**51\_\_\_\_\_\_\_\_\_\_\_\_ Exception review process for intermediate care facilities.**

1. Definitions:
2. “Exception review” is a review conducted at selected intermediate care facilities by appropriate health professionals employed by the Ohio Department of Developmental Disabilities (DODD) for purposes of identifying any inaccuracies related to the “Ohio Individual Assessment Form Answer Sheet” submitted in accordance with rule 5123:2-7-20 of the Administrative Code, which result in inaccurate case mix scores being used to calculate the direct care rate. Exception reviews shall be conducted before the annual rates are established pursuant to Section 5124.15 and temporary law section \_\_\_\_\_\_\_\_ (HB 59 ICF formula).
3. “Exception Review tolerance level” is the level of variance between the facility and DODD in the IAF assessment item responses affecting the resident assessment classification of a facility’s residents. Two kinds of tolerance levels have been established for exception reviews:

(a) “Initial sample tolerance level” is the percentage of unverified IAF records found during the initial sample of an exception review, below which no further review will be pursued for the same six month period. The initial sample tolerance level shall be less than fifteen per cent of the entire sample as set forth in Appendix A of this rule.

(b) “Expanded review tolerance level” is an acceptable level of variance in the calculation of a provider’s quarterly facility average Medicaid case mix score or an acceptable per cent of the unverified IAF records. The exception review tolerance level is a two per cent difference between the quarterly facility average case mix score based on exception review findings and the quarterly facility average case mix score from the facility’s submitted IAF records.

(3) “Verified IAF record” means an IAF completed by the ICF and submitted to DODD for a resident for a specific reporting quarter which, upon examination by DODD, has been determined to accurately represent the aspects of the resident’s condition, during the specified assessment timeframe, that affect the correct assignment of that record into the resident assessment classification system (RACS) case mix placement system. An “unverified IAF record” is one which, upon examination, has been determined to not accurately represent the resident’s condition, and therefore results in the resident’s inaccurate assignment into the RACS system.

1. All exception reviews will comply with the applicable provisions of the Medicaid program.
2. Selection: During the selection process, DODD may contact the facility for clarification of information. The facility may be able to satisfactorily resolve the department’s concerns at this point and avert an on-site review. ICFs may be selected for an exception review by DODD based on any of the following:
3. The findings of a certification survey conducted by the Ohio Department of Health that may indicate that the facility is not accurately assessing residents, which may result in the resident’s inaccurate classification into the RACS case mix placement system.
4. A risk analysis of an ICF with a sudden or drastic change in the frequency distribution of the residents in the RACS classes not attributable to a change in resident population; a sudden or drastic change in the ICF average case mix score not attributable to a change in resident population; or an ICF for which other data indicates that the assessment information submitted by the facility may not result in accurate classification of the facility’s residents in the RACS system.
5. Prior resident assessment performance of the provider, including, but not limited to, ongoing problems with assessment submission deadlines, error rates, incorrect assessment dates, and apparent unchanged assessment practices following the departmental review performed pursuant to section 11 of HB303 or a subsequent exception review. Assessment practices must be inconsistent with supporting documentation from specific resident records.

(D) Exception reviews shall be conducted at the facility by qualified intellectual disability professionals (QIDP), registered nurses and other licensed or certified health professionals under contract with or employed by DODD. When a team of DODD reviewers conducts an on-site exception review, the team shall be led by a qualified intellectual disability professional. Persons conducting exception reviews on behalf of DODD shall meet the following conditions:

