written precedent and statuted documentation naives it difficult to sustary consistery in the results of them importants.

Our review of DHIII impections of 33 surving bases indicates that the impections took place which the time frame specified by just. However, over a third of the maxing bases is not sample had instruct between impections of chece to our year. Forderal regulations state that the impections are to be transammed. The regulation frame that the impections are to be transammed. The regulation state dispection dates diminishes the "samewide" insteart of the impection.

Our review of the complaint proton found that DHII provenily investigated complaints against average howers within the distinguistic time forware. However, the process for acting provides for throughing complaints in an discussion. Therefore, it is difficult to distortion of investigation priorities are appropriate and consistent. Furthermore, DHII uses insensitient and somethers coefficient guidelines to set investigation activities.

In addition, the lifestift Standards Section's unionated complicits-inciding system is not being fully utilized. This system could holp the department evaluate the efficiency and effectiveness of the compliant system. It could also help them to identify those surving homes that have complaints (field on a regular basis).

After DBH surveyers complete surving home impections, they must report any deficiencies found to the home's administrator. More than con-third of the inspections that we examined did not meet the requirement for thendy initial notice of inspective results. Berever, marrh all of the energing houses requiring a revisit, based on inspection results, received a revisit in a timely manner.

Belli rendy impose monetary startines. Our sample in functions shown that endy 4.5% of the importance moving in momentum particular to the sample passes. Namy 44% of the importance saw reviewed, knewer, from 4 the sample planes were not in adultativiti compliance with start and foderal regulations and compliance article sample that and foderal regulations and compliance article sample sample and for the sample sample sample sample sample sample sample families, but it is not giving the families a notativity of disconstruct to sample sample sample sample sample sample families in the sample sample

Generally, we final that DIII impose consistent sections as a series planes fixed of hard deficiencies. Bowever, some these are not imposed according to regulations. Bowever, some these are not imposed according to regulations providences. Ref of the fixes that are manual against the bowes in our sample were as collected until after their deal data, W. at do found that are hierers wine charged on the disfaperat flass. As a could, DIIII first as apportantly to we destributed.

Our file review found that DHH is summing that resident assessments are conducted and care plans are developed through in moreoing precises. When deficiencies are found, DHH imposes the appropriate type of sanction on the facility.

We found that although DHH has controls in place to prevent orwappeneits in Medical Annual goals approximations control is estimated in the second second second to control the executive of Medical density have been billing at manual processos that are smoothied to error. In addition, smart of these controls earned only in place if near addition, smart of these controls earned by a place in near some that if the level of core results particular the second second second billing. The controls earned by in place is not some that if the level of core results particular the second second second level of the second particular the second second second level of the second particular the second second second level of the second particular the second second second level of the second particular the second level of the second particular the second DHH Regulates Nursing Henes The Learning Dependent of Halman and Halpacia (DBC) mapping sequences the conjugates of the second second second transition of the second sec

DEBITs also represented for individuality for stars's blocked Program. A stars of the represented PDT stars control for the properties of the represented PDT stars control for the PDT stars and the PDT stars and the PDT stars and the PDT stars and a stars and the PDT stars and stars the PDT stars and the Individual Stars and The PDT stars Allowed Foundation (Stars and The PDT stars and Stars Makacai programs). Nunsing homes the rest field with the Makacai programs. Nunsing homes the rest field with the Makacai programs. Nunsing homes the rest field with the Nunsing of the Model all programs or nunsing with an Allowed to Foundation Potentianes. The Model and programs or nunsing with the Nunsing Nucleanes.

DHPT's Medical reprodibilities include resthering mening bonase for the cost of carling fire Medical middens. Approximately 32% of the gateng for midmasmanta acoust how and make, the emission constri fire Medical Karling, bonas and a middense and facing a prospective payment system based of fibrated fixed (Gare, A data matching) and the fire of the outpoint of the system of the system of the system of the emission of the system of the system of the system of the product of the system of the system of the system of the product of the system of the system of the system of the product of the system of the system of the system of the product of the system of the product of the system of the syst DHDI spent monty \$500 million on Medicaid reinthesements for naming homes during the 1990-1997 fixed year. Of this amount, \$55,753157 was spent on some can surving facilities, whereas \$606,609,137 was spent on private moring facilities. Databet 1-1 illustrates how much BHSF spect on enuming homes for fixed ware 1994-1992. 1992-1990, and 1990-1997.

Exhibit 1-1 Department of Health and Haupitals Nursing Hame Expenditures				
Norsing Hones	Pixal Year 1994-2999	Flacal Year 1995 IPN	Flacal Year 2016-1997	
Private	\$511,1%,251	\$500,472,413	\$466,809,37	
hana .	104025	15,863,815	15,N7,38	
Medicald Total	883,81,95	\$12,03,435	5482,436,73	

IHIST is equaled into the functional areas. Digibility Operations, Eligibility Program Operations, Multical Management Information Systems (MMIS), Health Standards, Program Integrity, Polity and Planning, Program Operations, Institutional Ratioterament, and Planning, Program Operations, Edditi 1-2 on the Solucies rates dense BHST consumination charts.

Health Standards Section Responsible for Licensure and Certification of Nursing Homes The black Souther's Section which IDDS's according to or entrong location and or enfrancian explorations. For anxiety, houses. The Hank Standard Sociation excave compliance with these requirements functions of exploring the section of the compliant investigations. This Sociation has 1.54 anneyses at allocated attacks of the section of regulating mening homes from other long-term same regulatory expendences. However, DODI officials estimate that the Health Standards Socials aport 32, 548,000 regulating seering homes in the 1007 fielded facal social

The Handh Standards Society is also responsible for exclusing anticome spatient matrix gluomers that do not comply with lowening and confectionant requirements. The tops of catastica datasen depends is not reversity and central of the defaintisis datasensed through improtone and compliate investigations. The auxiliary and the spatial program of the second state of correstion, which will have defained in the connected, to reversion the lower of the mention form.

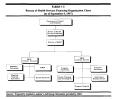


Exhibit 1-3 Location of BBSP Regional Office



Research Descended by head-holes and and other helps and an enabled by 74.00

Other Agencies and Offices Involved in the Regulation of Nursing Human Several state agencies and offices axist the Hmith Standards Soction of DBHs in segalating raming howes. These include the States The Marchal, the Office of Public Hmith, the Office of Elderly Affairs, and the Department of Justice. Each of these agencies plays a significant role in exacting the health and well-being of naming home resolutions.

The faster Fee Matsike' Office and the Office of Public House density area/well in the inspection process. The State Fee Matsike and State State State States and States Fee Matsike and States States and States States and control maintenen dy with the inspections proceeding around inspection surveyors. Tapacture from the Office of Public House contained and the States States Code. These inspections and States Fee Matsika States Code. These inspections and States Fee Matsika Instants States Societies and States Fee Matsika Inspections they are done yourly for all mattach above.

The Office of Elliefty Addies administere the start's Couldream Program. Derobsteres new on advectors of starting heare analysis. They investigate some completes and resolute material signalized on transing house. Defoutations and a start information with DBH surveyees and a distant attant and conditiones of maning heare surgeodesses. Wireful designment of shores employs. Medicalar France Course Units within the Department of Fastion for investigations units and starts and the designment of starts for investigations.

Scope and Methodology This performance such of long-term care in Louisiana was conducted under the provisions of Thit 23 of the Louisiana Revised Statutes of TS30, as averated of We conducted the audit in accordance with generally accepted generators tracifing standards as consultant to the Construction General of the United Status.

The scope of this soft was limited to long-term core provided within saming homes. We did not look as adds they care, development disably instantical or other types of homg-term nee. Epecifically, we evaluated DER's evening to if names been for a sum. Tooming and impedicue, compliants, bling, enforcement, and case management practices. Our adds sum forused en DER's antrivies in the address uses (1964 and 1967). We reviewed state and finderal land, DGH rules and regulations, and DHH provide files. We also interviewed DHH processel. We assumed DHH revealing laterities by previewing the documentation in the provider files, interviewing DHH complaying advances appearings. We these compared DHH's versiging advances and field results are and federal lanes and identified and differences.

Our creates of the documentation in the provide film was not performed for all insuing linears in the matches matches large neutron of fluctuations. Ranker, we such a matches matches and the second second second second second second second sequences and the second second second second second paragraphesements for the second linear second transmission. Second transmission second second second second second transmission. Second second

Report Organization	The n shapters and	amainder of this report is divided into the following appendices:
	•	Chapter 2 describes the licensure and impection processes and our finding regarding the aulit objectives related to licensure and impection.
	•	Chapter 3 describes the complaint processing system and our findings regarding the audit objective related to the complaint system.
	•	Chapter 4 describes the unforcement and spectrice, process and details our findings related to spectrees. It also centains our work as the case management objective.
	•	Chapter 5 describes the ministrument process and assesses DHH's controls related to this process.
	•	Appendix A contains class violation levels and their associated fine amounts.
	•	Appendix B contains DHIT's written response to the report.

## Chapter Two: Licensing and Inspections

Chapter Canchasiens The Brahh Sizudards Section within DBH is ensuring that moving hourse in Landsam meet all of the state licensing experiments and federal certifications experiments. Is addition, eer sample file review indicate that DBH is conducting all all the normary interpretions before insing a license and certifying a hours as slightle to receive Medizaid methem.

For these sources because net subject to federal coefficients requirements (then than 5% of the Localiana maring hence papahatine), there is no written precodure for how stars iteorating inspections are to be conducted. There are also as insudard forms to decrement the archivist that take plane during them inspections. The lack of written precodurys and standard documentation forms makes in difficult to ensure constitutes in the conduct of the interpretion.

