

Ohio Department of Developmental Disabilities

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OFFICE OF PROVIDER STANDARDS AND REVIEW

**DIVISION OF
LEGAL AND OVERSIGHT**

ANNUAL REPORT

January 1, 2010 – December 31, 2010

The mission of the Ohio Department of Developmental Disabilities is continuous improvement of the quality of life for Ohio's citizens with developmental disabilities and their families.

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Dear Colleagues;

2010 was a year of excitement and change for the Office of Provider Standards and Review (OPSR). We have been working to fully implement the recommendations of the Futures Group in our processes and practices with a vision towards the future.

It has been our goal to implement a single review process for all providers regardless of setting that focuses on outcomes for individuals. We have incorporated major changes into our processes which include the creation of a single review tool, a change in the notification process which allows providers the opportunity for a self-review of their systems, and the implementation of a plan of compliance verification for all providers.

Our office is also excited that in 2011, we will begin using a new compliance software program called CMO which will allow us to improve efficiency by decreasing the amount of time necessary to complete reviews and allow us the ability to collect and analyze more data, thus improving our ability to respond to the needs of the field through training and technical assistance.

Finally, it is our hope that the information contained in the 2010 OPSR Annual Report will allow you a glimpse into the systems being utilized by our unit to recognize achievement, identify areas where we can support the field and deal with systems that are ineffective. We hope that you find this information useful and encourage you to contact us if you have any comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry Miller". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

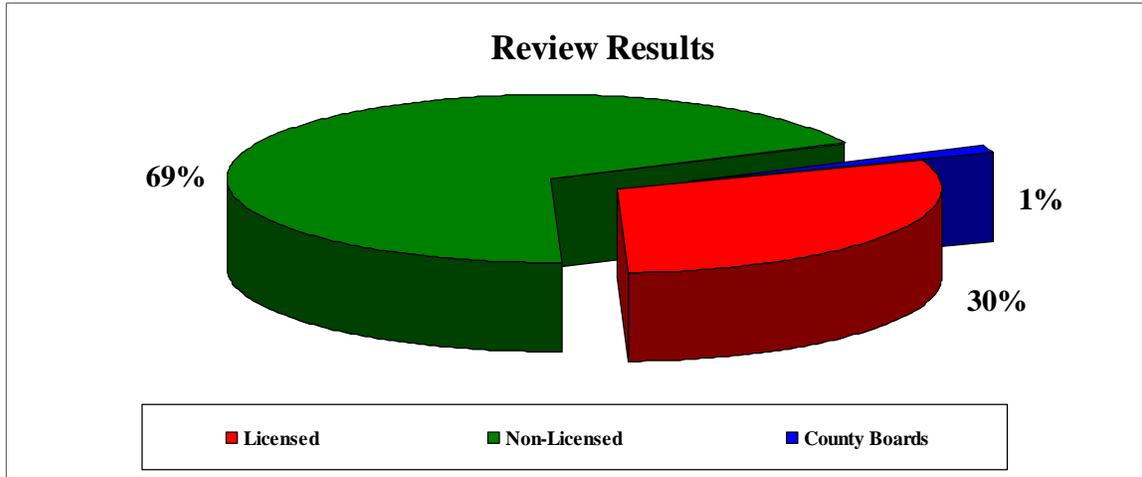
Types of Compliance Reviews

OPSR conducts compliance reviews in licensed waiver funded settings, unlicensed waiver funded settings, licensed Intermediate Care Facilities for the Developmental Disabled (ICFs/DD), and County Board settings. In order to ensure consistency, the review process and tools used are the same in all settings.

- **Compliance Review** – a regularly scheduled review of a provider conducted prior to the end of the provider’s term license, accreditation term or at least once every 5 years for non-licensed waiver settings. The review is conducted utilizing the single review tool.
- **Special Compliance Review** – an unscheduled review, which occurs due to identified concerns such as complaints, Major Unusual Incidents or adverse outcomes identified by other entities such as the Ohio Department of Health or the Ohio Department of Job and Family Services.
- **New to the System Review** – a compliance review that occurs within one year of a new waiver provider’s initial submission of waiver billing.
- **Feasibility Review** – a review conducted prior to the licensing of a new facility to ensure compliance with physical environment standards.
- **Initial Reviews**– a review conducted within 45 days of the opening of a newly developed facility. Initial reviews result in a 1-year term license.
- **Plan of Compliance Verification** – a follow-up, performed either on-site or as a desk review to ensure that the provider has implemented the Plan of Compliance, which they submitted to the Ohio Department of Developmental Disabilities (DODD). A POC Verification is conducted for all providers.

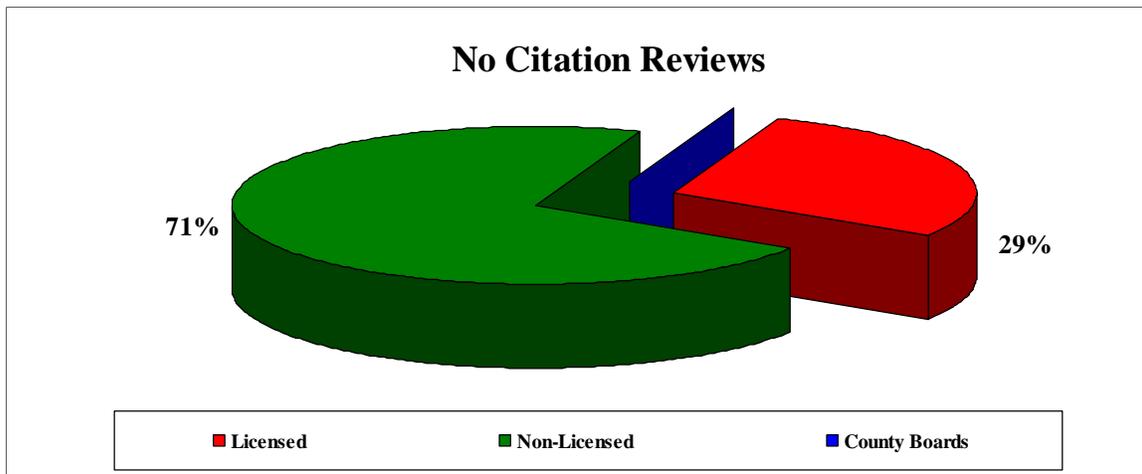
2010 Review Totals

The Office of Provider Standards and Review is made up of a staff of 42 employees, 29 of which are the Review Specialists who conduct the reviews. In 2010, the office conducted a total of 1,736 reviews throughout the state.



Licensed Settings (both Waiver Funded & ICF/DD)	520
Non-Licensed Waiver Settings	1,191
County Board of Developmental Disabilities	<u>25</u>
Total Reviews	1,736

DODD is proud to recognize that of the 1,736 reviews conducted in 2010, 753, or 43%, of the reviews resulted in No Citations to the provider.



