

Office of the Inspector General

Post-Payment Review Comment Grids

The findings and related content detailed within the grids are not exhaustive, and the Office of the Inspector General may reference other findings and/or law or code provisions according to the individuality of the case and documentation provided during the post-payment review.

These grids may be referenced by service providers and the public as informational regarding the operational work of the Office of the Inspector General. Service providers are required to abide by all state and federal laws and regulations. These grids are not to be used by service providers as a checklist, legal advice, or exhaustive resource to ensure compliance with Medicaid requirements.

Private Duty Nursing

Revised 9/30/2021				
Revised 9/30/2021				
Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
FINDING: MEDICARE EPISODE				
The provider did not show the claim was billed to and denied by Medicare before billing Wisconsin Medicaid.	Wisconsin Medicaid is the payer of last resort. The provider is required to bill other insurance, including Medicare, prior to billing Medicaid. The provider must retain records showing proof of denial and submit them to the Wisconsin Department of Health Services (DHS) upon request. The provider did not submit the requested records to DHS. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 106.02(9)(c)2 § DHS 106.02(9)(d) § DHS 106.02(9)(e) § DHS 106.03(7) § DHS 107.01 § DHS 108.02(8) § DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)
FINDING: THIRD PARTY LIABILITY (TPL)				
Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
The provider did not show the claim was billed to and denied by the other insurance of the member before billing Wisconsin Medicaid.	Wisconsin Medicaid is the payer of last resort. The provider is required to bill other insurance prior to billing Medicaid. The provider must retain records showing proof of denial and submit them to DHS upon request. The provider did not submit the requested records to DHS. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 106.02(9)(c)2 § DHS 106.02(9)(d) § DHS 106.02(9)(e) § DHS 106.03(7) § DHS 107.01 § DHS 108.02(8) § DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)

FINDING: LACK OF DOCUMENTATION

Revised 9/30/2021

Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
The provider did not submit any documentation for the claim.	The provider must retain records for a period of not less than five years and must submit them to DHS upon request. The provider did not submit the requested records to DHS. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 106.02(9)(a) § DHS 106.02(9)(e-g) § DHS 107.01 § DHS 107.12(1)(d) § DHS 108.02(9) Vent services add: § DHS 107.113(4)(e)		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)
There are no records for case coordination.	The provider must retain records for a period of not less than five years and must submit them to DHS upon request. The provider did not submit records of case coordination. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 106.02(9)(e-g) § DHS 107.01 § DHS 107.12(1)(d) § DHS 107.12(1)(f) § DHS 107.12(2)(d) § DHS 108.02(9) Vent services add: § DHS 107.113(4)(e)		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)

FINDING: EXCEEDS PRIOR AUTHORIZATION

Revised 9/30/2021

Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
The provider was reimbursed in excess of services authorized by DHS.	Reimbursement for private duty nursing services is subject to the applicable terms issued by DHS, consistent with a prior authorization approved or modified by DHS. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 101.03(35) § DHS 101.03(103) § DHS 101.03(134) § DHS 106.03(4) § DHS 107.01 § DHS 107.12(2) § DHS 108.02(9) For Vent Services, add: § DHS 107.113(3)(5)		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)

FINDING: LACK OF PHYSICIAN ORDERS

Revised 9/30/2021

Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
There are no written prescriber orders for the services provided.	Private Duty Nursing services require written prescriber orders. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 101.03(35) § DHS 106.02(9)(b)8 § DHS 107.01 § DHS 107.12(1)(c) § DHS 108.02(9) For Vent Services, add: § DHS 107.113	42 C.F.R. § 440.80(b)	§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)
The plan of care was not reviewed and signed by a physician within 62 days.	Private Duty Nursing services require written prescriber orders. The physician must review and sign the plan of care as often as required by the member's condition, but not less than every 62 days. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 101.03(35) § DHS 101.03(124m) § DHS 101.03(128) § DHS 106.02(9)(b)8 § DHS 107.01 § DHS 107.12(1)(d)2 § DHS 108.02(9) For Vent Services, add: § DHS 107.113		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)

FINDING: DUPLICATE BILLING

Revised 9/30/2021

Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
The provider was reimbursed for the services twice.	Two claims were paid for the same member on the same date of service with the same procedure code, modifiers, and quantity. Documentation submitted by the provider only supports paying one claim. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 101.03(35) § DHS 101.03(96m)(b)6 § DHS 106.04(5)(a) § DHS 107.01(1) § DHS 107.12(1)(f) § DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)

FINDING: BILLING IN EXCESS

Revised 9/30/2021

Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
The provider was reimbursed for more units of service than the documentation submitted by the provider supports.	A provider is required to use the applicable medical data code sets valid at the time the health care is furnished. The actual provision of service that was reimbursed cannot be verified from the provider's records. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 101.03(35) § DHS 106.02(9)(a)5 § DHS 107.01 § DHS 107.12(1)(f) § DHS 107.12(4)(d) § DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)

