## 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.

## **Personal Care Services**

FINDING: LACK OF D	OCUMENTATION			
				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 the Wisconsin Department of Health Services (DHS) upon request. The provider did not submit the required 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)(e) \$ DHS 106.02(9)(f) \$ DHS 106.02(9)(g) \$ DHS 107.01 \$ DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(2)(b)4 § 49.45(3)(f)
FINDING: NON-COVI	ERED			Revised 9/30/2021
Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
Documentation reflects the member had an inpatient stay for [xx/xx/xx] through [xx/xx/xx].	Personal care services provided in a hospital or a nursing home or in a community-based residential facility 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.	§ DHS 101.03(103) § DHS 107.01	<u>42 C.F.R. 440.167</u>	§ 49.45(2)(a)10 § 49.45(3)(f)

Documentation reflects travel time was billed while the member was unavailable due to an inpatient stay for [xx/xx/xx] through [xx/xx/xx].	Personal care travel time is not covered while a member is in a hospital or a nursing home or in a community-based residential facility. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 107.112(4)(a) § DHS 108.02(9)	42 C.F.R. 440.167	§ 49.45(2)(a)10 § 49.45(3)(f)
Documentation reflects the member was unavailable for a Registered Nurse supervisory visit due to an inpatient stay for [xx/xx/xx] through [xx/xx/xx].	Registered Nurse supervisory visits are not covered while a member is in a hospital or a nursing home or in a community-based residential facility. 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 107.112(3)(c) § DHS 107.112(4)(a) § DHS 108.02(9)	42 C.F.R. 440.167	§ 49.45(2)(a)10 § 49.45(3)(f)
There are no written prescriber orders for the services provided.	Personal care 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 101.03(103) § DHS 107.01 § DHS 107.112(1) § DHS 107.112(4) § DHS 108.02(9)	42 C.F.R. 440.167	§ 49.45(2)(a)10 § 49.45(3)(f) § 49.46(2)(b)6.j
The provider is not certified (enrolled) by Medicaid to provide covered services.	Providers must be certified (enrolled) by Medicaid in order to be eligible for payment. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.			§ 49.45(2)(a)10 § 49.45(3)(f)
The qualifications of the personal care worker did not meet the requirements of DHS § 105.17(3) for the rendered services.	Personal care services performed by a personal care worker who does not meet the requirements of DHS § 105.17(3) 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.	§ DHS 101.03(35) § DHS 101.03(103) § DHS 105.17(3)(a) § DHS 107.01 § DHS 107.112(3)(a) § DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(3)(f)

The duties performed by the personal care worker did not meet the requirements of DHS § 105.17(3) for the rendered services.	Personal care services performed by a personal care worker who does not meet the requirements of DHS § 105.17(3) 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.	§ DHS 101.03(35) § DHS 101.03(103) § DHS 105.17(3)(b) § DHS 107.01 § DHS 107.112(3)(a) § DHS 108.02(9)	§ 49.45(2)(a)10 § 49.45(3)(f)
More than 60 days has lapsed since the registered nurse completed a review of the plan of care, evaluated the recipient's condition, and conducted a supervisory review of the personal care worker.	Services provided more than 60 days since the last instance of the registered nurse completing review of the plan of care, evaluation of the recipient's condition and supervisory review of the personal care worker 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.	§ DHS 107.112(3)(c) § DHS 108.02(9)	§ 49.45(3)(f)
The provider has been reimbursed for more than one registered nurse supervisory visit in a month.	Only one registered nurse supervisory visit in a month is covered. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 107.01 § DHS 107.112(3)(d) § DHS 108.02(9)	§ 49.45(2)(a)10 § 49.45(3)(f)
Medicaid does not cover the claimed services.	Services provided are not covered personal care services. 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 107.112(1)(b) § DHS 107.112(4) § DHS 108.02(9)	§ 49.45(2)(a)10 § 49.45(3)(f)
The personal care worker is not employed by the provider or under contract to the provider.	Services provided by personal care workers not employed by the provider or under contract to the provider 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.	§ DHS 101.03(35) § DHS 101.03(103) § DHS 107.01 § DHS 107.112(1) § DHS 107.112(4) § DHS 108.02(9)	§ 49.45(2)(a)10 § 49.45(3)(f)

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	Services are not covered when provided by a personal care worker not supervised by a registered nurse or according to a written plan of care. 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 107.112(1) \$ DHS 107.112(3) \$ DHS 107.112(4)(c) \$ DHS 108.02(9)	§ 49.45(2)(a)10 § 49.45(3)(f)
The personal care worker has not been assigned by the supervising registered nurse to this recipient to do specific tasks for which they have been trained.	Services are not covered when provided by a personal care worker has not been assigned by the supervising registered nurse to this recipient to do specific tasks for which they have been trained. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 107.112(2) § DHS 107.112(2)(b)2	§ 49.45(2)(a)10 § 49.45(3)(f)
The personal care worker's training has not been assured by the supervising registered nurse.	Services provided by a personal care worker whose training has not been assured by the supervising registered nurse 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.	§ DHS 101.03(35) § DHS 101.03(103) § DHS 105.17(2)(b)5 § DHS 105.17(2)(b)6 § DHS 107.01 § DHS 107.112(1) § DHS 107.112(2) § DHS 107.112(2)(b)2 § DHS 107.112(4)(c) § DHS 108.02(9)	<u>§ 49.45(2)(a)10</u> <u>§ 49.45(3)(f)</u>
was not trained to perform	Tasks and services performed by a personal care worker for the recipient which he or she has not been specifically trained 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.	\$ DHS 105.17(2)(b)6 \$ DHS 107.01 \$ DHS 107.112(1) \$ DHS 107.112(2)	<u>§ 49.45(2)(a)10</u> <u>§ 49.45(3)(f)</u>
Personal care services were not documented in the plan of care.	Only personal care services documented in the plan of care are covered. 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 107.112(4)(c) § DHS 107.112(4) § DHS 108.02(9)	<u>§ 49.45(2)(a)10</u> <u>§ 49.45(3)(f)</u>