Licensed Settings (both Waiver Funded & ICF/DD)	215
Non-Licensed Waiver Settings	537
County Board of Developmental Disabilities	<u>1</u>
Total Reviews	753

MOST COMMON AREAS OF NON – COMPLIANCE STATEWIDE

#1 - Individual Plan (IP)
Failure to implement the IP as written.
Failure to ensure that the IP addresses all individual needs as assessed.
#2 - Physical Environment
Failure to maintain all buildings in a clean, safe and sanitary manner.
Failure to ensure the completion of required inspections.
#3 - Medication Administration
Failure to ensure that orders were followed.
Failure to ensure timely access to routine and preventative evaluations and treatments.
#4 - Behavior Support
Failure to ensure that aversive interventions have been reviewed and approved by the Behavior Support and Human Rights Committees.
#5 - Money Management
Failure to ensure that individual funds are being managed as indicated in the IP.
Failure to ensure that receipts are being maintained as required.
#6 - Waiver Administration (CB ONLY)
Failure to ensure that individuals who may qualify are assessed for the behavior add-on.
Failure to ensure that individuals are afforded due process.
#7 - Service Delivery
Failure to ensure that service delivery documentation includes all of the required elements.
#8 - Personnel
Failure to ensure that background checks are completed as required.
Failure to ensure that staff have all required trainings.
#9 - Early Intervention (CB ONLY)
Failure to ensure that services are community based.
Failure to ensure that the Individual Family Service Plan (IFSP) includes all services.

Trainings Provided by OPSR in 2010

In 2010, OPSR staff provided training to the field on various topics. In all, 1,330 constituents received training throughout the state.

TOPIC	LOCATION	DATE	# IN ATTENDANCE	TRAINERS
Provider Certification Rule	Stark County Board	01/26/10	200	OPSR STAFF
	Wayne County Board	02/27/10	20	
	Hamilton County Board	03/03/10	10	
	Wildey Center/Clermont County	03/09/10	26	
	Franklin County Board	04/21/10	29	
	Cuyahoga County Board	04/23/10	71	
New Review Process	Preble County Board	03/04/10	20	OPSR STAFF
Individual Funds & Room & Board	Mahoning County Board	05/26/10	58	OPSR STAFF
Regional SSA/IA	Guernsey County	07/01/10	63	OPSR & MUI STAFF
	Summit County	07/08/10	141	
	Hamilton County	07/26/10	99	
	Pike County	08/09/10	26	
	Warren C. Young/Warren County	08/26/10	72	
	Allen County	09/09/10	141	
	Franklin County	09/13/10	26	
	Mahoning County	09/23/10	72	
Cuyahoga County	10/25/10	215		
Provider Compliance	Southern Ohio Council of Governments (SOCOG)	07/22/10	12	OPSR STAFF
Accreditation Process	Guernsey County	10/28/10	29	OPSR & MUI STAFF

Technical Support Activities

In addition to providing trainings to the field, in 2010, OPSR focused on providing technical support by actively participating in county and regional groups and partnering with the field to share information and resources.

Behavior Support

Members of the OPSR management team participate in each of the six regional behavior support committees and act as a liaison between the committee members and the department. This has allowed DODD to share information to the field about the Positive Culture Initiative, provide resources around aversive plan reporting responsibility, and maintain an open channel of communication between the department and the field in order to ensure the sharing of resources and information related to behavior support.

County Board Provider Meetings

OPSR staff have also actively participated in numerous provider meetings throughout the state. This has allowed OPSR to share information and resources and answer questions directly with providers. In 2010, the most common topic requested by providers was the new single review tool and review process. DODD participation in local provider meetings gave providers a direct link to share their ideas, concerns, and comments directly with the department. These meetings have also allowed department staff to view creative, unique and innovative support techniques being utilized by providers and to share those techniques with other providers across the state.

Medicaid Fraud

To ensure that all providers are aware of what constitutes Medicaid fraud, DODD provides educational materials and technical assistance to its stakeholders on our website. The information includes provider responsibilities, a phone number and an email address for stakeholders to report fraud to the Department, as well as a link to the Attorney General's office.

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Compliance Reviews of Licensed Settings

Waiver Funded Licensed Facilities – A residential facility operated by a certified HCBS waiver provider, which is licensed by the Ohio Department of Developmental Disabilities and serves individuals with disabilities enrolled in an HCBS waiver program. The Ohio Revised Code, Section 5123.19, mandates reviews of all facilities licensed by the department. The review results in the licensee being issued a license to operate the facility. A facility may receive a 1, 2 or 3-year license based on the outcome of the review.

Intermediate Care Facility for the Developmentally Disabled (ICF/DD) – A residential facility, which is licensed by the Ohio Department of Developmental Disabilities and certified by the Ohio Department of Health. The Ohio Revised Code, Section 5123.19, mandates reviews of all facilities licensed by the department. The review results in the licensee being issued a license to operate the facility. A facility may receive a 1, 2 or 3-year license based on the outcome of the review.

In 2010, there were 1,104 licensed facilities in operation.

Those facilities were categorized as:

10 Developmental Centers

407 ICF/DD Facilities

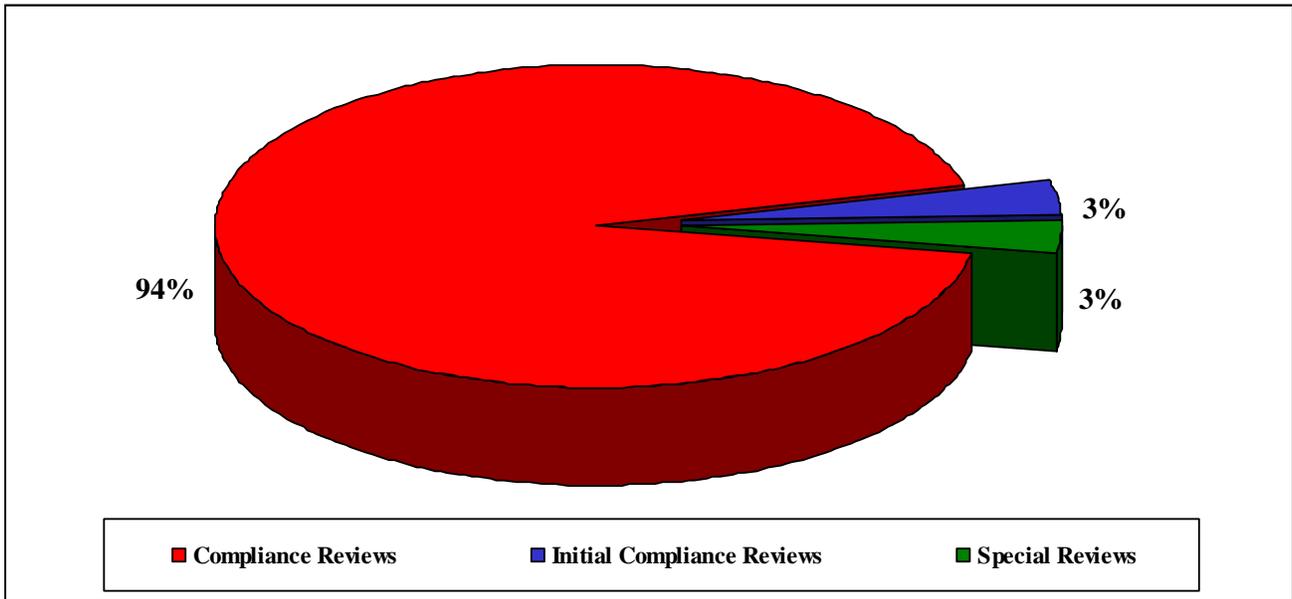
687 Non-ICF/DD Facilities

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Compliance Reviews of Licensed Settings

Between January 1, and December 31, 2010, the department conducted 520 compliance reviews in licensed settings.

Of the 520 compliance reviews conducted during 2010, 484 were regular compliance reviews, 18 were initial reviews, and 18 were special reviews.