Our review of DHH inspections of 20 manuals indicated that the inspections took place within the time frame specified by law. However, even a third of the menning homes in our sample had intervals between inspections of due to one press. The regularity of inspections data distinishes the "averativa" spector of the inspection.

Licensing and Inspection Process DHH leases the 500 merces because in the state and enforces complexes with state statefields through periodiinspections. These rearies however that accept Medical recipients (286 of 330 homes, or 55%) must confirm to fideral certification standards in addition to the state licensing annulata. DHH ensures adhermers to these federal standards through periodic inservices.

State Licensing Requirements. All nating houses in Locaisans must be isomed by Diell before operation. These locanes must be renewed yearly. Licenses must also be renewed when a maring house arranged in facilities. To chain a license, a prospective nating house near (1) must the state straining standards, (2) fill out an application form; and (2) pay a licensee for. The same errorem is followed for emerging The forming standards that must be not by maring hornes are codified in the DHH publication Advances Standards for Maring Homes. This publication was have covered in 1974; however, it is carrently under revision. State law algolates that the linearises standards that before to 20

- Location and construction of the home
- Number and cashfications of personnel
- Sanitary conditions
- Dist related to the words of each resident.
- Equipment cosmial to the health and well-being of the residents

The application from requests information about the eventship of the home, the number of licensed bods, the administrators of the home, the number and type of employees, and other information relevant to DBH's oversight reasonabilities.

The licensing process begins with DBBT e receipt of a license appliantics. Upon receipt of the application, DHH causes an investigation to be made of the home to assues compliance with the Mellineer Shandard dy Narsing Novac. The investigation constant of three distance and/visits: in inspection by DBFT's regional office, an improving its DBFT's program of the DBFT's regional office, an improving by the State Fire Marshal, and an inspection by the OBEs of Thole Instab.

Curv is taken to sense that the State Fire Marshal imperior does not over before the Hubbl Statedard Socion impection. This would also the locus and diminist the "surprise" aspects of the impection. The Office of Public Hubble satisfies impections correspondent seconding to its own soleholds. These impections are done yourly and the results are submitted to the Hubble Statedards Societies user conduction.

Upon determination that the lower sees to be experiented in the Advisors Scheduck of Neural Scheduck and the appropriate file has been received, PHIP issues a facture the displayed in a complexicous plane. At the time of recent, a province in a complexicous plane. At the time of recent, a province in the second scheduck and the second and complexicous learners are being of the second scheduck to the second scheduck and the second sche Federal Certification Requirements. Nursing homes that accept Medicaid recipients must be cortified in addition to being licensed. To be certified, a home must:

- Undergo a facility need review
- Be located by the state
- Be in compliance with the foderal requirements for participation
- Enter into a provider agreement with DIBI

First, a fieldity and review must be conducted for the home. Picelity weed review as usersmeants at of whether or not there is sufficient need within a community for additional Medicald musting Jonna body. These reviews are a state, not federal, organizenset. Whithout approved from the Picelity Need Review Program, a musing home cannot have any of its body certified as Medical body ever if it most all other conditions of markinsidor.

The second requirement is homaze. Licensure must be obtained before or in conjunction with the request for cartification of befs in the Medicaid arcense.

This is shown survive no compliance with the fidual requirement, which are coded on 4.0, 26, 48.13. - 40.13. Thus requirement relate to all append of the fidual relation (single, quality of our ALE), which is a construction of the structure of the structure of the structure optimizers are not remained and the fidual data the structure the confluencies imprecision and the fidual effects (2014), effects on event databases of effort.

Cottication impedience are conducted to ensure compliance with the forder lengthermost for participation. Inspections must take place at least noise every 15 months and the transmission instruction are evolved in Appendix F of the Man-Month and the second second second second second second design from kipsettone are evolved in Appendix F of the Man-Month and the second second second second second design from the second second second second second mappeding representations, second second second second adversion in a design and the second second second deterministion, and the second second

The surveyors use the HCFA document Guidence to Surveyors to help identify specific deficiencies. This document prevides interpretation and clarification of all federal coasiansance as started in 42 GPR 4031-1483, 255. A tag stratebri is given for each legal expairment. Defointeins are written to a statement of deformedia frame, y inference to the state ang cambers. The severity of deformation (*How Trangh area of a gift in the Date Operatives (<i>Hower*). This grid experises defointeins and inficient the minimum statement for each entropy. For a fuller discussion of autocolon, are Chapter 4.

Finally, there must be a provider apprecisest which specifies that the surving home has neet the fideral requirements for participation and given the type of enviso for which the surving home has been certified. The bulk of the apprecisest lays out the constratual respectivities of the surving home and DHH is the prevention of care to Modular doubless.

DHH Ecoures Licensure and Certification Requirements Are Met Decrementation in DHDI files verifies that DHDI followed all licensing and certification procedures for the TO maning homes in our anaple. Also, the documentation indicates that all superpoints impositions took place before gatating a license or certifying a home for Medicard evidents. As a reach, DHDI superson to be compying with ratios and federal layer superling licensing and certification of naming homes.

DHI norm the lowner document is a some of infridual provider files. These provider files contain an application fragory of the shock was to pay the lowner fin, and the inspection reports (i.e., the field) Standards Decision Report, the State Fire Marchill Report, and the Office of Public Heads Report. Our State Time Named Network and the Office of Public Heads Report. Our State resets were fire the 31 metrical borners in our serves.

The certification documentation is located in the same provider fibes as the Kontone documentation. Our file review indicated that all certification documents were present and appropriately field for the 7.0 hones in our sample. Separate file reviews for the Fuchly Nod Review and Privide Enzolmane Agronomes showed that all secondary documents were present and asymptotic file for the 10 hones in our sample. No Written Procedure for Licensing Inspections For numbing homes that are licensed only, DHBI does not have a vertrain impection procedure. In addition, no standard forms are used to document the activities performed by the surveyors. The lack of written procedures and standard documentation makes is difficult to ansate uniformity in the conduct of licensing inspections.

During our observation of a state locating isopecies, we rend that these were to writem proceedings detailing the specific axiations to be followed by DHU surveyers in conducting these improvime. There was also no forward documentation of the specific activities that node glace during the supportion. A DHU reliability and the answeys singled pay implaintion by regulation, through the DHE's althouses 'Danakin's for Narsing Novem and notes any deficiencies.

Only 14 of the 100 marsing houses (2%) in the state 4a not eccept Medicaid residents. These houses are subject to state licensing impections but not fideral cartification standards. Consequently, the lack of writess precedents for how to candiect state. Kennaus impections applies only to those 10 marsing houses.

The other 206 starting bosons is the starts have Madical mathematical and a structure of the start factorial statutation is the Zhare Capenciane Monosel. During our observation have provide the production statistical in the Start Capenciane Monosel. The surveyor failtness the approprint procedures and complete all the screenses frame to document the supportion. On the review of the contribution impochan document the support.

Recommendation

2.1 DHH should develop written precedures detailing the actions to be followed during a locating imperiata. These procedures should be decompeted in some systematic manager to construct constitutions in the conduct of licensure imperiate. These procedures thendid also ensure the antipy and welfare of the residents.

## Inspection Timing

Is not review of cardination ispection documentation, we found that a solutional instance of inspections occured alarses that inspections be summarized by however, the regulatry of inspection does means that an inspection. See a complexity with a solution of any alarse in a damp does not all accure. As a read, dud dament of any plan is displaced. These studies of the project and damp does not always and a solution of a solution of a solution of a damp does within a damp of a damp does not always and a solution. The second damp does not always a solution of a solution of

Exhibit 2-1 Intervals Between Impections for 30 Sample Nursing Houses			
Intervals Between Dates of Inspections	Number of Nursing Humes	Percentage of Total	
Wahio 2 Days	6	20%	
From 3 to 14 Days	5	17%	
From 15 to 30 Days	12	4376	
From 31 to 60 Days	3	10%	
From 61 to 75 Days	4	15%	
Total	30	100%	

## Recommendation

2.2 DBH should increase the variability of the importion dates so that surviva home administration are less able to predict when their neal importion will occur.

# Chapter Three: Complaint System

Chapter Canclasions Generally, 2018 investigator completion against sensing benes within the designated time frame. However, the process for setting priorities for investigating completions to set documental. Therefore, it difficult to determine if investigating synchronic and spontant and constituter. Furthermore, DIH uses insemistrat and sometimes conflicting guiddents to set investigation exciting.

The Health Steadards Section's astronated compliantracking system is not being fully utilized. This system could help the department evaluate the efficiency and effectiveness of the complaint system. It could also help them to identify those manime homes that have combilate on a require basis.

Overview of Complaint System Is local year 1996, DBB received nore that 500 compliant against manifest here in the only year 1097, the number of compliant against norms. The Compliant dual of compliant against numph doesn't index of the compliant of compliant against numph doesn on theoremethat conversibly restards fulfills. The compliant dual range in temperature limits of all informations reprice that doesn't fill compliant, DBPM studies of the software in reprict that compliants from the compliants. Depending specific building of the software with being and specification.

DHII follows both rate and foleral compliant procedures at the foldenal lowel, the Headed Cure Pinnessing Administration (HCFA) stabilishes compliant procedures for DHH. HCFA has developed regulations governing loadh, safley, and well-being insure perturbance to machine in sensing bornes.