skilled nursing services.  Services were not performed according to a	Skilled nursing services provided by personal care workers 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.  Only services performed according to a written plan of care for the recipient developed by a registered nurse are covered. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 108.02(9) § DHS 107.01 § DHS 107.112(3)(b) § DHS 108.02(9)	§ 49.45(2)(a)10 § 49.45(3)(f) § 49.45(2)(a)10 § 49.45(3)(f)
services were not directly related to the care of the	Only homemaking services and cleaning of areas used during personal care service activities, unless directly related to the care of the person and essential to the recipient's health, are covered. 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 107.112(4)(b) § DHS 108.02(9)	§ 49.45(2)(a)10 § 49.45(3)(f)
Personal care services were provided by a responsible relative.	Personal care services are not covered if provided by a responsible relative. 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 107.112(4)(d) § DHS 108.02(9)	\$\frac{49.45(2)(a)10}{\frac{49.45(3)(f)}{49.90(1)}}
Documentation reflects therapy services were provided.	Therapy services are not covered under the personal care program. 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 107.112(1) § DHS 107.112(4)(h) § DHS 108.02(9)	§ 49.45(2)(a)10 § 49.45(3)(f)

	No more than one-third of the time spent by a personal care worker may be in performing housekeeping activities. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 107.01 § DHS 107.112(3)(e) § DHS 108.02(9)	§ 49.45(2)(a)10 § 49.45(3)(f)
The RN supervisory visit did not include direct supervision of personal care worker in the clients home.	The RN supervisory visit must be conducted at a time when the personal care worker will be directly observed providing personal care services to the client, in the client's home. The RN must document the observation of the personal care worker. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 105.17(1n)(d)1 § DHS 107.01 § DHS 107.112(3)(c) § DHS 108.02(9)	§ 49.45(2)(a)10 § 49.45(3)(f)
Training documentation does not reflect successful return demonstration.	Training must be provided for each skill the personal care worker is assigned to do. Training must include a successful return demonstration by the personal care worker to the qualified trainer. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 107.112(1)(a) § DHS 108.02(9)	§ 49.45(2)(a)10 § 49.45(3)(f)
An RN did not complete the training of delegated acts.	Only an RN may train others on a delegated act. RN must document successful return demonstration of each skill. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	© DHS 107.01 © DHS 107.112(1)(a) © DHS 107.112(2)(b) © DHS 108.02(9) © DHS N 6.02(5)	§ 49.45(2)(a)10 § 49.45(3)(f)

The service was provided by an ineligible caregiver.	Providers are required to complete a criminal history and patient abuse record search on prospective caregivers prior to services being provided to a member. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 105.17(1n)(a)3 § DHS 107.01 § DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(3)(f) § 50.065(1)(ag)1 § 50.065(1)(br) § 50.065(1)(c) § 50.065(2)(b)
FINDING: NOT MEDI	CALLY NECESSARY			Revised 9/30/2021
Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
provided are not medically necessary for the	Providers are required to submit claims for medically necessary services. The documentation does not support the necessity of personal care services for the member. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.			<u>\$ 49.45(2)(a)10</u> <u>\$ 49.45(3)(f)</u>
FINDING: EXCEEDS I	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 personal care services is subject to the applicable terms issued by DHS, consistent with a prior authorization, as 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(134) § DHS 107.01 § DHS 107.112(2) § DHS 107.112(4)(e) § DHS 108.02(9)	Ü	§ 49.45(2)(a)10 § 49.45(3)(f) § 49.45(42)

				Revised 9/30/202
Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
The provider billed for personal care services beyond 250 hours without prior authorization.	Prior authorization is required for personal care services in excess of 250 hours per calendar year. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 107.01		§ 49.45(2)(a)10 § 49.45(3)(f) § 49.45(42)
FINDING: THIRD-PAI	RTY LIABILITY			Revised 9/30/202
Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
-	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) § DHS 106.02(9)(d) § DHS 106.02(9)(e) § DHS 106.03(7) § DHS 107.01 § DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(3)(f)
FINDING: DUPLICAT	E BILLING			Revised 9/30/202
Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
The provider was reimbursed for the service 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 106.04(5)(a) § DHS 107.01 § DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(3)(f)

Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Revised 9/30/202 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 106.04(5)(a) § DHS 107.01 § DHS 108.02(9)	8	§ 49.45(2)(a)10 § 49.45(3)(f)
FINDING: INCOMPLE	TE DOCUMENTATION			Revised 9/30/202
Comment	Description	Wisconsin Administrative Code	Code of Federal Regulations	Wisconsin State Statutes
The documentation is insufficient to identify the services provided.	Documentation is required to include an accurate, complete, and legible description of each services provided. DHS was unable to verify the actual provision of Medicaid-covered services, the appropriateness of the services, or the accuracy of the claim.	§ DHS 105.17(3)(b)2 § DHS 106.02(9)(a) § DHS 106.02(9)(b) § DHS 107.01 § DHS 108.02(9)		§ 49.45(2)(a)10 § 49.45(3)(f)