



pennsylvania
DEPARTMENT OF HUMAN SERVICES
BUREAU OF FINANCIAL OPERATIONS

March 16, 2015

Mr. Barry Bowers
Chief Financial Officer
Unlimited Staffing Solutions, Inc.
347 West Main Street
Trappe, Pennsylvania 19426

Dear Mr. Bowers:

I am enclosing for your review the final audit report of Unlimited Staffing Solutions, Inc. as prepared by the Division of Audit and Review (DAR). Your response has been incorporated into the final report and labeled as an Appendix. The report covers the period from July 1, 2012 to June 30, 2014.

I would like to express my appreciation for all of the courtesy extended to my staff during the course of the fieldwork. I understand that your staff was especially helpful to Joseph Piccolo in completing the audit process.

The final report will be forwarded to the Department's Office of Long Term Living (OLTL) to begin the Department's resolution process concerning the report's contents. The staff from OLTL will be in contact with you to follow-up on the actions taken to comply with the report's recommendations.

If you have any questions concerning this matter, please contact David Bryan, Audit Resolution Section at [REDACTED].

Sincerely,

Tina Long, CPA
Director

Enclosure

c: Mr. Jay Bausch
Mr. Grant Witmer
Ms. Kim Nagle
Mr. Michael Luckovich
Ms. Angela Episale

bc: Mr. Alexander Matolyak
Mr. Daniel Higgins
Mr. David Bryan
Mr. Grayling Williams
Ms. Shelley Lawrence
SEFO Audit File (S1401UL)

Some information has been redacted from this audit report. The redaction is indicated by magic marker highlight. If you want to request an unredacted copy of this audit report, you should submit a written Right to Know Law (RTKL) request to DHS's RTKL Office. The request should identify the audit report and ask for an unredacted copy. The RTKL Office will consider your request and respond in accordance with the RTKL (65P.S. §§ 67.101 et seq.) The DHS RTKL Office can be contacted by email at: rapwrtkl@pa.gov.

March 16, 2015

Mr. Brendan Harris, Executive Deputy Secretary
Department of Human Services
Health & Welfare Building, Room 334
Harrisburg, Pennsylvania 17120

Dear Deputy Secretary Harris:

In response to a request from the Office of Long Term Living (OLTL), the Bureau of Financial Operations (BFO) initiated an audit of Unlimited Staffing Solutions, Inc. (USS). The audit was designed to investigate, analyze and make recommendations regarding the reimbursements from the Provider Reimbursement and Operations Management Information System (PROMISe) for client care. Our audit covered the period from July 1, 2012 to June 30, 2014 (Audit Period).

This report is currently in final form and therefore contains USS's views on the reported findings, conclusions and recommendations.

Executive Summary

USS provides Personal Assistance Services through waiver programs, such as the OBRA, Independence, Commcare, Act 150 and Attendant Care waivers which are funded by OLTL.

The report findings and recommendations for corrective action are summarized below:

FINDINGS	SUMMARY
<p>Finding No. 1 – Claims Reimbursed Through PROMISe Were not Adequately Documented.</p>	<p>A statistically valid random sample (SVRS) of PROMISe paid claims was tested for adequacy of supporting documentation. The discrepancies identified relate to daily activity notes pertaining to Personal Assistance Services. The questioned costs related to these errors are \$1,577,550.</p>
HIGHLIGHTS OF RECOMMENDATIONS	
<p>OLTL should:</p> <ul style="list-style-type: none"> Recover \$1,577,550 from USS for claims that were inadequately documented. <p>USS should:</p> <ul style="list-style-type: none"> Ensure that claims are accurate and are adequately supported by the required documentation before billing. 	

Unlimited Staffing Solutions, Inc.
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FINDINGS	SUMMARY
Finding No. 2 – Internal Control Deficiencies	Internal control deficiencies were identified including a lack of supporting documentation for services that were billed and no supervisory review of the documentation supporting the services that were being billed.
HIGHLIGHTS OF RECOMMENDATIONS	
USS should: <ul style="list-style-type: none"> • Ensure that staff is properly trained in completing time sheets and daily activity notes. • Develop procedures to ensure that time sheets and daily activity notes are reviewed for completeness and adequately support the services that are billed. 	