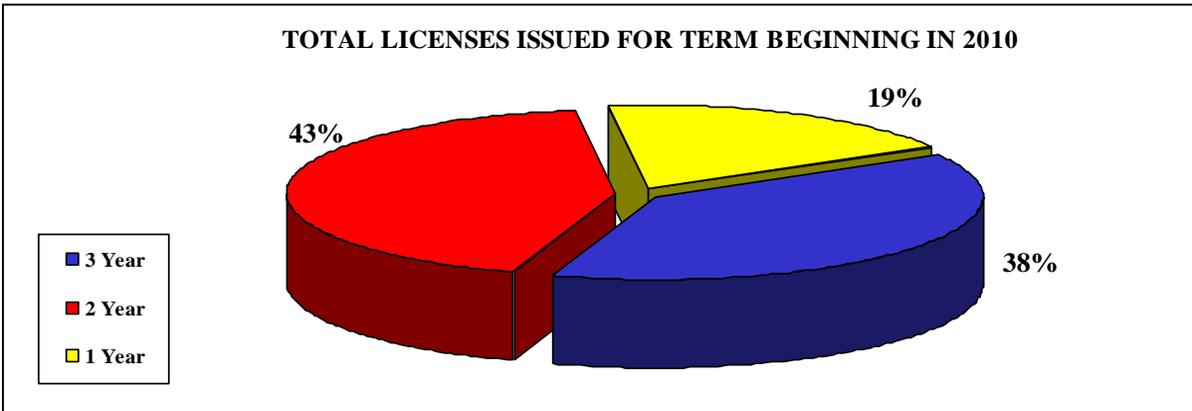
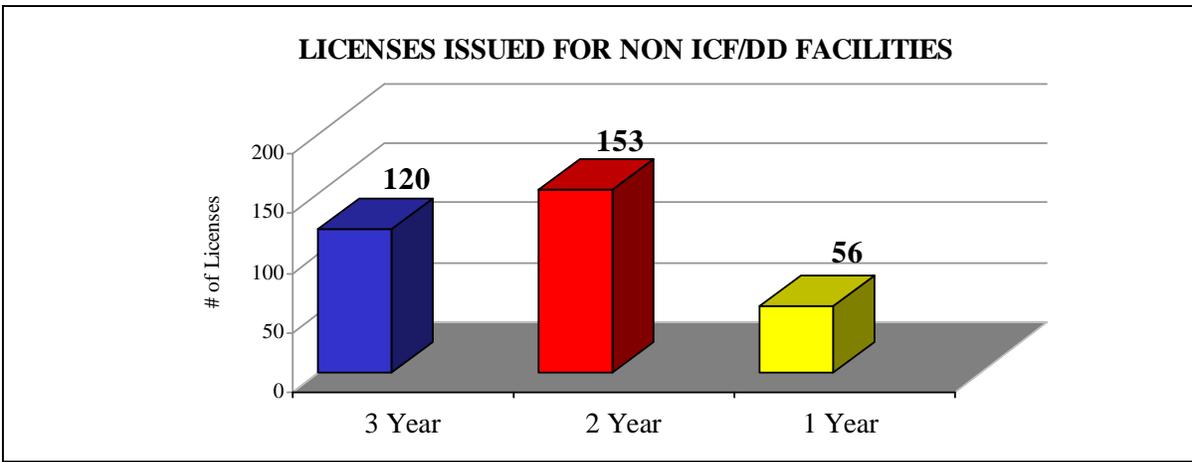
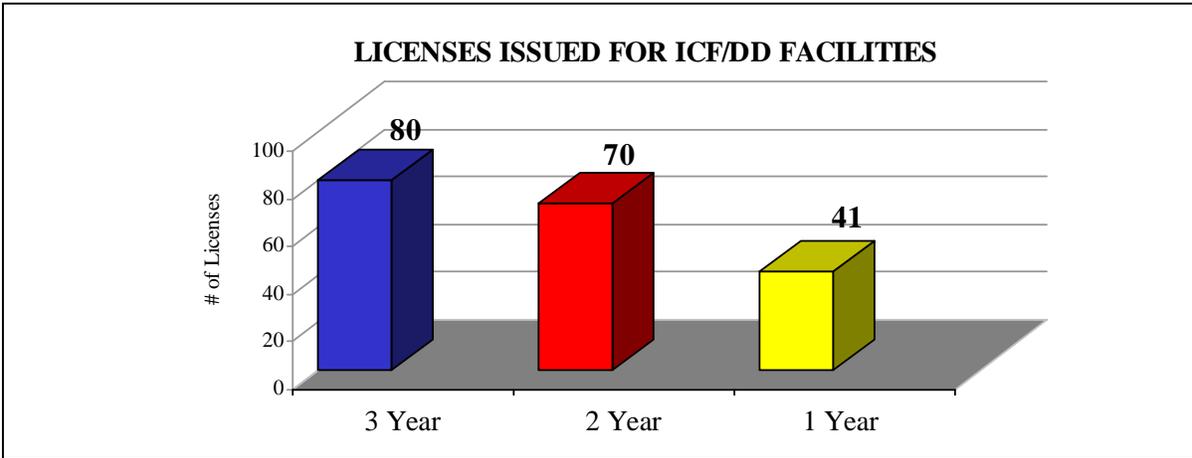


Compliance Reviews *	484
Initial Compliance Reviews*	18
Special Reviews	<u>18</u>
Total	520

* Result in term licenses.

LICENSE TERMS

Licenses issued for term between January – December 2010:

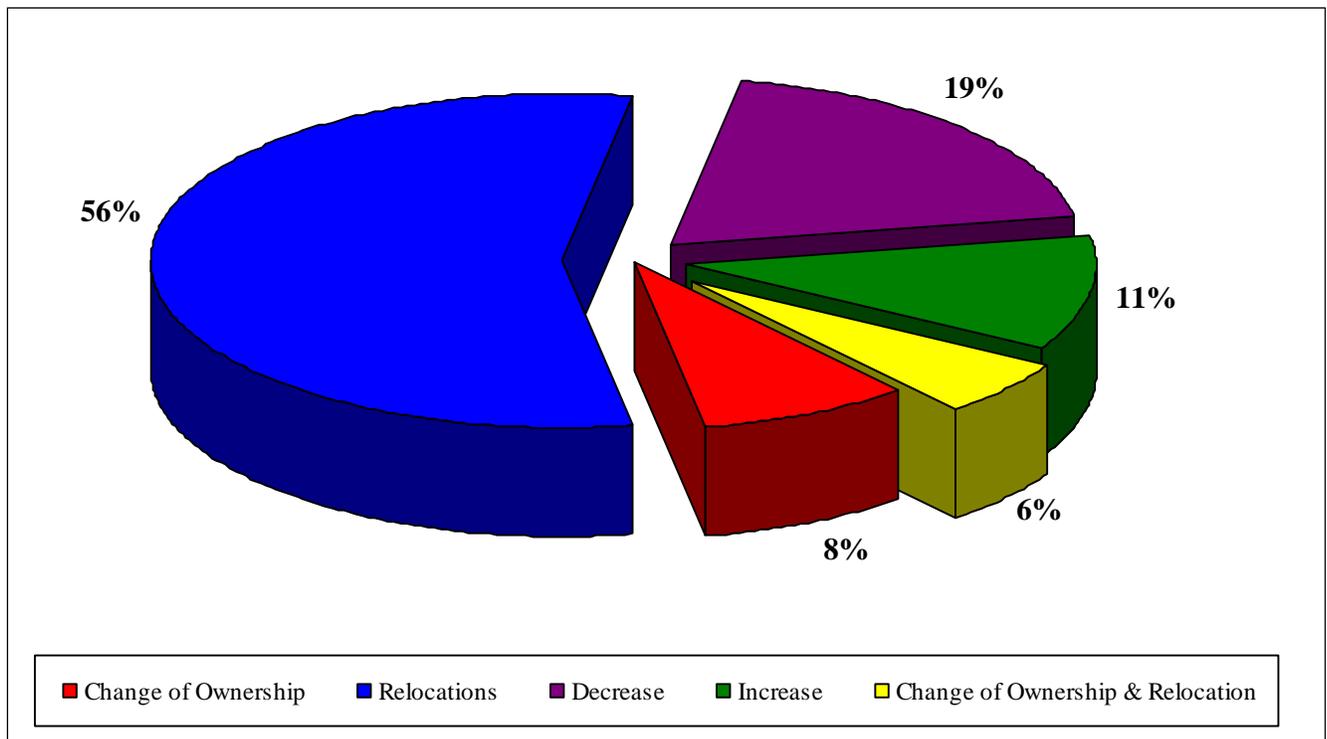


3 Year	200
2 Year	223
1 Year	97
Total	520

License terms are determined based on the results of Compliance Reviews. A facility undergoing an Initial Compliance Review will only be issued a one year term license.

