

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**  
**DEPARTMENT OF HUMAN SERVICES**  
**APPEALS OFFICE**  
**600 New London Avenue**  
**Cranston, Rhode Island 02920**  
**(401) 462-2132/Fax# (401) 462-0458**  
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Docket # 13-1912  
 Hearing Date: February 11, 2014

Date: July 22, 2014



**ADMINISTRATIVE HEARING DECISION**

The Administrative Hearing that you requested has been decided in your favor. During the course of the proceeding, the following issue(s) and Agency policy reference(s) were the matters before the hearing:

**THE DHS PROVIDER MANUAL: Medical Assistance**  
**SECTION: 0378.25 Preadmission Screen/Resident Review**  
**(PASRR)**

The facts of your case, the Agency policy, and the complete administrative decision made in this matter follow. Your rights to judicial review of this decision are found on the last page of this decision.

Copies of this decision have been sent to the following: You (the Appellant), Gerard R. Goulet, Esq., your attorney, the Agency representative, Supervisor, and the Policy Unit.

Present at the hearing were: Your attorney Gerard R. Goulet, Esq. and the Agency representative.

**ISSUE:** Did the facility's failure to comply with the Preadmission Screen/Resident Review (PASRR) cause the Appellant from not being eligible to receive services for the period of May 25, 2013 through September 29, 2013?

**DHS POLICIES:**

Please see the attached APPENDIX for pertinent excerpts from the Rhode Island Department of Human Services Policy and Provider Manuals.

**APPEAL RIGHTS:**

Please see attached NOTICE OF APPELLATE RIGHTS at the end of this decision.

**DISCUSSION OF THE EVIDENCE:****The Agency Representatives testified:**

- On October 15, 2013 the agency issued a Notice of Denial for prior authorization request for nursing home level of care, citing that due to the facility's failure to comply with the Preadmission Screen/Resident Review (PASRR), the facility cannot be paid for the period of May 25, 2013 through September 29, 2013, per policy § 0378.25.
- The Appellant, who has assigned her rights to the nursing home, filed a Request for Hearing on November 14, 2013.
- The Appellant did meet the level of care for a nursing home but the issue is the Federal requirement for ID screens.
- The initial ID screen date was April 30, 2013, which also is the date of admission, was only valid for 30 days. For those individual that stay longer than 30 days, a complete ID screen is needed, which should have been scheduled after 25 days. The full ID screening should have been done by May 24, 2013.
- A full ID screening wasn't completed until September 29, 2013.
- The Appellant did meet the requirement of need nursing home care; the policy states that all new candidates for admission to a nursing facility must be screened for serious mental illness and mental retardation or developmental disabilities prior to admission.

**The Appellant Attorney testified:**

- There was some question as to when or if the Appellant had left the nursing home after the August 29, 2012 ID screening from the nursing home.
- An additional week was requested to keep the record open in order for documents to be presented; request for an additional week was granted.

**FINDINGS OF FACT:**

- The agency issued a Notice of Denial for prior authorization request for nursing home level of care on October 15, 2013, citing that due to the facility's failure to comply with the Preadmission Screen/Resident Review (PASRR), the facility cannot be paid for the period of May 25, 2013 through September 29, 2013, per policy § 0378.25.
- The Appellant, who has assigned her rights to the nursing home, filed a Request for Hearing on November 14, 2013.

- The initial ID screen date was April 30, 2013, which also is the date of admission, was only valid for 30 days. For those individuals that stay longer than 30 days, a complete ID screen is needed, which should have been scheduled after 25 days. The full ID screening should have been done by May 24, 2013.
- A full ID screening wasn't completed until September 29, 2013.
- The Appellant did meet the level of care for a nursing home but the issue is the Federal requirement for ID screens.

Prior to the close of Hearing the Appellant's attorney requested an additional week in order to present more supporting documentation; request was granted and record was scheduled to close on February 19, 2014.