At the state level, the State Querations Islamual provides the Health Standards Section completed desix with general operating requirements for processing completions. Other than these guidelines, DHH has discretionary authority to establish its own completed processing control system, as king as this system essents the travity and generating action of all complete millions. addition to faderal requirements, DRH complex with state laws, desarbased procedures and internal policies that it follows.

The department's maxing home complaint investigation process is cardined in Exhibit 3-1 on page 21. It can be divided into from areas

- Intake
- Screening
- Investigation
- Residu

Complete Instals Process. DBIT receives completes to network of converts. K. 56 (2020) 11 requires the department to protein all completions and domains whether there is researched provide the networking of the second second second second explosite investigations. No complete linearching of the strictly, networking on the which profiles investigating application of the second second second second second physical second second second second second second physical second seco

According to DRBS officials, such compliant that is net atomicated for one of the above masses must be investigated, and a compliant report must be examined from the investigating must. DRB in required to collect the following information for every conclute allowation:

- the complainant's name and address (anders complainant requests anonymity);
- (2) fields name and address; and
- (3) a description of the problem or problems, including names, places and dates. (Each complaint on have multiple problems or allocation.)

Complaint Screening. Members of the complaint lenks suff must have a bacachiever degree or current Locations forme of al least 5 years of emperiment transing, planmare, detectionaterison, we method industry. This staff screens the complaint in order to doesnine the two envery of the alignition. Once the particular staff and aligning the staff screens the sociase an enter order in the complaint. Bash complaint is assigned to one of the following investigation priorities 24-boar, 5-day, or 30-day. All of these investigation priorities are assigned according to whether or not the complaint alleges immediate inequality to resident health and safety.

In addition to compliance, there are also allugation of fascompliance which are liss service alligned and the dote retroevier, separate investigation by DBM. Allignations of accompliance inducts erect on-the statis and administrative contrast. The imprecision many networks and administrative contrast. The imprecision many networks and administrative contrasting the indiretion of the statistic contrast and administrative contrasting the indiretion of the statistic contrast and administrative contrasting the indiretion of the statistic contrast and administrative contrast administrative contrast and administrative contrast administrative compliant date add the failed by adv providing dense to respect which to DBH which the encourse of the investigation.

Complaint Investigation. DHH forwards complaints to the regional office that oversees the facility that the complaint in against. The regional office managar receives the complaint and includels it. For investigation by an inspection seas.

The serveyent arc required to conduct complicit invertigation in secondance with avery specific investigation procedures contained in the June Operations (Adoust). These procedures instantics memory more and otherwise guests of the fielding's physical meriorement that may be relevant to the completion. In addition, the surveyous inservices the compliance, the person the compliant was about, other witnesses and smlf involved.

Before completion of the investigation, the inspections team is required to complete a report with a neurative description of the completies, including the control of the investigation. If the surveyors find that the facility fails to meet one or more of the locating or conflication requirements, DHH can initiate some type of influcement and/or.

Complaint Rundle. Once the complaint report is received from the important source, the complaint dock staff logs findings of the investigation into the complaint receiving source. DRH theo needs a latter to the naming facility, as well as the complaints, with the nearbs of the complaint investigations. Any complaint findings are need in this letter. Complaint allegators on the wells, investigation and the workfold.

- <u>Valid Complaints</u> An on-site complaint investigation has found noncompliance with a regulation.
- Invalid Complaints An on-site complaint investigation has identified compliance with a mendation.
- <u>Unable to verify</u> An on-site complaint investigation was saable to determine if there was noncompliance with a regulation

DBH keeps a pending file of all outstanding complaints against maning homes. When the surveyor schemic the complaints report, it is matched with the pending file. This procedure helps to ounce that all complaints are investigated in a trictly manner.





## Procedure Fallowed for Complaint Investigations

Our review of the unsing home compliais fails indicated the neuropen conducting the complication investigations followed the definitely procedure and properly documented the investigations. We reviewed complicit fails for 10 months in processing systems and the indications of compliais investigations. Exhibit 3-2 below illustrates the types of affingations we reviewed in our rangels, as well as the types of affingations we reviewed in our rangels, as well as then the filt we reviewed.

#### 14955113-2

### Types of Naming Home Complaint Allegations and Allegations of Numeronoliance

Туре	Definition		Examples
CareServices	Each resident must receive and the facility must provide the messancy care and anytics to attain ar maintain the highest practicable pleased, mental and perchasecial well being.	·	A statistic who had to bedreen Orders administon to the surraing heme's now has bedreen.
Dietary	Fach resident must be previded with a suscituting, psintable, well-balanced diet that meets the daily subtitional and special distary needs of each resident.	·	A resident to diabetic, and data not receive the proper diabetic dat.
Kerimanat	The survival facility is required to care for its residents in an excitoment that promotes antidemance or enhancement of each sublemative spatilly of 16th. The facility must be designed, constructed, equipped, and manufactor is present the hands and only of residents, presented and the public.	ŀ	The facility temperature i test cold, therefore, the traidents are unconfortable.
Roddwit Abure	The withit selfiction of injury, unstanonable confinement, instantiation, or purchased with resulting plenical horm or pain or mental anguith.	ŀ	A vasident has a braiac or the face, the cause of which is unknown.
Resident Neglect	The failure is provide goods and services minimum to evoid physical horm, mental anguide, or mental filmen.	ŀ	A resident was denied food and water for several data.
Roldert Rights	The readent's right to a digatified existence, self- determination, and communication with and access to persons and services inside and codelds the Dedity.	ŀ	A resident was denied his Evenders of choice of sharmour.
Abgation of Nat- Compliance	Minor alignmous that are defined to the next on-the visit. These are used for off-size proparation activity.	ŀ	A meddent's glasses were scenarized and she useful not see through them
Administrative Reformals	These are non-instantiate concerns sent by mail or phone to the matting bone the allogation was against. The maning home is reapposition for invarigating the allogations and sequending halk in IEEE.	ŀ	A studied warm to incom the summing home and the facility administration will not in her larger.

We reviewed all complaints on file for the last two fiscal years (1985-56, 1996-67) for the 20 earning homes in our sampling Tais routhed in 190 complaints in our analysis. Some complaints had multiple allegations. The 119 complaints that we reviewed constained 1988 allegations.

Over half of the allegations relate to the same of residents or the services that they should receive. Exhibit 3-3 below shows the total number of each type of allegation in our sample.

Type of Allegation	Tetal	Percentag
CaroServices	228	57%
Distary	18	5%
Ervivement	34	6%
Reidert Abuse	15	5%
Resident Neglect	14	4%
Rosident Rights	22	6%
Other	19	5%
Combination*	14	3%
Allegations of Neucompliance	26	2%
Administrative Referate		2%
Total Allegations	2/15	100%
*Can be a combination of any of other typ Note: Presentation de not abilities to 2020		

No Evidence of Complaint Screening Process The compliant files we reviewed contained one ordence of how the compliant files were compliants to determine the investigation priority assigned. Not documenting this critical decision during complaint insite makes it difficult to tell whether meannable granted for an investigation direase motion, or whether the complete disk is properly analyzing problems that should be investigated secure that the assigned investigation priority.

Upon needige of a complaint, DBH makes an immediate missement of the information and prioritions the complaint according to severity. Is nother to determine how quickly complaints should be investigated, the complaint date staff and the information of these severing questions in the complaint files or on correspondence sents to be readed office.

BUCK a pursues DRE to decide the testing, accept, duration on coduct of a complete investigation, accept when the complete in twolves an allogation of atomical is properly to involve the second second and the second second

Half of the complaints in our sample were simpled a 30-day investigation requirement. Exhibit 3-4 on the following page shows the priority assigned to the 119 complaints in our file review.

Exhibit 3-4 Assigned Investigation Priorities of Complaints in Sample			
Investigation Priority	Number Received	Percentage	
24 bears	22	1996	
5 deps	21	18%	
30 days	60	50%	
Next on-site	10	8%	
Administrative Referral	6	5%	
Tetal	119	100%	

Investigation Priority	Total Allegations	Total Unable to be Verified	Percentage Unable to be Verified
24 hours	59	25	47%
5 days	65	30	425
10 days	232	94	41%
Not cenite	4	3	25%
Tetal	360	195	41%

Although complain extreming is a subjective process that requires the use of professional plaquest, evidence of this sovering precess should be apparent in the film. This information could be as an examplement control for DHB programs management in suscessing the effectiveness of the screening process. For example, is could be used to infect the screening process. For example, it could be used to infect the screening process. For example, it could be used to infect the screening process. For example, it could be used to infect the screening process. For its reminister the number of allogations that are found in the surveifiable when investigated.

Recommendation

3.1 BHII should decomment screening proceedures used when deciding here quickly a couplisite interestigated. The department should develop standardined operions in a six at the time a complaint in taken, we design a complaint matrix illumining here its service) of the couplish alignations is determined. This preventure will report how completion are mainput as a majorith to complete the matrix angles of the origination of complete the matrix angles of the standard operation of the couplish of the standard of the complete in two plays in the standard operation. Unclear and Conflicting Criteria Used to Assign Investigation Priorities Although DHII has policies and procedures for anapping incredigation provides in it not always take which out is in followed. Pathemere, department proficies and procedures are not considered with department and feedual signalization. Excesso of this hash of classity, not wave anable to werely solids that if plastics and procedures the department was following when anafping increasing plastic variant, most investigations occurred within the transprivat procedure.