DEVELOPMENT

In 2006, The State of Ohio capped the maximum number of licensed beds available in the state. There are no new beds available for development, but existing beds can undergo changes such as relocation, change of ownership and increases and decreases in the capacity of a facility. In 2010, OPSR processed 36 of these types of developments. For each development that resulted in the licensed beds being moved to another location, DODD is required to complete a feasibility review to ensure that the new facility meets the physical environment requirements outlined in the Ohio Administrative Code. In 2010, OPSR completed 23 feasibility reviews.



Action Table

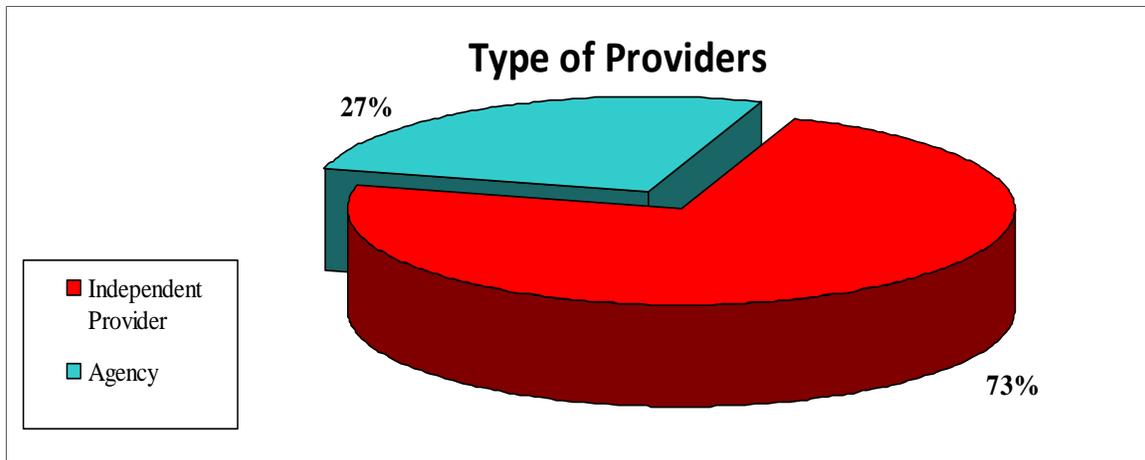
Relocations (entire facility relocates to a new location)	20
Decrease in Capacity	7
Increase in Capacity	4
Change of Ownerships	3
Change of Ownership & Relocation	2
Total	<u>36</u>

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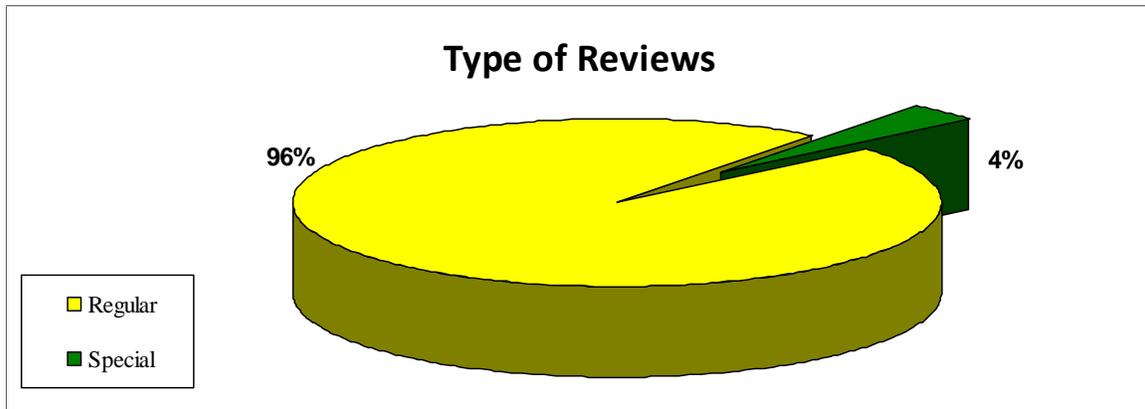
Compliance Reviews of Waiver Providers in Non-Licensed Settings

Non-Licensed Waiver Setting – a community-based residential setting, operated by a certified HCBS waiver provider. Reviews in Non-Licensed Waiver settings may also include certified HCBS waiver providers who provide ancillary services such as transportation, adult day services, environmental modifications, etc. Completion of compliance reviews in Non-Licensed Waiver settings may be delegated to the County Board of Developmental Disabilities for completion on behalf of the Ohio Department of Developmental Disabilities. Ohio Administrative Code 5123:2-9-08 requires certified providers of HCBS waiver services to be reviewed at least once every 5 years to ensure compliance with continuing certification standards.

In 2010, the department conducted **1,191 regular and special compliance reviews** of both Agency and Independent Providers in non-licensed settings.