See Appendix A for the Background, Objective, Scope and Methodology and Conclusion on the Objective.

Results of Fieldwork

Finding No. 1 – Claims Reimbursed Through PROMISe Were not Adequately Documented.

A SVRS of claims was selected from the claims reimbursed through PROMISe during the Audit Period. The SVRS consisted of Personal Assistance Services claims. The underlying documentation was analyzed to determine the validity of each claim that was sampled. In order for a claim to be considered valid, it must be supported by a time sheet and a daily activity note.¹ The necessary documentation needed to support services rendered by caregivers was lacking for 24% of claims in the sample. Questioned costs related to these errors are \$1,577,550.

Recommendations

The BFO recommends that OLTL recover \$1,577,550 from USS for claims that were inadequately documented.

The BFO also recommends that USS ensure that claims are accurate and adequately supported by the required documentation before billing.

Finding No. 2 – Internal Control Deficiencies

The BFO's analysis of USS PROMISe claims identified the following internal control weaknesses:

Daily activity notes were non-existent and/or sporadically completed: USS's care-givers initially completed only a time sheet to support the services that were billed. In June 2013, the care-

¹ 55 Pa. Code Chapter 1101 §1101.11 General Provisions and §1101.51 Ongoing Responsibilities of Providers; also, 55 Pa. Code Chapter 52 §52.14 Ongoing Responsibilities of Providers and §52.15 Provider Records

Unlimited Staffing Solutions, Inc.
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giver documentation requirement was enhanced to include a declaration of service delivery. However, not all care-givers fulfilled the service delivery affirmation requirement. As a result, claims that were not adequately documented continued to be billed.

Lack of supervisory review: USS did not have the proper level of supervision in place to review care-giver time sheets and daily activity notes. As such, claims were submitted and paid without adequate documentation to support services that were billed.

Recommendations

The BFO recommends that USS ensure that staff is properly trained in completing time sheets and daily activity notes.

The BFO also recommends that USS management develop procedures to ensure that time sheets and daily activity notes are reviewed for completeness and adequately support the services that are being billed.

Exit Conference/Auditor's Commentary

An Exit Conference was held on March 3, 2015 at the request of USS's management. The discussions centered on the programmatic regulations and requirements. The BFO reviewed USS's response which took exception to the application of the regulations and the requirement to have daily activity notes; however, the assertions are without merit. Accordingly, no changes were made to the draft report.

In accordance with our established procedures, an audit response matrix will be provided to OLTL. Once received, OLTL should complete the matrix within 60 days and email the Excel file to the DHS Audit Resolution Section at:



The response to each recommendation should indicate OLTL's concurrence or nonconcurrence, the corrective action to be taken, the staff responsible for the corrective action, the expected date that the corrective action will be completed and any related comments.

Sincerely,

A handwritten signature in black ink that reads "Tina L Long".

Tina L. Long, CPA
Director

- c: Mr. Jay Bausch
- Mr. Grant Witmer
- Ms. Kim Nagle
- Mr. Michael Luckovich
- Ms. Angela Episale

bc: Mr. Alexander Matolyak
Mr. Daniel Higgins
Mr. David Bryan
Mr. Grayling Williams
Ms. Shelley Lawrence
SEFO Audit File (S1401UL)

UNLIMITED STAFFING SOLUTIONS, INC.

APPENDIX A

APPENDIX A

Background

USS is a for-profit corporation that provides Personal Assistance Services to its consumers. Unlimited Staffing Solutions serves consumers who are approved by OLTL. OLTL funds the waiver eligible services which are paid through the PROMISe reimbursement process. USS is a related organization to HCBS, which provided support coordination and transportation services.