### Federal Regulations and Department Policy and Procedures Conflict on When to Investigate Some Serious Compilaints

The federal guidelines in the floar Operation Adoma's permit DHD to use perifersional judgeset: when domining the coduct, uppersy and disposition of a coefficient coefficient (operation Adomais) equilate DHD is increating an which two working days. However, departmental policy states that compliant compare heads the other increasing which for the comlimited on the state of the days.

Furthermone, the completes proceedance listed in the Standards for Payment for Mansing Pacifikes sequence modest intense or support allogations to be investigated within five days. However, according to department policy, completent of abase and reglect have a 20-baser investigation conductore.

Of the 15% adoption is nor sample of complete His, 44 was addaption of related basis or range Tame 43 diagnosts come Nova statul (#) 20 completes. Sin of the 10 completes neurangend 70-die provingione requestrement, and one was assigned to the series co-statul (#Mis 24 days). According to 100H1 of data, the processa large/sadge-the 7-based investigation. However, if it could be determined in langehast a 24-based investigation. However, if it can be determined in langehast a 24-based investigation. However, if it can be determined in langehast a 24-based investigation. However, if it can be determined in langehast a 24-based investigation. However, if it is not be determined in langehast and the low restreme, then the following example illustrates have interactive journey could be servered. A certified nume's aide is reported for abusing a rasident. The surving home investigates the adlogation and the aide is for which. Therefore, the immediate property has been removed, as well as the risk to cendent askty. This alegation would nelogary have a 24-base investigation requirement.

DBPT set of isocrateria and severimes conductors guidents to set tourigation priorities makes it diffucts to describe it Completies are angined an appropriate interrugation springly. By himping under and the adopter to different improvidents. There have been of complete DBPT resolution of livering and the adopter to different improvidents. There have been of complete DBPT resolution efficiently implaining sering hores and souring the booth and which on the selection.

## Mast Complaints Investigated Within Established Time Frame

Once the complete dock surt the lossed grades periodic, 10H (interligons the majory at comparison works) the docgunard priodic plane frame (i.e. 24 hours, 3 dogs, etc.). 2 Mol 33 of the 129 docgunard line frame. Most of these lass complete in lower docgunard line frame. Most of these lass complete in lower docgunard line frame. Most of these lass complete in lower docgunard line frame. Most of these lass complete investigations (Harweys, 4 of the 13 last meruphysics) constants of largedisen ( Harweys, 4 of the 13 last meruphysics) constants of largedisen ( complete i trowsfattions in an examine the size frame).

Exhibit 3-6 Late Complaint Investigations by Time Frame		
Time Frame Late Investigati		
24 hours	2	
5 days	7	
0 deys	4	
Total	13	

#### Recommendation

3.2 DHH should review and charity its palicies used to seeign investigation priorities to complaints. DHH should adopt publics that are consistent with federal regulations and state law. This would further ensure uniformity in assigning investigation priorities.

Automated System Not Fully Utilized Currently, Health Standards Section's accounted complaint teaching system is not being used to its full potential. A spacer like fris could be used to produce useful program analysis information, such as whether complaint investigations are tisely and how complaints are readyed.

In May 1997, the complaint disk begas using an automated complaint studiag quarks. This test complaint paramaters allows complaine dual angle of page tailed information before the complaine, such as the source of the complaint, faisily information who it was represented by, which registed office the complaint increasing on was assigned for, a description of the alligation, and the source of priors rules thanks.

According to a EURI effective, the current system is used to tack all completions and ensates that and are investigated. Also, according to the same effective, this type of inferentiates will provide surveyors with a capital history of the total mather of compliants for a particular theilary, as well as the types of completion. However, DERI management could use the appent of load history of the completer numbers and types, as well as differences among regional efforts.

#### Recommendation

3.3 DIII should fully implement in notanuated complaint tracking system. The system could be used to compile performance data that would be useful to DIII management, regional office surveyors, and compilent data traff.

## Chapter Four: Enforcement and Sanctions

Chapter Conclusions After the DHH surveyors complex narring huma impetitions, they must report any definition in the huma's administrator. In the provider first but we consider, source than anotheric of the impactives did not more the requirement for instaly initial axis of arappeters results. However, nearly all of the impection documents that we commissed requiring a resist meriod and is a land transfer.

BUILT rardy lappent measurery santians. Our maple of lappedia decimient shows that well 45% of the lappedia routilitati in materiary storeties to the serving house. Our of 0% of the lappedia becoments we reviewed, housever, found the saming better were not in substantial compliance with stores and forbal metables and metabeneous compliance with stores and forbal metables are detected measurery storedings, the substantial present may not be an effective as it could be.

Generally, DHII is considered in the type of societies it inputs. However, some force are as it imposed according to regulations. Furthermann, DHII does not abrays collect free by the time frame socialization its in procedures. Some firm that were assessed against the barrier is nor rangely were and effected sould will while their disarks. In addition a effected sould will will be barrier in the source of effected sould be used in the barrier in the source of effected sould be used in the barrier in the source of apportantly to collect additional receases, and the determent effect of the flow rew (Enterhele).

Enforcement of use type of tanction, the denial of payments for new admissions, has an internal control weakness. This weakness may allow murning homos to be reimburned for new admissions dirities the sanction section.

Our certiev showed that DBB essures proper development of realdest assessments and care plans through the narmal superior process. When easy management deficiencies are found, DBB imposes the appropriate type of searching. Overview of Enforcement Process Lookiand's suring base enforcement process begins with the importion, which is described in Chapter Yuo. If the importion finds that a running been field to adhere to fideral or size regulation, DHH may take scene type of enforcement atting

The purpose of the impaction is no identify the of deficiencies or elevision for the full contains purposed in the Conditional and Sound, for an out survey, the meaning house and fill be considered in material barres only have to solve at a given of correction, which is already to be the saming house or all correct in the deficient data and the solution of the contrain the second solution of the deficiency of the solution of the contrained house on the deficiency of the deficiency on a solution of correction and others a house have and the solution of the deficiency of the deficiency houses have contained in advantation of the deficiency of the deficiency on an interaction the advantation of the deficiency houses have contained in advantation of the deficiency of the deficien

This shaper address the results and consequences of the important. There reads and consequences include monthfusion of difficuries and review. They can also include monthly ancions not in them and the deniud of payments for new administors, where DHH denius windownseems for any new Malicial contents and administ lease the facility for a contraints of these. Our examination of these sanciess revealed some wintenesses, which are discussed below.

File Review

As stand and/w, we necknow polyced V I Second maring howers and sivilarity distripation of the content of Association from the Deproving that were constrained associations from starged during the last the final association and the 2.0 finalities in our angele during the last the final association granule and the starsection a supersentation mapping of 10 additional programs and that we draw a mandma starged of 10 additional programs and the start of the start of the additional programs and that is drawn to mark and a programs and the additional that is drawn that the additional programs and the that is drawned to mark and programs and the additional that is drawned, we focus as mark prior to reaso programs and that is drawned, in the additional programs and programs and the additional programs. Since the and unsubject on two specific cases of the exclusiones of transitions of the start of the start of the start of the additional programs. Since the additional programs and the start of the additional programs and the start of t



Spence: Photenal by Isaidative auditor's staff from metarial dealed from DHE.

Many Facilities Did Net Receive Timely Notice, But Most Revisits Ware Timely Is approximately offs, of the coefficients importions that or examined. Didd of us or need to maphement for the initialy initial needers to the heidity of mappedies transfer to maps. Hence, many all of the mappedies in the out maphe has the initialy version, if weeded. A delay of the initial neisen map lengthen the i nee that fluidings are out of compliance with more and their regulations, and the sime that residences of the maniful forms may be subjected to substandard men endoirs conditions.

## 40% of Inspections Did Not Receive Timely Initial Notice of Inspection Results

DRH 4d new sed initial notice of impaction reads which the sequent fram frame for 2 in of the 77 supercision is our sample (40%). The initial notice is a latter used to the facilities formally notifying from of the results of the impaction. This latter specific the facilities from of the results of the impacting specific productions, as well as succession for non-instruming there are inter-frame to concerning more does not correct the delivitiescies.

The Share Operations Advanced mass that SMRI has 10 confered frage starts the loss days of the conference on a previde the survice gluones with the initial notice of respection to previde the survice gluones with the initial notice of respection methods, if there is no immediate inpegate). If consolidate impactly does must 2008 has two calculated days, one of which must be a workfare, to previde the initial notice. To these impactions in our sample, the longest that particle days one for impact one and the starts 20 days.

While the fashings are onlined of the surveyces' preliminary results at the exit conference following the inspection, there is no assurance that corrective astion begins at the facility until they receive the formal notice of inspection results through the initial notice.

## Must Revisits Were Done Within Required Time Frame

Nextly all of the impedience that we estamined met the requirement for a timely create. Only 3 of the 32 inspections (7%) that received reviate in our sample fail not affere to the required time frame. Because the revicts are being conducted in a timely fadicion, the raming home has an incentive to correct deficiencies promptly. For impactions with distinction that must in the noting them not being involutional and the state of the state after the musing home takes corrective action to must that the distinct is not seemedical. Association to the Sawe Queuchary Annual, DHH has to conduct the result between the first that the state of the state of the state of the state of the state annual power has an one of the state inspection and the structure is the state of the state of the state of the state of the structure is the state of the state state of the state

#### Recommendation

4.1 DIIII should produce initial notices of certification inspection results in accordance with the State Overations Manual.

DHH Seldon Assesses Monetary Sanction Few of the impections with deficiencies serious enough to warmer a rewisit by DBH (11%) resulted in monetary sanctions. Because of the limited use of monetary sanctions, the enforcement process may not be as effective as it could be.