The Appellant's attorney contacted the Appeals Office and requested that the record of hearing be held open for more documentation to be submitted; request was granted. Documentation was received and the agency was given until May 21, 2014 to review this new evidence and to make comment.

- Mr. Goulet, Esq. submitted a letter and four attachments stating that:
  - That the Appellant has received a full ID screening at the Alpine Nursing Home on August 29, 2012, she was subsequently discharged and returned to her home;
  - The Appellant returned to the Alpine Nursing Home on April 30, 2013 following an admission to Kent Hospital;
  - Due to an incomplete 30 day PASRR exemption sheet by Kent Hospital, Alpine did not mark the Appellant file as such and a full PASRR was not complete by May 24, 2013;
  - The agency did not notify Alpine Nursing Home until late September 2013 that the Appellant's July 19, 2013 Medicaid application lacked a proper PASRR.
  - The Appellant had full ID screenings on August 29, 2012 and September 30, 2013 showing that the Appellant has no mental illness or mental retardation/development disabilities.
  - The physician who initialed the MA/PAS-1 prior to the Appellant being admitted to Alpine Nursing Home on April 30, 2013 did not indicate that the Appellant qualified for the 30 day exemption or that it was a hospitalization screening.

Attachment 1

RI Dept. of Human Services – ID Screen for MI & MR

- ❖ 4 page document dated August 29, 2012 stating that the individual (Appellant) has no current diagnosis of mental retardation, no history of developmental disability, is not presently or within the past six months have a diagnosis of a mental disorder, no functional impairment within the past 6 months due to mental illness, has not has any recent treatment in the past 2 years due to mental illness and does not have a primary diagnosis dementia or other mental illness.

Attachment 2

RI Dept. of Human Services – ID Screen for MI & MR

- ❖ 1 page document dated April 30, 2013 with a physician's signature under "Complete only for 30 day exemption from Pre-Admission aspect of PASRR".
- ❖ There appears to be a sticker that was on the original of this copy indicating that "Do not pay after 30 days Or ID Screen Needed by 25<sup>th</sup> day after admission".

Attachment 3

RI Dept. of Human Services – ID Screen for MI & MR, signed by Dr. Arcand

- ❖ 4 page document dated September 30, 2013 stating that the individual (Appellant) has no current diagnosis of mental retardation, no history of developmental disability, is not presently or within the past six months have a diagnosis of a mental disorder, no functional impairment within the past 6 months due to mental illness, has not has any recent treatment in the past 2 years due to mental illness and does not have a primary diagnosis dementia or other mental illness.

Attachment 4

- ❖ A letter signed by Dr. Arcand from Arcand Family Medicine, Inc. and medical director from Alpine Nursing Home stating that he performed the PASRR on the Appellant on September 30, 2013 and that it would not have been materially differed had it been performed on May 24, 2013. Furthermore, the August 29, 2012 ID screening stated that the Appellant's history lists no mention of mental illness, mental retardation or dementia.

On May 27, 2013, the agency e-mailed the Hearing Officer with their results of the Appellant's records submitted after Hearing. The agency argued that, "It is the responsibility of the Nursing Facility to assure that the preadmission screen requirements are complete on admission of the individual." As for indicating that Kent Hospital failed to "check" the 30 day exemption on the ID screen dated April 30, 2013, there appears to be a physician's signature under "Complete only for 30 day exemption from Pre-Admission aspect of PASRR", which suggest only a 30 day exemption ID would performed.

**CONCLUSION:**

The issue to be decided is whether the facility's failure to comply with the Preadmission Screen/Resident Review (PASRR) cause the Appellant from not being eligible to receive services for the period of May 25, 2013 through September 29, 2013?

The agency is arguing that per policy 0378.25:

All new candidates for admission to a nursing facility (NF) Licensed as a Medicaid provider must be screened for serious mental illness and mental retardation/developmental disabilities prior to admission. The procedure is known as the Preadmission Screening and Resident Review (PASRR).