Agency Reviews	319
Independent Provider Reviews	872

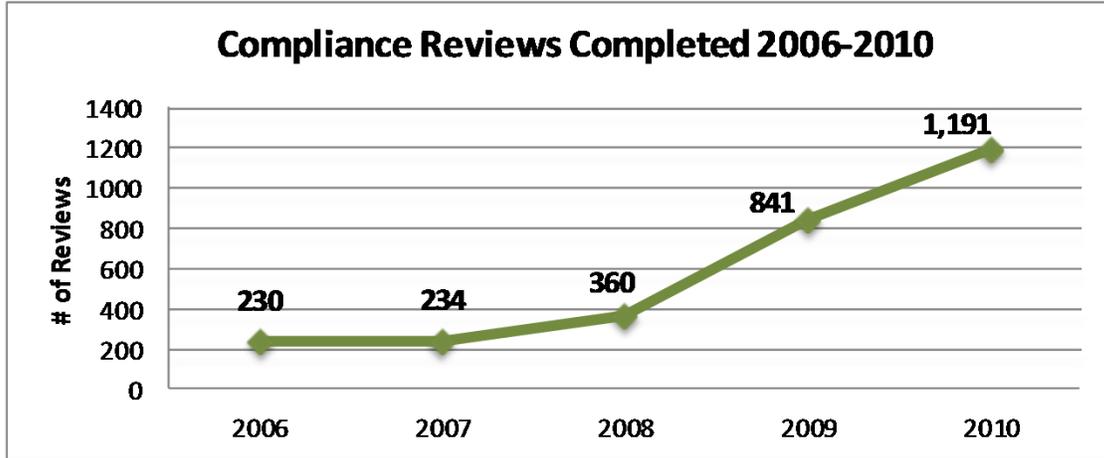


Regular Reviews	1,147
Special Reviews	44

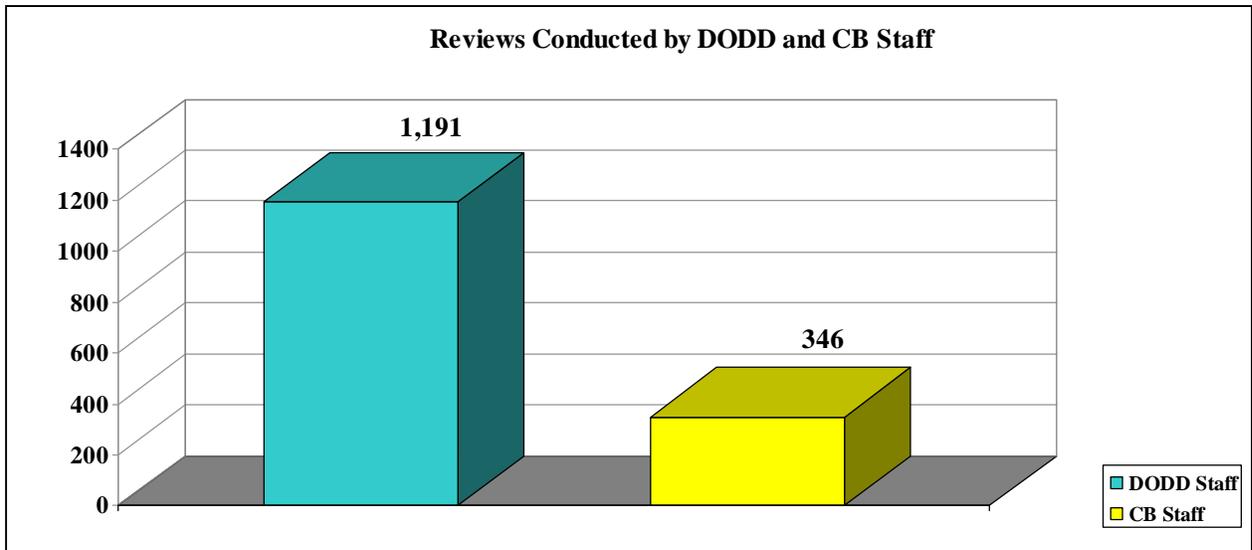
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Compliance Reviews of Waiver Providers in Non-Licensed Settings

The chart below highlights the increase in the number of compliance reviews of waiver providers in non-licensed settings from 2006 through 2010.



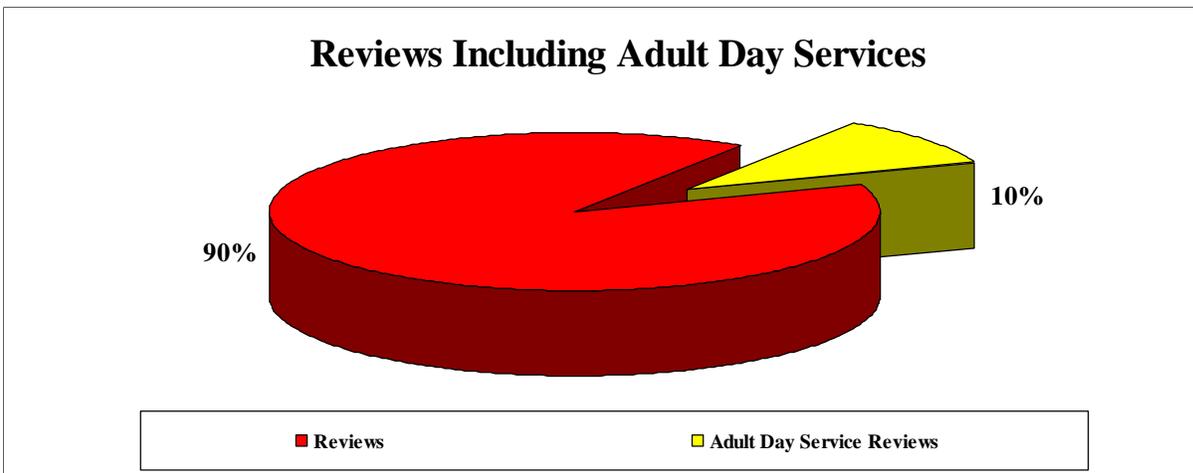
In addition to the 1,191 reviews conducted by DODD review staff, there were 346 Provider Compliance reviews conducted by County Board staff around the state in 2010.



Adult Day Services

Adult Day Services is the newest service package to be available to individuals enrolled on an HCBS waiver. Adult Day Services includes Adult Day Support, Vocational Habilitation, Supported Employment and Non-Medical Transportation. In 2010, the number of providers certified in these support categories had increased dramatically. In response to this increase and in an effort to ensure that new providers understood the compliance requirements associated with these services and to ensure health and safety in these new community-based settings, OPSR made a commitment to completing “New to the System” reviews on these providers.

In 2010, OPSR conducted 1,191 reviews. Of that total, 136 included a review of providers who deliver Adult Day Services. The outcome of these reviews found that many providers of Adult Day Services are providing innovative and creative services in new and exciting ways throughout the state.



Common concerns while conducting Adult Day Services reviews were:

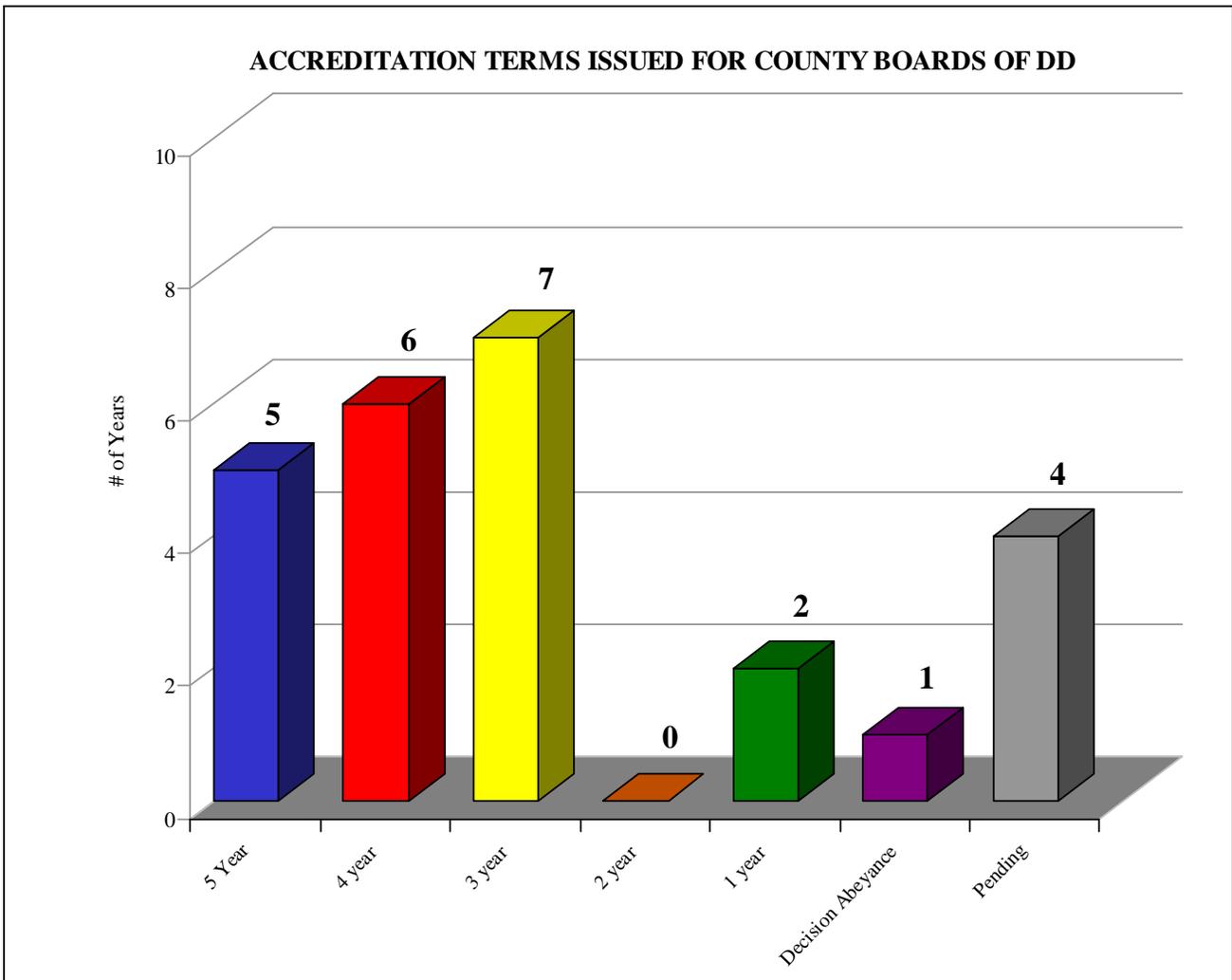
- Physical Environment (not accessible, no fire safety plans, no running water, etc.)
- Day services had little connection to the ISP (socialization only, no skill development).