## Most Narsing Homes Given Second Chance; Few Receive Fines

DBFF indecreases process usually reaches in a second charas for the facility to come inter- understand complexitions. The system operates by conducing impections and their allowing the maning have no coment are deficiently without processory sensitives being imposed. The averages their resist for saming, have is marker that the corrections over made. Usually, necessary sensitives are only imposed at the initial impection when immediate lowers to come.

In our original sample of 67 inspections conducted at 20 facilities<sup>1</sup>, 27 inspections (40%) had deficiencies serious enough to be out of substantial compliance, and thus, to warrant a revisit.

<sup>&</sup>lt;sup>1</sup> The ten additional importions included in our file review were excluded from this analysis. These importions were adopted from a list of importions that all had resulted in movemy preadles. Therefore, including them in this analysis would have skowed our route.

However, and 3 of these 27 (195) years field. The ranging, nonversity hore-word field of to be invaluational complications during three deficiencies are not nervice between the manage home of the deficiencies are not nervice between the manage home of the deficiencies of the second second second second nervices. The manage home compliant in Plans of Concretion, participant on the output of the second second second filtered, and DBH surveyors conducted a social. As the nervice followed, and DBH surveyors conducted a social. As the nervice followed, and DBH surveyors conducted a social. As the nervice followed and the nervices intered and the number holes. Note that the nervice of the number of the nervice of the number holes.

#### Each Revisit Costs About \$700

According to a DBB efficial, a standard certification inspection revisit costs as average of 3718. Thus, for the 27 revision that were registed as the helicities is to care ample, an estimated \$10,165 was spect. Over the two-year period inversed by our and/s, our estimate of the cost of all menting facilities' revisio in the state is \$273,880.

DHH regulations permit the Black Standards Section to part the facility as opportantly to concert deficiencies before ansempting a first. However, another these regulations one mass law publishs the permittion of fining neural powers whereaver they are found on of compliance. Because DHH does not levy a monetary auxino on sume facilities that are or of substantial compliance, it misses an opportunity to fiscourage mening locene from future deficiencies.

#### Recommendation

1.2 DOIN should use its discretionary astherity to fine all facilities that are found not to be in substantial compliance and that require a revisit. This practice may encourage facilities to strive to be in substantial compliance all year. Type of Sanctions Often Conform to Regulations, Bat Same Fines Do Nat DBB has boad discretion ever the type and secrety of sanctions. In general, we found that DOEF was consistent in its decisions about the type of sanctions to impose. However, same faces, once imposed, were not levind as security as the regulations require.

According to the Standards for Payment for Narsing Parchine, suscriptions shall be imposed that will bring the warsing locus into compliance in the most efficient and effective manner with the case and well being of the middatts the paramonant considention. The docision on this type and service of the samples shall be based on an assessment of some or all of the following functor:

- Whether the violations pose an immediate threat to the bealth or safety of the residents
- 2. The duration of the vielations
- Whether the violation for one that is substantially similar) has proviously occurred during the last three consecutive inspections.
- The facility's history of compliance during the last three consecutive impections
- What statction is most likely to cause the facility to come into compliance in the shortest amount of time
- The severity of the violation if it does not pose an intraodate doesn to bealth or solery.
- The logistical feasibility of implementing the surction
- The "good faith" exercised by the facility in attempting to stay in compliance
- The financial benefit to the facility of committing or containing the violation
- Such other factors as the DHIII secretary deems appropriate

## Nearly All Sanctions Imposed Were the Correct Type

Only one inspection that we examined showed inconsistency is the type of samition imposed. Therefore, most survive houses appear to have meeted the proper sensition. We examined 27 inspections (W) in our original sample and 31 eithers and 31 eithers appeared to the sensitive sensit with samples to see if facilities in similar situations were transf the same in the enforcement process. Exhibit 4-2 below summarizes the results of this stamination.

Because state laws, rules, and regulations give DHB wide latitude in inpusing anarcians, we looked for obvious incomsistencies in the statelinits impact. Is not incoparition, dedistencies were faund, and the naming home was not in substantial comparison. No immediate jopanty candid. The typical energy for this compary is a plan of correction and a winit. Homework in this runs and how would have incord

	Enhibit 4-2 Analysis of Canalatoncy of Sanctions Among Sample Inspections				
	Result of Inspection	Sanction	Number of Inspections	Percent of Total Inspections	
1.	No Delivionaire	Non	3	6.0%	
1	Deficiencies but estil submaniai compliance	Plan of Conscion Required	29	51.9%	
x.	Definiencies and not in substantial compliance	Plan of Consortion and Revisit Parpired	<b>.</b>	2015	
4.	Energenity Jeography	Fine of Corynition, Electric and Fine Respired	,	2.6%	
Total			17	100%	
	No. One inspection t Revisit and a Fe erest. Propagative its	N6.			

According to DHH staff, they may impose a fine when a nerring home is not is substantial compliance and, in cases like this one, where the deficiency is agregions. In this case, the resident died. In a latter to the naming home, DOM stated that abbough there was no "cassal connection between the care readered by the naming home and this resident's clerine, there were a number of care residents identified..."

## Fines for Repeat Deficiencies Not Imposed Consistently

Some field time with repeat deficiencies were fixed a continue for instead of the per-day fee as curlined in the Januards (or Payment for Meesing Facilities. When fixes are not assessed for the repeat violations using the stricture per-day fixe, the determinit effect may be inserted or even lost.

There are free classes of violations lated in the Jonnárdu for Payment for Norsing Facilities. They range from Class A, which is the most serious, to Class R, which is the least serious. Appendix A includer a list of the violations, preadless, and the types of definitencies associated with each class of violation.

DBH has note disorder in whethe to sume orbit fee fee Class B to Galax B violation, the other mass, whe Secretary ...may direct to many ...dvil face or may allow a specified period of this first for corrected and withinfor." For Class A violation, no disorders is percented, memory from many the summer. The secret and the secret for the memory effective secret and the secret secret and the memory effective secret and the secret secret secret and the memory effective secret secret secret secret secret secret secret for each data or effective.

In addition, according to the Domkindy for Poyneer for Neurolog Fachbore, DHD has the authority to describe whether a volumin is a request volution and should inform the facility is its notice of that descritization. Walkings multimase are found to exist volutions by DHB1 if the fallowing conditions are found to exist.

- If it can be assumed that the violation will continue until corrective action is taken, the department may elect to trust the violation as a repart violation subject to a first for each day the violation science and the violation is corrected.
- Wa similar violation has occurred within 18 months, this subsequent violations and all violations thereafter shall be considered repeat violations subject to fines and other seastions appropriate for repeat violations.

However, the Domkinsh for Payment for Naming Facellities density masses that if a violation is a separat violation the fine shall be on a per-day ranse. In 3 of the 12 dates (25%) that we examined, the facility was fixed a con-cluse file first a separa violation is instaal of the per-day fine. In the latters to the facility that assess the files, DHH index to the violations as even violations.

Exhibit 4-3 on page 42 summarizes our analysis of the finanthat we contained. It presents the appropriate penalty according to the Doubledy for Physeres (For Noving Facultation, the arrand fina measured and our assessment of whether the fine assessed meets the standards.

The effect of not assessing the fixes using the appropriate method is that the facilities that are fixed on a per-day basis may correct the deficiency more quickly than a facility that is simply fixed at a conciting rate.

#### Recommendation

4.3 DIIII should ensure that faces are assured using the appropriate method. Fines that DIIII determines to be for repeat violations should be fined on a per-day basis in accordance with the Standord for Peyment for Naving Facilities.

Fines and Interest Are Not Collected by Due Date Only 5% of the first located by DHH is nor sample seen collected by the dock. In addition, DBH is do not damp any interest openation for these dampanet payments. Whit one exception, DHH is the off-flow payment procedures and defact the first first mithequent reinflowments to the facilities. As a small, dominant effect of the first loss distribution, and the dominant effect of the first loss distribution. The function of the motion's the first loss of additional research to motion's the start of the first loss of the first loss of the motion's the data area when we were also be to note of the motion's the first loss of the first loss of the motion's the start of the motion's the first loss of the first loss of the first loss of the motion's the start of the motion's the first loss of the first

## Fine Collection Process Could Be Improved

DBMI internal controls for the fine collection process could be improved in order to increase accessibility. DBMI is respectible for assessing, recording, and collecting the enteretary filess. These is in collected, DBMI's BashA Standards Societon sends the check to be accounding accient on 2008 for processing and deposit into the Resident's Trust Fund. Accessing and deposit into the Resident's Trust Fund. Accessing others receives order of flass suffit hey are collected.

There are risks to having the same division assess, record, and collect the renewy. Payments may be load, diverted, or missand. We have found no indication that any of these problems cameady actual in the Bankh Standards Section, however, these are potential areas of concern.