Medical Assistance cannot authorize a payment to a facility on behalf of an individual if the PASRR process is out of compliance. It is the responsibility of the nursing facility to assure that the preadmission screen requirements are complete on admission of the individual. Otherwise eligible Medicaid recipients cannot be billed for services for which federal financial participation is unavailable due to failure to comply with PASRR requirements.

For individuals seeking admission or readmission to a nursing facility from a hospital, the PASRR and level of care requirements must be completed by qualified hospital personnel.

An individual cannot be admitted to a nursing facility if it is determined by the Level II evaluation process that the individual's need for specialized services for serious mental illness and/or mental retardation/developmental disabilities cannot be appropriately met in the nursing facility.

The Appellant had been admitted into Alpine Nursing Home on August 29, 2012 and was subjected to a full ID screening. At some time, the Appellant was discharged and returned home.

In April 2013, the Appellant was admitted to Kent Hospital. The Appellant is released from Kent Hospital and admitted again to Alpine Nursing Home on April 30, 2013. At which time, the RI Dept. of Human Services ID Screen for MI and MR form was filled out showing that Appellant's name, address, date of birth, social security number, source of payment, marital status and race. Also, under the section: Physician Validation (Complete only for 30 day exemption for Pre-Admission aspect of PASRR), there appears to be a signature and a date of April 30, 2013.

The Appellant applied for services from the agency on July 19, 2013 and the agency had waited until late September to inform Alpine Nursing Home that a complete ID screen was not in the application. Alpine Nursing Home completed and issued the completed ID screening on September 29, 2013.

The Appellant and her attorney believe that the penalty is unfair. To be penalized for the cost of the Appellant's care for a period of four months, with two and a half months subsequent to the application having been filed and then to be told that it was not complete is not timely and unfair to the appellant..

The April 30, 2013 ID screening was initialed by a Kent Hospital physician and was not checked off for a 30 day exemption or indicating that it was a hospitalization screening. An Alpine Nursing Home employee missed the fact that it was in fact intended to be a 30 day exemption.

The Appellant and her attorney also submitted a letter from Dr. Denise Arcand, who is familiar with this case, which states:

"I am the medical director of Alpine Nursing Home. I performed the RI Department of Human Services ID Screen for MI and MR, otherwise known as the PASRR, for (the Appellant) on September 30, 2013 when it was brought to my attention that the hospitalization screen had not been appropriately filled out and had not been clearly identified as a thirty day exemption."

"As medical director of the facility, I have been familiar with (the Appellant)'s condition on this recent admission and the ID screen that I performed on September 30, 2013 would not have been materially different had it been performed on May 24, 2013, based on my examination and review of her records at Alpine for the period April 30, 2013 through September 30, 2013."

"(The Appellant) had not been hospitalized for psychiatric diagnoses in April 2013 and had no history of developmental disability or mental retardation. As I indicated in Section III, Part A of the form, she had no diagnosis of mental disorder within the prior six months (which included the date of admission) had no fundamental impairment due to a mental illness within the prior six months, had no treatment for mental illness within the prior two years (which included the period of her prior admission to Alpine) and had no diagnosis of dementia. (That her history had been free of mental illness, mental retardation or dementia was also confirmed by the ID Screen from her prior admission which had been conducted on August 29, 2012)."

This Hearing Officer determines that the subsequent letter submitted by Dr. Arcand is sufficient to allow eligibility for the period under appeal. The ID screening dated September 30, 2013 states in Section III, part "A" that the Appellant does not presently or within the past 6 months have a diagnosis of a mental disorder. The time frame covers back to before the Appellant had even been admitted to Alpine Nursing Home in April 2013.

After a careful review of the Agency's policies, as well as the evidence and testimony given, this Appeals Officer finds that the Appellant does qualify for services from May 25, 2013 through September 29, 2013. The Appellant's request for relief is therefore granted.

**ACTION FOR THE AGENCY:**

**The agency is to allow LTC/Medicaid eligibility for the dates cited above.**



Michael Gorman  
Appeals Officer