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Compliance Reviews of County Boards of DD

County Boards of DD – the county government level program, which has administrative oversight for the delivery of services to individuals with disabilities in each county of the state. In addition to administrative oversight, a County Board of DD may also be a certified HCBS waiver provider of adult day services to individuals with developmental disabilities within the county. The administrative oversight of the delivery of services is reviewed for all County Boards of DD and for those County Boards which are also certified as an HCBS waiver provider. The County Board undergoes the same review process as a any provider providing in a Non-Licensed Waiver Setting. Section 5126.081 of the Ohio Revised Code requires the Ohio Department of Developmental Disabilities to establish a process of Accreditation for County Boards of DD to ensure compliance with federal and state statutes and rules while the Ohio Revised Code authorizes the department to conduct reviews as necessary.

Twenty-five counties were reviewed in 2010. The results of those surveys are as follows:



ADVERSE OUTCOMES

Medicaid Fraud

The Ohio Department of Developmental Disabilities is committed to identifying and eliminating fraud. We view it as our collective responsibility to safeguard the limited resources available to Ohio Medicaid recipients. Providers are responsible for ensuring that Medicaid billings are accurate and that they are only billing for services for which they are authorized through the Individual Service Plan (ISP) and have provided. The County Boards and Councils of Government (COGs) provide local oversight and monitoring to ensure services are provided in accordance with the plan. Additional oversight is provided by the Department. The Department receives referral information regarding possible fraudulent activity and presents it to the Office of the Attorney General through bi-weekly Medicaid Fraud Control Unit Meetings.

In 2010, ten DODD certified providers were convicted of Medicaid fraud which is a 40% increase over the previous year when six DODD certified providers were convicted of Medicaid fraud. Additionally, DODD made 12 referrals to the Attorney General's Office for possible fraudulent activities. A conviction of Medicaid fraud results in revocation of the provider's certification and/or license.

Audits

In calendar year 2010, the Office of Audits and OPSR coordinated efforts to ensure the work of the two offices are shared and complementary. Audits forwards copies of all final waiver transaction audit reports to OPSR. OPSR reviews the reports and if significant findings with service documentation are identified, OPSR will schedule a provider compliance review. Conversely, if OPSR identifies substantial areas of non-compliance with service documentation during a review, a copy of the compliance review report is forwarded to the Audits for their consideration to determine if an audit of the provider is warranted.

OPSR made six referrals to the Office of Audits for their review in 2010. Two of these referrals resulted in audits. In the other instances, Audits provided technical assistance and recommendations.

Suspension, Revocation and Abeyance

The Department of Developmental Disabilities is committed to educating providers of the standards that must be followed and assisting them in maintaining compliance with rules through technical assistance and support. However, in some cases when good cause exists, the Department may initiate sanctions against a provider. Suspension (abeyance) or revocation proceedings of a provider's certification(s) or license(s) may be initiated if the Department finds one or more of the following:

- Substantial violation(s) of applicable requirements when violation(s) present a risk to an individual's health and welfare
- A pattern of non-compliance with either plans of compliance that have been accepted by the county board or those plans of compliance that the department has approved in accordance with this rule
- A pattern of continuing non-compliance with applicable requirements
- A licensed provider has had their license revoked by the licensing authority
- Other good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious to individuals being served
- Placement on the Abuser Registry
- Conviction of Medicaid Fraud

AGENCY SANCTIONS – JANUARY 1 – DECEMBER 31, 2010

The following charts identify sanctions imposed on **Agency Providers** (for both *licensed settings* and providers of waiver services in *non-licensed settings*), as well as **Independent Waiver Providers**. They are separated by ‘Suspension Issued Only’, ‘Suspension & Revocation Issued’ and ‘Revocation Issued Only’ for both groups.

SUSPENSION ISSUED ONLY

<u>Provider</u>	<u>Suspension Imposed</u>	<u>Suspension Lifted</u>
True Providers	06/04/09	01/21/10
Just for You Supportive Living	08/21/09	01/22/10
New Millenium Home Health, LLC	09/21/09	03/09/10
REM Ohio, Inc. (<i>Cuyahoga/Lorain</i>)	10/23/09	01/15/10
REM Ohio, Inc. (<i>Summit</i>)	10/23/09	04/14/10
Miller Foster Nursing Serv/Supp Lvg (<i>Holmes</i>)	10/23/09	02/05/10
Miller Foster Nursing Serv/Supp Lvg (<i>Sandusky</i>)	10/23/09	02/09/10
New Hope Health	11/20/09	03/09/10
Total Homecare Solutions	12/17/09	04/15/10
Hand & Hand MRDD Res Serv, Inc	01/15/10	03/09/10
Twin Oaks Living & Learning Center	01/28/10	06/18/10
Blick Clinic	04/12/10	05/28/10
Focus on Independence, LLC	05/06/10	08/19/10
Diligent Supportive Living, Inc	06/10/10	09/02/10
Anthony Wayne Holdings, LLC (<i>Cuyahoga</i>)	07/12/10	11/12/10
PDS/Strausser	07/27/10	10/01/10
The Nicholson Center	07/30/10	09/02/10
New Hope Industries	09/09/10	10/14/10
<i>Agency Suspensions <u>resolved</u> in 2010 - 18</i>		
High Hopes Home #3	03/24/10	
High Hopes Home #4	03/24/10	
High Hopes Home #5	03/24/10	
Granger Home #1	05/03/10	
Granger Home #2	05/03/10	
New Option Dayhab	07/14/10	
Adult Latch Key	08/17/10	
Complete Home Health Serv	09/01/10	
Marli Cline Homes, Inc	09/09/10	
Agape Care Services	11/29/10	
Alternative Residential Treatment, Ltd	12/16/10	
<i>Agency Suspensions <u>pending</u> as of 12/31/10 - 11</i>		