	Exhibit 4-3 Analysis of Assessment of Fines					
	Section System Section File		Artist Fiec	Mate Griccia		
1	First Officiale, Class C Vislation	Disaminary, one-time flue not to moved \$1,000	\$1,000	Ye		
1	Repeat Officere, Class D Violation	Discretionary fine not to encod \$3,000 per-day	\$3,000	89.		
,	1) First Officies Class D Violation* D Research Officies Class D Violation*	<ol> <li>Discritionary, one-time fine not to moved \$300</li> <li>Discritionary for our to moved \$250</li> </ol>	\$930	Yes		
		per-day	\$250-bej	Yes		
•	Repeat Officare, Class C Violation	Discretionary fine not to encored \$2,000 per-fay	81.50	Υœ		
*	Repeat Offense, Class C Visiation	Discretionary fice nor to-cruind \$2,000 per-day	\$1,500	No.1		
6	First Officase, Class C Vicitation	Discretionary, one-time fine not to encoud \$1,000	1750	Yes		
7	First Offense, Class C Violation	Discretionary, coe-time fine ant to exceed \$1,000	\$756	Yes		
*	First Offense, Class C Violation	Disarritosary, our time fine not in exceed \$1,000 per-day	\$1,000	Yes		
,	First Offense, Class A Violation	Mandatory, one-time fine mit to exceed \$2,500	\$2,080	Tes		
30	Reprist Offense, Class D Violation	Discretionary for not to moved \$200 per- day	1250	No*		
н	First Offense, Class B Violation	Discretionary free nex to exceed \$1,500	\$500	Yes		
n	Pine Offene, Class & Violation	Mandatory, one-time fine not to oxused \$2,500	\$2,580	Yes		

These do not most the orderin because the violations were assessed as repeat violations, but the fines are remained with first offense violations.

<sup>b</sup> Instituty, this was a first offlows, one-time line. However, it was not consided in a timely findness, or DEE subsequently comparised it as a report violation.

Severes: Prepared by logiclative auditor's staff from material obtained from the Standards for Poynew for Noticer Facilities and DEER records on face surmouts. To avoid these potential problems DHM should segregate the datase between those who assess, record, and collect the finar. The department's accounting succion should be responsible for recording and collecting the fires. While the accounting section, these two datases should be accounting section.

## **Fines Not Collected Within 10 Days**

For the faces in our sample, D6H, on average, collected frees 46 days after they because final. According to the Januards for Personnet for Norsing Facilities, figes become final when

- No timely or proper appeal was requested.
- The facility admits the violation and surges to pay.
- The advantative bearing is concluded with findings of violations, and time for senking judicial person has expired.

Furthermore, when the fato becames final, it shall be paid in full within 10 days unless the department allows a payment schedule in light of a documented financial hardship.

The 2luminists for Poyneer for Netsing Facilities also statis that if programs in one toxical on executive toy found within 10 days after finalization, DBH shall deduct the full amount plan almost from the semigla branck areas Modelaul (reinformerent, Alan, according to the Standards for Marring Fachikies, insome shade Magin according at the current platical rate on the days following the date on which a fine becomes due and parallel.

There were 13 frees in the sample of files we manisof. 10HH has collected disc of these, but as of Nevember 40, 1997, three fines were will perifying. Two of these three fines were and appeal by the anxiety horns and had, fleestfore, to become final. The three perifying first first 51,500 because final in April 2007, and was over 154 days delinquest on Shvoreher 6, 1997. The immers due on the first is approximately 560 and also has not been collected.

There were tes fines in our sample that had been finalized, and, therefore, collectable. Five of the faces were not collected timely. These fines were an average of 91 days delinquest. None of the delinearet fines were an average increase.

## Revenue From Fines Has Not Been Used

The fault to which flows are dependent has not had any which was a law in a long order. Doer flows are collected, the Haulth Standard's Section of DHBI forwards the mooney to the accounting section of DHBI, which is runn firmwards the mooney to the state treasmer's efficie to be dependent into the Naming Home Resident' Trues Fund.

According to R.5. 40:2009 11 FI2(, the meetrs in the trust fund easy only be used as specified in the federal Combus Bodge Reconciliation Act of 1997. The relevant section of this act, codified is 42.USC § 1299c, stipulants that the meany collected from first shall be used to the the following:

- To protect the health or property of residents of mensing homes which the Department finds deficient
- To pay for the cost of relocation of residents to other facilities
- To maintain operation of a facility pending correction of deficiencies or closure
- To reimburge residents for personal funds lost

According to BHSF financial staff, no claims have over been filed against the find. The fand was created in 1993, and as of November 22, 1997, k has accumulated more than \$100,000.

We did not identify a cause as to why claims have not been made against the fault. However, DOBI should take notion to inform residents and their family members of the existence and purpose of the fault.

#### Recommendations

- 4.4 After fixes becaue fixel, they should be treated an accounts receivable and collected by DHII's accounting section.
- 4.5 For these floes that are delinquest. DBH should charge interest and deduct the total amount due from the facility's Medicaid reinbursement asympt.

6.6 DBH should inform residence and their families, through its publication Nursing Hour Care in Louision, of the substance and possible cone of the Nursing Hours Residents' Trust Fand, wherever analysis its.

The precedures used to enforce the superior of ferrial of payment for new admission tack atfricted internal controls. Fasilistic could still be reinhoused through the Malizald program for new admissions during the sanctice period. This weakness may insee the effectiveness of the densit of payment sanction.

The decisi of Foldenical program for new estimations into the manipul points in another type of another workfalls to DBCH. This this another is imposed, DBH will be decision of the point of the standard another of the foldenic transmission of the submatrial compliance with states and fisher's imposed matrix informations and fisher's transmission. Due to the measury dise usually accompanies the states made. Due to the fisheral. The office manage for a CBH transmission are fisheral. The office processes for the states of the matrix generation that states are accounted for the states of the the states of the states of the processes for the states of the states of points.

It is not review of a sample of cases when the succion of denied of payment fines we alteriate sites was impaced, we found no instances where a revident had been administed and payment had been made to the maxing bases for the new administen. Intervent, as overnight by a regional DDHI staff nember processing administen could find to payment fire a new administent could find to payment fire a new administent could not pay the staff nembers at by succion period. No system, either by other raff members of by concerner either ensures the the succion is carried out.

This condition could result is an improper use and loss of Medicaid resources of the state and the federal government. Also, the situation could potentially dismissib the deterrent effect for the stateties of denial of courses for zero additations.

Denial of Payment for New Admissions Has Control Weakness

#### Recommendation

4.7 DBH sheadd adopt formal precedures that protect against pamble errors during the denial of payment for new administors mactice. This could include computer edits by the flocal intermediary to deep payment for new administent during the sanction revised.

Case Management Regulations Are Enforced Our review showed that DGB ensures proper development of resident assessments and care plans through the sormal inspection process. This process appears to be carried out properly with a significant number of resident assessment and our plan deformings being anoversed by the surveyors. A property another were imposed first all definitencian related to resident membrane were imposed that all definitencian related to resident

Resident assessments are basic enablations of the medical notations of one weathers to enable potents. Resident assessed available and an enable of a reast including physical and means af learnizing takins and sensors, and physical approximations and the sensors of the density decision of the sensors of t

The mislest assessments and care plane must be consistent executing to studential contained in fibrial regulations (GL CP, 433-30). These installers do profile gardelines on here to complete resident summarization in the violations of these students. These students are builting contain, and accuracy of the resident manufacture and plane. While local the definition of the

For example, during cose inspection, surveyors found that in 7 of the 34 midden records (20%) they contened, compenhentive compared and one and of the associal identified in the compared of the start plane. Resident associations instantiant appecial problems, such as the send for physical theory or congram, but the care plane side and descented how these problems were break addressed. The facility responsed that they would put in place a precoders for the Director of Naming to review all new orders on a daily basis and to next with the theory group workly to ensure that cance place were opticed as needed. DHH serveyers reviewed the facility and faund is to be in solveneration combinence with all next and fidented revolutions.

We swinved die Stammen of Diefeisenein in ein aus nur eine trageschon prinde für die 3 maning homen in ein angele. The solitor showed that the 30 maning homen hat a tott of 3 meisten ausseal auf aus pilo diefeiseiten. Fromy-four pilo diefeiseite für at least one of the trao impectation. The nuring homen (371) also eriekten aussealen auf also deficienties for boh impectation. These data superstand hat hat Diefe dieferstenistie for boh impectation. These data superstand ausseases and store them.

DHH impose uncrites for resident assessment and care plan deficiencies is a shorough and consistent manner. The suminors imposed for these types of disfrictingical are while the guidelines in the Shor Quorantee Manual. The theorough and consistent application of assessions serves to ensure that the health and well-lengt of the resident is being effectively maintained.

# Chapter Five: Reimbursement for Nursing Home Care

Chapter Conclusions Although DBH has controls in place to prevent overpayments to Medicaid surving boilst providers, these controls could be strongthaned. Forthermore, these controls are not consorriemnics.

The procedurus in place to central the accuracy of Medical annula base billing are meaned presents that are succeptible to every. In addition, some of those controls are used on any to supple of actual billings. The acousted arrange in place do not exame that if the level of care estably coeffed by the residued accuracy, that level of care restably coeffed by the residued accuracy, that level of care restably coeffed by the residued documant, that level of care restably coeffed decreases. These weaknesses can allow carefug facilities to be paid for services that were and provided.

Overview of Nursing Home Reimburyement DBH costnarts with a facul intermediary, Unity, to perform the obioto preventing and reinforcement functions of Louisnard's Medicaid programs. Health area prividens solvail, requests for reinforcement directly to Unitys, and Unitys interes checks to providers.

DBH combarses wanging konnet that serve Medicial contences with a day amount or per dimen. This per feature is based on the nodestri is level of cass. The level of cass togends as the services that used to resident requires. Thus, a uning how's some of Medical conjustmen in the future that and the service modest of Medical conjustment in the future that and and some of Medical conjustment in the future that and and the origin service or seedened, our service of how DBH services that services ware accelerated avoided for some on two exerction.

- How does DHH ensure that reported resident admission, transfer, and discharge dates are accurate?
- How does DHH essure that the level of care provided in the facility matches the level of care miniburge?