1. During the period of their professional contract or employment with DODD, reviewers must neither have nor be committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of an ICF which they review in Ohio.
2. Reviewers shall not review any facility where a member of the reviewer’s family is a current resident.
3. Reviewers shall not review any facility that has been a client of the reviewer during the previous ten years.
4. Employment of a member of a health professional’s family by an ICF that the professional does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of an ICF.
5. Reviewers shall not review any facility that has been an employer of the reviewer within the past twenty-four months.
6. Reviewers shall not review any residents for whom they have provided care in another capacity.
7. Prior notice: DODD shall notify the facility by telephone and by facsimile at least two working days prior to the review. At the discretion of DODD, the review team may reschedule the review if appropriate key personnel of the facility would be unavailable on the originally scheduled date of on-site review.
8. Facilities selected for exception reviews must provide DODD reviewers with reasonable access to residents, professional and nonlicensed direct care staff, the facility assessors, and completed resident assessment instruments as well as other documentation regarding the residents’ care needs and treatments. Facilities must also provide DODD with sufficient information to be able to contact the resident’s attending or consulting physicians, other professionals from all disciplines who have observed, evaluated or treated the resident, such as contracted therapists, and the resident’s family/significant others. These sources of information may help to validate information provided on the Individual Assessment Form submitted to DODD. Verification activities may include reviewing resident assessment forms and supporting documentation, conducting interviews with staff knowledgeable about the resident, and observing or interviewing the resident.
9. An exception review shall be conducted of a preselected random, targeted, or combination sample of completed Individual Assessment Forms from the most recent reporting quarter. The initial sample size shall not be greater than or equal to the minimum sample size presented in appendix A to this rule. The expanded sample size is based on the initial sample findings. The expanded sample size is presented in appendix B to this rule.
10. Results from review of the initial sample shall be used to decide if further action by DODD is warranted. If the initial sample is to be expanded for further review, DODD shall hold a conference with facility representatives advising them of the next steps of the review and discussing the initial sample findings. If the sample of reviewed records exceeds the initial sample tolerance level, DODD may subsequently expand the exception review process as follows:

(1) Expand the sample size for the same reporting quarter. The expanded sample size shall not be greater than or equal to the minimum expanded sample size presented in appendix B to this Rule.

(2) Expand the exception review process to review IAF assessments submitted for no more than two quarters previous to the most recent reporting quarter.

1. At the conclusion of the on-site portion of the exception review process, DODD reviewers shall hold an exit conference with facility representatives. Reviewers will share preliminary findings and/or concerns about verification or failure to verify RACS classification for reviewed records. At the time of the exit conference, facilities shall be afforded an opportunity to present additional information or items which depict the needs of individuals for whom the provider contests the sample findings.
2. All exception reviews shall include a written summary of the exception review findings, including the final facility tolerance level calculations and revised quarterly facility average total case mix score and revised quarterly facility average Medicaid case mix score. DODD shall send a copy of the written summary of findings to the ICFs.
3. All exception review reports shall be retained by DODD for at least six years from the date the exception review report is final.
4. If the expanded review tolerance level is exceeded, DODD shall use the exception review findings to calculate or recalculate resident case mix scores, quarterly facility average case mix scores and annual facility average case mix scores. Calculations or recalculations shall apply only to records actually reviewed by DODD; and shall not be based on extrapolations to unreviewed records of findings from reviewed records. For example, DODD shall recalculate a quarterly facility average case mix score by replacing resident case mix scores of reviewed records and not changing the resident case mix scores of unreviewed records. Calculated rates based on exception review findings may result in a rate increase or decrease compared to the rate based on the facility’s assessment of information.
5. Reconsideration
6. A provider may submit a written request to DODD not later than thirty days after it receives the summary of findings pursuant to Division (I) of this section. The request shall include all of the following:
7. A detailed explanation of the items in the assessment results that the provider disputes;
8. Copies of relevant supporting documentation from specific resident records;
9. The provider’s proposed resolution of the disputes;
10. The DODD shall consider all of the information submitted by the provider, the historic results of the assessments and any other information determined necessary for consideration.
11. DODD shall issue a written decision regarding reconsideration within thirty days of receiving the request.
12. DODD’s decision is final and not subject to further appeal.
13. When calculating the resident case mix scores, DODD shall use any resident case mix scores adjusted as a result of a rate reconsideration determination in lieu of the resident case mix scores from the exception review findings.

4/11/2013 16083278

Rev. 3-21-13