AGENCY SANCTIONS – JANUARY 1 – DECEMBER 31, 2010

SUSPENSION & REVOCATION INITIATED

<u>Provider</u>	<u>Suspension/Revocation Imposed</u>	<u>Relinquished Certifications</u>	<u>Revocation Withdrawn</u>
Atmams, Inc	05/10/10	09/24/10	
Potter Family Home	6/28/10* / 9/2/10		9/20/2010
* Suspension still in effect on 12/31/10			
<i>Agency Certification <u>Relinquishments</u> in 2010 - 1</i>			
<i>Agency Revocations <u>Withdrawn</u> in 2010 - 1</i>			

<u>Provider</u>	<u>Suspension/Revocation Imposed</u>	<u>Revocation Adjudicated</u>
Good Shepherd Services & Support, Inc	11/20/09	02/01/10
Tatum House	12/30/09	04/21/10
Lori's Adult Care, LLC	12/30/09	08/27/10
K & K Homecare, LLC	05/28/10	11/09/10
Serenity New Age Health Care Serv	06/09/10	11/09/10
BETA dba Home Helpers & Direct Link	09/14/10	11/09/10
<i>Agency Suspensions & Revocations <u>Adjudicated</u> in 2010 - 6</i>		
Victory Day Hab	07/27/10	
Community Choices & Opportunities	10/26/10	
A-Ever Ready Transportation, Inc	11/05/10	
Evergreen Health Care Serv, Inc	12/01/10	
Alternative Residential Treatment, Ltd (ART)	12/16/10	
<i>Agency Suspensions & Revocations <u>Pending</u> as of 12/31/10 - 5</i>		

REVOCATION INITIATED ONLY

<u>Provider</u>	<u>Revocation Imposed</u>	<u>Revocation Adjudicated</u>
Thompson Home	11/18/10	
<i>Agency Revocation <u>Pending</u> as of 12/31/10 - 1</i>		

INDEPENDENT PROVIDER SANCTIONS – JANUARY 1 – DECEMBER 31, 2010

SUSPENSION ISSUED ONLY

<u>Provider</u>	<u>Suspension Imposed</u>	<u>Suspension Lifted</u>
Shelly Miller-Perkins	11/18/10	

Independent Provider Suspensions Pending as of 12/31/10 - 1

SUSPENSIONS & REVOCATIONS INITIATED

<u>Provider</u>	<u>Suspension/Revocation Imposed</u>	<u>Suspension Lifted/Revocation Withdrawn</u>
Jacqueline Fulks Teal	08/26/09	06/21/10

Independent Provider Sanctions Resolved in 2010 - 1

<u>Provider</u>	<u>Suspension/Revocation Imposed</u>	<u>Relinquished Certifications</u>
Candace Crawford	02/05/10	02/08/10

Independent Provider Certification Relinquishments in 2010 - 1

<u>Provider</u>	<u>Suspension/Revocation Imposed</u>	<u>Certifications Revoked</u>
Ella Jane Hanshaw	09/29/09	02/01/10
Maria Gilley Augustine	10/23/09	02/01/10
Amanda Biars	11/20/09	02/01/10
Andrew Wilkins	11/25/09	02/01/10
Brenda Preston	12/30/09	04/21/10
Kathryn Dianiska	12/30/09	04/21/10
Kelly Sims	01/15/10	12/17/10
Denise Boyd Parrish	01/19/10	04/21/10
Diana Bowling	03/05/10	04/21/10
Carlita Walker	03/15/10	12/17/10
Sarah Aschliman	04/13/10	06/01/10
Phyllis Beckley	04/13/10	06/01/10
Karen Hocker	04/13/10	06/01/10
Catrina Glass	04/13/10	12/17/10
Kiana Habeeb Ullah	05/05/10	11/01/10
Dennis Chambliss	06/11/10	08/27/10
Theresa Fetty	06/11/10	08/23/10
Lisa Woods	07/27/10	12/07/10
Rori McDonald	08/09/10	12/07/10
Linda Grotsky	08/13/10	11/09/10
Emily Baglia	09/01/10	11/11/10
David Wanatu	09/01/10	12/07/10
Amy Althouse	09/01/10	12/07/10
Loir Gorman	09/02/10	11/09/10
Julie Yinger Guarino	09/14/10	11/11/10
Cherye Turner	09/14/10	11/11/10
Mike Green	10/22/10	12/12/10
Donna Deyo	10/22/10	12/12/10

Independent Provider Suspensions & Revocations Adjudicated in 2010 - 28

INDEPENDENT PROVIDER SANCTIONS – JANUARY 1 – DECEMBER 31, 2010**SUSPENSIONS & REVOCATIONS INITIATED** (continued)

<u>Provider</u>	Suspension/Revocation <u>Imposed</u>	Certifications <u>Revoked</u>
Rochelle Brown	09/08/10	
Frederick Burks	09/14/10	
Linda Holbrook	10/12/10	
Dona Rhodes	10/12/10	
Tanya Reed	10/20/10	
Sheria Russ	10/26/10	
Bethany Peters	11/05/10	
Renee Blackmon	11/05/10	
Robert Thielmeyer	11/08/10	
Suiping Ma	11/19/10	
Lily Lee	11/19/10	
Jason Brown	11/19/10	
Eric Birnesser	12/10/10	
John Gagner	12/10/10	

Independent Provider Suspensions & Revocations Pending as of 12/31/10 - 14

REVOCATIONS INITIATED ONLY

<u>Provider</u>	Revocation <u>Imposed</u>	Revocation <u>Adjudicated</u>
Lorri S. Johnson	08/31/09	04/21/10
Kathy Gibbs	05/19/10	07/08/10
William Wheeler	05/19/10	07/08/10