To answer these questions we reviewed the claims processing system and other related processes. We introviewed personnel in each of these sense and reviewed procedures and converses in with an eventualist on approximate these positions.

Administer and Discharge Reporting Controls Could Be Enhanced to Minimize Overpayments DBII has control to please to senare the accency of Medical relief with medicine, transitive, and discharge data an opponent reports. However, none of these controls involve to the senare of the second second second second second property control to the the accency of these datas is pure or more after relationses. These vectores can differ a transit fielding as the pipel for services that were not periodical. The second second second second second second second second the model induces near and verify more of the billings.

## Cost Report Audits Check Few Payment Reports

Provokani within the cost report and/a provide a direct cost of for the recovery of the advances and darkange dram reported by ranning human on payment negation. Therewer, human provokanis say privationed and yo an assigned of facilities and a sample of evolutions within these ficilities. In addition, these audits are constociet, or the outlent, in the young of facilities and a minimummant. Thus, overpayments could go completely understand or understand for lang privation of runs.

Each norming facility errolded is a Medicald perioder must solubil assent conceptors to IBML. The core reports include the facility's income and expenditure information for the year. They also include information about the number of resultents accusally in the facility during the year. TBML couns information from the core reports to so the per clease for finance surving facility Medicaid reinformateness.

DHB contracts with an accurating from to walk approximately one function of these cent reports per year. The purpose of the walks is to obtain measurable assume about whether the report in free floor material mismanements. In addition, the audi determines if all costs reported are adovable under Medical arises and if the centus information on the report is accurate. If appropriate, the audits recommend adjustments to the cost repert information before it is used to set future per direct.

As part of these wolfs, the auditors take a sample of adhesion, discharges, dottly, hospital lasses days, and home learned days from the fluiding somes recends and compare them with the final intermeding's introducement records. It Overpayments are found, DUII contacts the fluiding so initiate recovery of the contactments.

These wolds procedures act as a control on the securary of naming home administen and diacharge dates reported or parenet. requests. It is, however, a strengenetive process conducted on only a sample of the residenci is a sample of the naming facilities. If discrepancies are fromd, it can be a year or longer before they are discovered and orcefied.

### Controls for New Admissions Are Not Automated

The fixed interesting, Usings, screens norsing home payment sequents for the proper documentation for new Medical recipient administers. While this screening system appears to be weeking, it is a meaned proceed that in susceptible to error. An overright by Usings staff could cause overpagements to maning home conviden.

The result private spriving in Medical for saming lower equilibrium of the sprivate sprivate sprivate sprivate sprivate the application of the sprivate sprivate sprivate sprivate medication of the sprivate sprivate sprivate sprivate Medication of the sprivate spri

Each month, surving homes submit payment requests to Unitys for the province month's surving family services. For each new admission to the family, a copy of the authorizing documentation from the regional DBH office must accompany the payment request. Unitys persistent review the payment requests to ensure that each new admission has the proper documentation. Unitys thes processes the payment requests.

### Controls on Discharge Dates Are Weak

DHH rules on salf-reporting by moving facilities to track decharge dates of Medicaid recipients. If a facility fails to notify DHH of a Medicaid resident's discharge, DHH will continue to reinstories the facility for the case of the resident.

If a number behaviour evolution to conting Medical brandity bears the fulfility of the regular torous over to Medican coverage, the facility is required to easily the regional DRM office. Resident could have a fulfily does so transfer to another naming fulfily, fluidings to hoppid of hours, or the death of the resident. For deaharges, DRM does not use any other source to write the information coverided by the naming facilities.

The Office of Public Hohh, within DHH, issues all official death certificates in Lumiana. Information about recent deaths could be shared with BHST. This would allow BHST to update its recipient records to reflect any recent deaths and initian recompetent of any comparement allowed.

In contrast to new addiminist and discharges, readers transfer have a sufficiencesing control enables for a source of the transfer dates. After a transfer, the resident's pare faulty will begin reporting residencement. If the previous fieldly fails to achip Uniop about the transfer, a sequent for minimum fail to a chip Uniop about the transfer, a sequent for minimum fails to a chip registers for the associate field or control control for the relations.

## Becommendations

5.1 DHH should have Unions install a compare edit on its payment respect processing system. When Union data entry personnel deput new administration, this offst would require the input of some information from the new administration. sufficienting december (based by the regional DBD office) that is not as the payment request. This would measure that arch new administration that is precessed has the proper documentation and it would protect against environ by the staff manually recording the biding requests.

5.3 IBSF should require that the Offere of Public BiolDN VPIA Records Paylory regularly provide BISSF with information about donth in Landinian. This information block block by compared to the Medicald eligibility relates and data of detail hands he food intermediaty determine if any enhancements were made that on a series provided to recipionis that the data of a contemport that the food intermediaty details and the recipionis that the data of a contemport that the food are recovered.

Level of Care Reindursement Controls Could Be Improved The process of charging the level of care minibused has ne verification synthesis in plane to protect against linear error. In addition, the level of care controls that DHB currently has in place do not emany that if the level of care another by the sublest discusses, the level of care minibused will discuss. Because these controls are instrupted, causing henter prevides can be combured for any instrument and any other prevides to be

### Controls for Changes in Level of Care Could Be Antenated

A manual switting procedure is part of the process used by DBH to control charges is the level of case relationant by Medicald. Table the procedure used for new charlands, this suffering is vulnerable to human encor and has no build-in. vertification procession. Errors in the level of case relationant could cause pagments to be made to surving homes for services that were net provided.

The regional offices of DHH determine the initial level of over for each resident. They also authorize any changus to the level of over seithwared. As authorization form throw DHH must accompany the fast payment request for the totoletest at the newlevel of over. Similar to the process the new residents. Unitary personnel screen the payment requests to ensure that each change in level of case has the proper documentation. The screening process, as stated previously, is a manual process and thus has the potential documents.

### Adding a Step to Certification Inspections Could Catch Some Overpayments

According to DEE, during nemual certification inspections, serveyers have consistently discovered a fieldity that was being reinforcand for a realistant at alwayd of care higher than was reeded or lowing provided. DHH does not have controls in place to protect against this presulting. Therefore, meaning fieldings may be remolecuted for arrives not crewided.

Correctly, the low of class constants that DHH has in plane or normaning buckless to report of the low of our neerado by the readers documant. DHH does not revealingly compare the low of class provided with the low of class maintained. Conflication to the low of the maintaineement break and the core provided be the low of the low of the low of the low of class maintaineement of the low of the low of class maintaineement breaks integrations, it could insure the parallely the reacting home and provided to a second second.

#### Recommendations

- 5.3 DHR should have Using instal a compare skit as it is provide repeat pointing typics. When Using data entry personnel larger changes in levels of cars, this of it would repeat the larger of sense information from the level of our change authorization decoment (browsed) when repeats DHR officies that it such on the permet repeat. There exists the person entries the level of its work protect against errors to the the third manually correcting the permet repeats.
- 5.4 DBB should add a procedure to the certification inspection that would have surveyers note the

Irent of cares visitesement (froms the rewritessee address the finding reverters along with their relativestical relativestical address and a finding relativestical relativestical address and a finding of the layest of cares relativestical to the level standary pervised could be performed for the sample of residents. If Garregancels are found, the facility would be required as conjunct the performance. In this work was to follow the performance. In this work that we to follow the the charact to some that its occurs.

Post Payment Reviews Are Passive The Servellance and Utilization Review Subspaces (SUBS) of Using any incompared hilling impainting by principal These investigations, however, are usually initiated when recipients or proving charge provide the initial information. In addition, the investigations are by their nations conducted after sainbaraneeus have occurred, thereby investig DHH to try to recover fixeds rather thing proventing environs combusements.

The Bracipier's Deplements of Medical Brancha (REMME) programs undia a questionaire to a superiod of Melicial receptors deren from the requests for reinfluement. The questionners with the recipiers confirm the reported arrives were probable, the SER personaler may investigate, it additions to the configuration of the start of th

If a previder is selected for review, members of the SURS staff invariant and the selected for review protects are found and they appear to be mixed as by the provider, SURS concerns in provider and future reinforcements are adjusted to recover the reverpuyement. The hierarchical concerns a particle of evending and the lowering and concerns a particle of evending SURS refer the case to the Medical Fraud Control Unit within the Department of Unities.

Eash of firste pethods of triggering an investigation relies on persons controls of DHH to report financipancius. Parthermore, the EGDMB programs may not be very efficiently for maning bone residents because many of the residents may be too if to be able to the if they are the service first which Medical is parting. As a result, DHH may get listle or no feedback from residents who are sampled using this method. In addition, the state must by to recover fixeds after they have been distanced.

# Recommendation

5.5 DillH should seed Recipient's Explanation of Medical Benefits nations to the punctions of meeting home residents rather than the residents thousaires. This may generate more feedback to ensure that the filling are providing the Medicald service that are relationed.