FINDING: INCORRECT PROCEDURE CODE

Revised 9/30/2021

Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
The procedure code submitted for reimbursement is not supported by the documentation submitted by the provider.	The provider is required to use the procedure code according to the license of the rendering provider. The provider was reimbursed for code [xxx]. The documentation reflects the correct procedure code is [xxx]. The reimbursement is adjusted to the licensure of the rendering provider.	§ DHS 101.03(35) § DHS 106.03(2)(a) § DHS 106.03(2)(c) § DHS 107.01 § DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)

FINDING: INCOMPLETE DOCUMENTATION

Revised 9/30/2021

Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
The provider did not submit one or more documents required for the claim.	The provider must retain records for a period of not less than five years and must submit them to DHS upon request. The provider did not submit the requested records to DHS. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 101.03(35) § DHS 105.19(7) § DHS 105.19(7)(g) § DHS 106.02(9)e § DHS 107.01 § DHS 107.12(1)(a) § DHS 107.12(4) § DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)

<p>The plan of care is missing required components for providing ventilator-assisted respiratory care.</p>	<p>The plan of care for ventilator-assisted respiratory care must include ventilator settings and parameters, and procedures to follow if accidental extubation happens, identification of back-ups in the event scheduled personnel are unable to attend the case, a plan for medical emergency, description of back up personnel needed, provision for reliable, 24 hour a day, 7 days a week emergency service for repair and delivery of equipment, specification of an emergency power source and a plan to move the member to safety in the event of fire, flood, tornado warning or other severe weather or any condition which threatens the member's immediate environment. All necessary components are not present in the documentation provided. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.</p>	<p>§ DHS 101.03(35) § DHS 107.01 § DHS 107.113(2) § DHS 108.02(9)</p>		<p>§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)</p>
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FINDING: NON-COVERED SERVICES Revised 9/30/2021

Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
<p>There is no documentation that the Licensed Practical Nurse (LPN) was supervised by the Registered Nurse (RN).</p>	<p>Supervision activities by the RN of the LPN must be documented. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.</p>	<p>§ DHS 101.03(173) § DHS 101.03(35) § DHS 107.01 § DHS 107.12(3)(b) § DHS 108.02(9)</p>		<p>§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)</p>
<p>The provider billed in excess of the hours allowed by an individual nurse.</p>	<p>Services provided by an individual nurse to all recipients under the care of the nurse cannot exceed 12 hours in a calendar day and/or 60 hours in a calendar week. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.</p>	<p>§ DHS 101.03(35) § DHS 107.01 § DHS 107.12(4)(f) § DHS 108.02(9) For vent Services, add: § DHS 107.113(5)(d)1.b</p>		<p>§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)</p>

Documentation does not indicate the nurse providing service had 8 continuous and uninterrupted hours off duty in a 24 hour period.	Services provided during any 24-hour period must allow the nurse 8 continuous and uninterrupted hours off duty. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 101.03(35) § DHS 107.01 § DHS 107.12(4)(g)1 § DHS 108.02(9) For vent Services, add: § DHS 107.113(5)(d)1.b		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)
The provider of respiratory care services must be credentialed and have demonstrated competency to perform the service.	The provider of respiratory care services must be credentialed and have demonstrated competency to perform the service. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 101.03(35) § DHS 105.19(1)(b) § DHS 107.01 § DHS 107.113(1) § DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f) § 448.03(1m)
The provider of respiratory care services must hold a valid cardiopulmonary resuscitation (CPR) certificate.	A provider of respiratory care services must hold a valid cardiopulmonary resuscitation (CPR) certificate. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 101.03(35) § DHS 107.01 § DHS 107.113(1)(d)3 § DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)
The provider must have a valid, unrestricted license.	Private Duty Nursing services must be provided in accordance with the requirements and guidelines established by the state board of nursing. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 101.03(35) § DHS 107.01 § DHS 107.12(1)(b) § DHS 108.02(9) For vent Services, add: § DHS 107.113(4)(d)		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f) § N 6.03 § N 6.04
Documentation reflects the member had an inpatient stay for [xx/xx/xx].	Private Duty Nursing services are only covered in the home setting. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 101.03(35) § DHS 101.03(103) § DHS 107.01 § DHS 107.12(1)(a) § DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)

<p>More than one provider has submitted a claim for this service. Duplicative services are not covered.</p>	<p>More than one provider has submitted a claim for this service. Duplicative services are not covered. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.</p>	<p>§ DHS 101.03(35) § DHS 101.03(96m)(b)6 § DHS 106.02(9) § DHS 107.01 § DHS 108.02(9)</p>		<p>§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)</p>
<p>Private Duty Nursing services were provided by an ineligible relative.</p>	<p>Private Duty Nursing services are not covered if provided by the spouse of the member or the parent of the member if they are under 21. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.</p>	<p>§ DHS 101.03(35) § DHS 101.03(93) § DHS 107.01 § DHS 107.12 (4)(c) § DHS 108.02(9)</p>		<p>§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f) § 49.90</p>