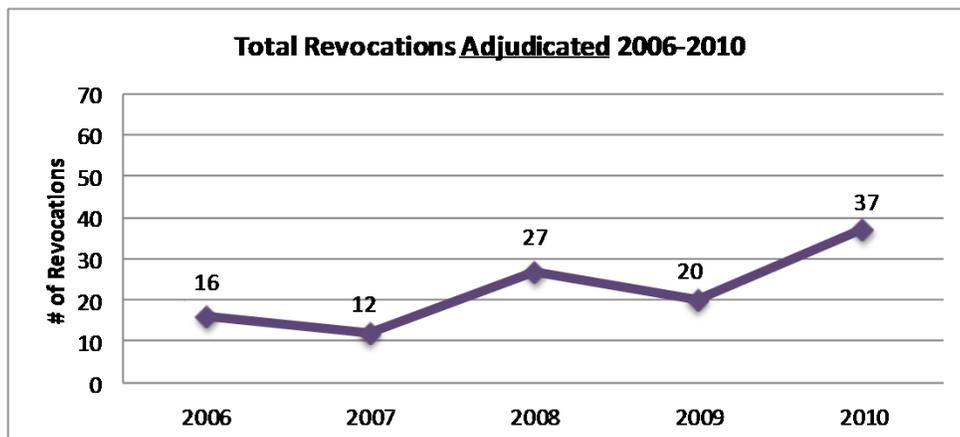
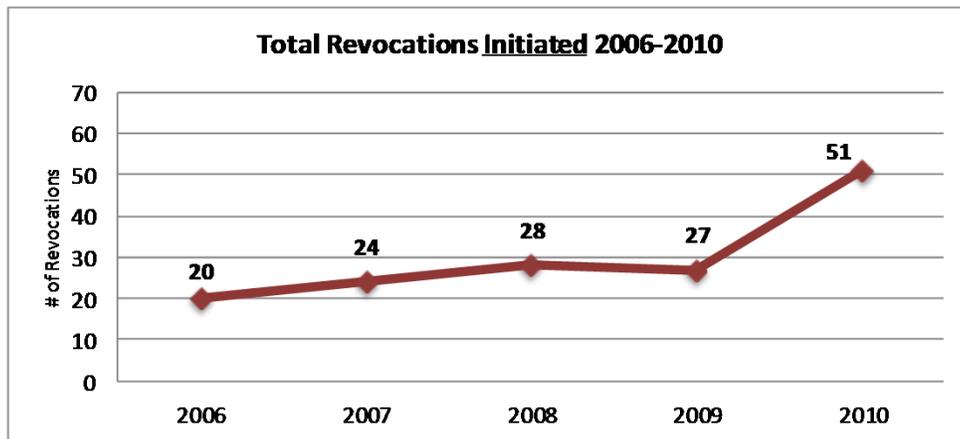
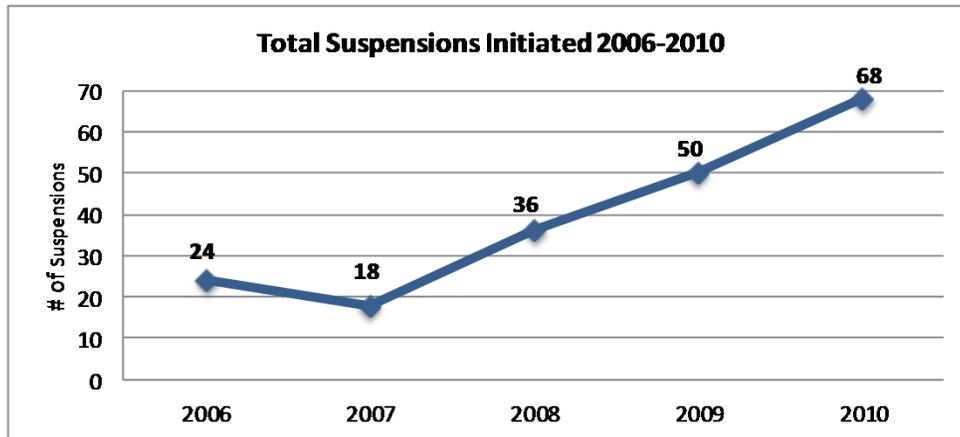
Independent Provider Revocations Adjudicated in 2010 - 3

Crystal Abrams	12/13/10	
Kendra Holiman-Jackson	12/29/10	

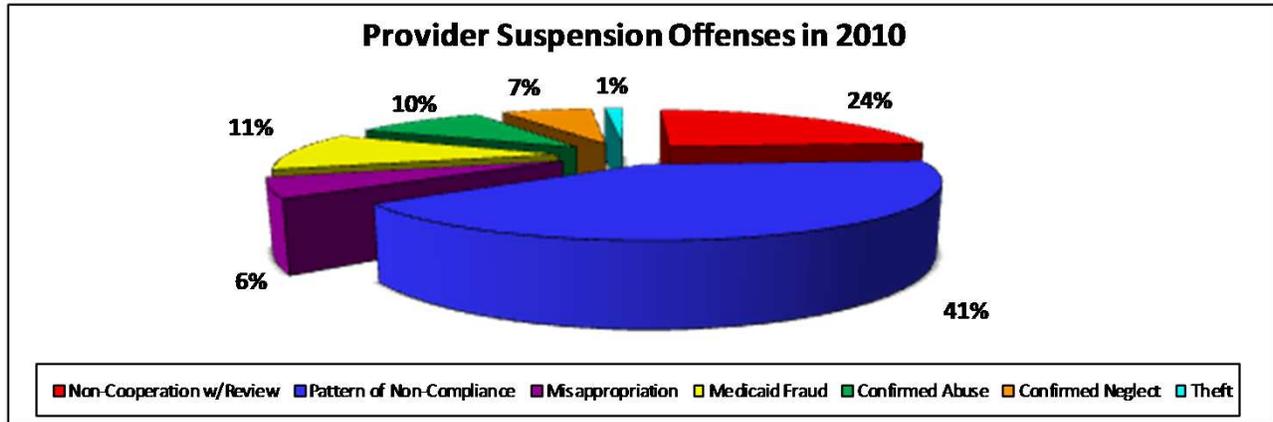
Independent Provider Revocations Pending as of 12/31/10 - 2

Comparable Sanction Data 2006 - 2010

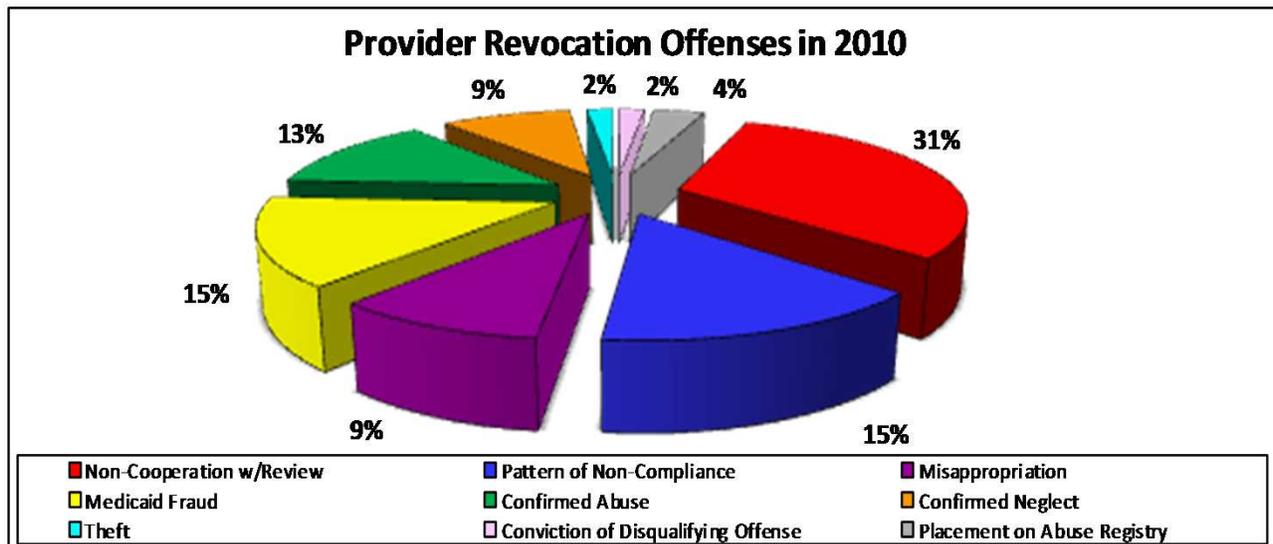
In 2010, OPSR *initiated* 68 suspensions of certifications and/or licenses and 51 revocation notifications. Thirty-seven revocations were *adjudicated*. The charts below show the sanction statistics over the past five years.



Offenses Resulting in Sanctions in 2010



Pattern of Non-Compliance	29
Non-Cooperation with a Review	17
Medicaid Fraud	8
Confirmed Abuse	7
Confirmed Neglect	5
Misappropriation	4
Theft	1
TOTAL	71*



Non-Cooperation with a Review	17
Pattern of Non-Compliance	8
Medicaid Fraud	8
Confirmed Abuse	7
Confirmed Neglect	5
Misappropriation	5
Placement on the Abuser Registry	2
Theft	1
Conviction of a Disqualifying Offense	1
TOTAL	54*

* Three providers were issued suspensions and revocation notices due to multiple offenses.