# Appendix A

# Class Violation Levels and Associated Fine Amounts

# Appendix A: Criteria for Assessment of Class Violation Levels

		Velations that create a condition or
First Official	Mandatory line not in exceed \$2,500	occurrence relating to the operation of a facility which round in death or accions have of a residuet.
Fapile Offices	Mandatory fire not to exceed \$3,000 per day	
Class & Fichailes		Violations that cross a condition or
First Official	Disputiency fine not to moved \$1,500	occurrence relating to the operation and maintenance of a facility that sends a substantial particularly that death or senses physical hans to a senablest will result from the visibles.
Rapical Officials	Disarctionary fine not to maxed \$1,000 per day	
Cleve C Fieldnise		Violations that do not result in death or
Fina Offense	Diservienery first not to exceed \$1,000	serious playmal harm to a resident or the substantial probability thereof but croate a condition that creates a patiential for harm by directly threatening the health, undry, rights or welface of a resident.
Raynal Offense	Decemberary first not to caused \$2,000 per day	
Clean (h Elistation		Violations that are related to administrative
First Offenat	Discretionary fine net to escand \$100	and reporting requirements that do not directly threaten the boatth safety, rights or welfare of a resident.
Repeat Official	Discretionary fine not to escand \$150 per day	
Chev & Fielding		Violations that are defined as the failure of the
Tirei Offense	Discretionary fine net to escand \$30	facility to submit a statistical or fiscalcial report in a simply manner as required by regulations.
Report Officer	Discretionary fine not to exceed \$100 par day	

# Appendix B Department of Health and Hospitals' Response



## STATE OF LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS



A.J. "Whe" Forse, A: SOMEROOR

US27 =3:0.

March 27, 1998

Dr. Daviel Kyle, CAA, CPE Legislative Auditor 1600 North Third Street P. O. Box 94007 Bates Resear. L6 20804-8382

Dear Dr. Kyle:

Protective distribution our response to the performance audit of the Monegoreum and Oversight of Long Term Care in Londonn.

Should you have any questions, please content Thomas D. Collins, Bureau of Health Services Protection Director, at 242-3891.

Sincerely,

Post M

Charles F. Castille Undersecretary

discharged.

c: Stan Mead Thomas D. Collins

> OPPOS OF INAACIMANT AND FRANCE F. G. BEX ED- BATEN BOLE, LOWSANA YOUT-DED PHONE 554.340-0728 + PAX 204.002-0088 147.201.4. OPPORTUNITY SINCERS\*

Match 27, 1998

MANAGEMENT AND OVERSEGHT OF LONG TERM CARE IN LOUISIANA

2.1 DBH should develop written procedures detailing the actions to be followed during a

resultations will be the development of written procedures pathning the process. We will develop

the "surprise element" for running home staff. We still attempt to modify the schedule as indicated by history of more performance. The furthelity is limited by workload and federal manuates to conduct survey within a twelve month average. The annual certification impections must be stricty enforced by the HCFA.

Page 2 Performance Audit 3/22/18

#### Chapter Three - Complaint Systam

3.1. DDH should document sprewing providence such when docking how spacely a compatient in some gamma and a propertient hould depend on the first a sequence in taking the properties in taking the first and a displacion is determined. This procedures will suggest the sequence of the properties are interesting to the set of the sequence of the section properties and the set of the section properties relative to the section properties of the compliant and the set of the section properties relative to the section properties of the compliant and the set of the section properties of the

RESPONSE - A updated intake from has been developed to use for screening of the complexity. The form this a sorter of upstations to be solid during complexit intake. It also has the definition of each action could a discribed in the Street Operations Messel and the Lucialisma Complexit Law. A services on this service formation. We dedicated to the detexions ranking process for time law was restrict for immediation.

3.2 DHB4 should review and clarify its policies used to assign investigation priorities to completion. DBB should adop policies that are constanters with federal regulations and state law. Tak would further reserve induces in a single a would go the priorities.

RESPONSE - The complaint protocol was updated in December, 1997 to comply with the revised complaint law, La. R.S. 41 2009 13 established by the 1997 regular legislative sension.

3.3 DEBI should fully implement its uncertained complete tracking system. The system could be used to complet performance data that would be useful to DHH management, regional office surveyers and complete deck staff.

BESPONSE - The automated complete involving system has been evolving sizes May of 1997 when it was first developed. The space is capable of providing that regarding the couplet instat and antiseted than for too it wire breading for failing complete hincory and worrow. We hope to add an the information to otherer the survey process and assisting in the determination of "new ordinates". Page 3 Performance Audit 3/23/98

Chapter Four - Enforcement and Sanctions

4.1. DHM should produce initial notices of certification impection results in accordance with the State Operations Marsail.

RESPOND: Little agreend 12 models data (a graph of future in quantum to previde services monotone of the more finding  $\sim$  in the of or the server (hole)  $\sim$  indices of the origin (hole)  $\sim$  indices of the more finding  $\sim$  in the hole  $\sim$  of the server (hole)  $\sim$  indices of the hole  $\sim$  of the server (hole)  $\sim$  indices of the hole  $\sim$  of the server (hole)  $\sim$  indices of the hole  $\sim$  of the server (hole)  $\sim$  indices of the hole  $\sim$  of the server (hole)  $\sim$  of the serv

6.2 DBHE should use its discretionary authority to fine all fasilities that no found not to be in substantial compliance and that require a revisit. This practice may encourage fasilities to salve to be in substantial compliance all year.

BESPONDER: The INCTA have advant that the cost of cardification review can not be sharped to due previdenty by 150 houses the cost of these existint are include in the mean Hauberg advances as gars of one contract to conduct the answey on build of the Medicard-Medicard programs. The La 2, 8 + 3 2009 102/2016 indicase mores portioned via another must be placed on a treat find to be used for very fielded purposes. Recompetent of the cost of review form accessing and another and the streat or be fielded resolution. 442208 48:443080.

4.3 DBBI should ensure that fines are assessed using the appropriate method. Fines that DRBI determines to the fire repeat violations should be fined on a per-day basis in accordance with the Standards for Thermon. (In: Namina Tachtica).

 $\rm RSPNORE - Although view is a evaluation in plane to fine a failing <math display="inline">\lambda$  -jup of qa' for or a separation distribution of the fine  $\rm RASM211$ . For CH case (regars biolithm), the fails area being failed for the grant of the distribution of the fail  $\rm SASM211$ . The for CH case of the distribution of the distrebution of th

Page 4 Performance And A 3/27/48

4.4 After fines become final, they should be treated as accounts receivable and collected by DHH's accounting section.

RESPONSE - The Division of Fiscal Management will be working with HSS staff to develop appropriate procedures.

4.5 Per these fixes that are delargerst, DHH should charge interest and deduct the table annual due from the facility's Medical estimatement.

RESPONSE - The Division of Fiscel Management together with the Bannas of Lagal Services will research that to determine the feasibility of this recommendation and whether legislative authority in recentury.

4.6. DEEI should inform residents only their families, through their publication Naming Home Care in Louisiana, of the existence and possible uses of the Naming Home Residents' Trust Fault, whenever applicable.

RESPONSE - HSS will develop olour ontonia for ton of the Residents' Trust Fand according to the federal mandator for the use of this fixed.

4.7 DHH should adopt forwail proceduess that protect against possible errors during the denial of payment for new admissions sensition. This could include computer with by the focal instrumdary to down converse for new admissions during the sensition period.

RESPONSE - DHH agreed to look at the current procedures in place. DHH has contracted for the redecign of the State Eligibility. File and is inverpressing special precedures and authorization. for naming home preparates which will be proceeded electronically to the fixed intermediary and will comprehension for non-addinision and love of a rar.

Chapter Five: Reimburgement for Naming Home Care

5.1 DHM should have below issued a compare role on their payment spectrating of payment. When Ubication during the role approxem tables to the payment tables to the role of their payment. Tables to Ubication the theory of the role of the role

RESPONSE - Redentan of State Elizability File referred to in 4.7 is antisipated to resolve this-

5.2. BHSF should sequence that the Diffice of Polic Health's Virial Records Rightery regularly people DHSF where theremains have been that is Locainean. This discretation theolable companies to the Modelinal eligibility view and datos of shorts should be updated. In Addition, BHSF should have for four lead tensioning inferential in the orientementation were made for services perioded to regularize a law the date of datas. If any overpaperents are fload, BHSF should ensure that the facility are more than the service of the

RESPONSE - The Director of the Burnar of Health Services Financing (BHSF) has contacted the Australant Secretary for the OFE of Phalic Health and requested that the Vital Record staff contact IEEE's to study the Subdivity of this recommendation.

3.3 DBD should have Usings instill a compare office their prepent repeat precoming some What Using data every personed logical shapes in levels of care, the offit world reput to the input of same information from the level of care shapes autorization document (issued by the regional DBH) office (their is not co the preparement regioner. This you'ld reparts the isoffice of care shapes processed has the proper autorization and it would periode against encoded.

RESPONSE - Redesign of the State Eligibility File referenced in 4.7 and 5.1 is anticipated to trachysthis.

5.4 DBH should add a poocher to the certification imperiation fram would have assurences neurine head of a care information. However, the read-of fails are informed (from the remaindance where the challed providers adoug with their relationsment from Using) for each of the insidem in their readers ample. A comparison of the level of care informations at its three inside provided the proteined for the level of care information and the level of care information. Since proteine at the level of care information at the level of care information at the level of care information. Bit is would have a solar of care information. Bit is would have a bit inform the change to many their factors.

RESPORSE: "With the decrements administer of the Maintan Data So for each vesider reading, in the name in process the problem bodied by here recording. This data spread we want the second sec Pape 6 Polormance Audit 3/27/98

5.5. DHDI should and Racipient's Replanation of Medical Benefits sories to the gasetimes of marking home residence rather than the ossidence thereoever, This may generate more feedback to marke that Basilian are provided by the Medical Services that are existenced.

RESPONSE - The redesigned State Eligibility File will have the ability to transfer guardian namehidanes information to MMIS SURS will loak at the utilization of this information when it is validable.