Objectives/Scope/Methodology

The audit objective, developed in concurrence with OLTL, was:

- To determine if Unlimited Staffing Solutions has adequate documentation to substantiate its paid claims through PROMISe for services delivered.

The criteria used to ascertain the adequacy of supporting documentation was 55 Pa. Code Chapter 52, 55 Pa. Code Chapter 1101 and pertinent Federal Waiver Requirements.

In pursuing this objective, the BFO interviewed OLTL personal and Unlimited Staffing Solutions employees and management. We also analyzed books and records, billing data, PROMISe reimbursement data, criminal background checks and other pertinent data necessary to pursue the audit objective.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Government auditing standards require that we obtain an understanding of management controls that are relevant to the audit objective described above. The applicable controls were examined to the extent necessary to provide reasonable assurance of the effectiveness of those controls. Based on our understanding of the controls, there were material deficiencies in billing procedures. Areas where we noted an opportunity for improvement in management controls are addressed in the findings of this report.

The BFO's fieldwork was conducted intermittently from September 12, 2014 to October 2, 2014 and was performed in accordance with GAGAS. This report is available for public inspection.

Conclusion on the Objective

In conclusion, Unlimited Staffing Solutions did not meet the documentation requirements for reimbursement of certain PROMISE claims for Personal Assistance Services. For the claims that were sampled, 24% were not properly supported through a daily activity note or service rendered declaration. As a result, total questioned costs are \$1,577,550.

UNLIMITED STAFFING SOLUTIONS, INC.

RESPONSE TO THE DRAFT REPORT

APPENDIX B



February 20, 2015

Mr. Daniel Higgins, Audit manager
Division of Audit and Review
Bureau of Financial Operations
Department of Human Services
[REDACTED]

Dear Mr. Higgins:

I am enclosing our response to your audit and audit findings for the period July 1, 2012 through June 30, 2014.

We look forward to discussing the information presented at the exit conference on March 3, 2015 at 10:00 A.

Very truly yours,

Barry N. Bowers

RESPONSE TO DAR Findings:

Unlimited Staffing Solutions Inc.

Audit Period (7/1/2012 thru 6/30/2014).

As stated: BFO initiated an audit of Unlimited Staffing Solutions, Inc. (USS) designed to investigate, analyze and make recommendations regarding the reimbursements from PROMISE for client care.

In the Executive Summary section of the DAR, it states that USS provides PAS services through waivers such as OBRA, Independence, Commcare, Act150 and Attendant Care. In response, **Unlimited has never provided waiver services under CommCare.**

At issue is alleged lack of "Daily Note" documentation. Unlimited strongly disagrees with the BFO's findings. Explanation follows:

BFO asserts in Findings #1: As stated in the audit, "A random sample (SVRS) of promise paid claims was tested for adequacy of supporting documentation. The extrapolated test finding totaled \$1,577,550.

BFO findings are clearly documented, and they cite references: 55 PA Code, Chapter 1101.11: General Provisions and 1101.51: Ongoing Responsibilities of Providers: also 55 PA Code Chapter 52.14: Ongoing Responsibilities of Providers and 52.15: Provider Records.

However, the Auditors appear to have no understanding of Unlimited's, governing licensure requirements under DOH –Department of Health. USS MUST be and is licensed through DOH as a Home Care Agency/Home Care Registry. Refer to PA Code, Chapter 611: Home Care Agencies and Home Care Registries, specifically 611.2, 611.3 and 611.5, If not licensed in this manner UNL or other similarly situated agency providers COULD NOT provide HCBS waiver services. This Chapter cross references, 55 Pa. Code: 55.20; 51.22; 52.15; 52.17; 52.19 and 52.20.

Specifically, In Section 611.2: License Required section (C) ..."An entity operating a home care agency or Home Care Registry or both, as of December 12, 2009 may continue to operate if it submits an application for license to the DEPARTMENT (DOH)" "If the Department Grants the application for licensure, the Home Care Agency or Home Care Registry may continue operation in accordance with this chapter." This is further applied in section 611.3. Unlimited Staffing Solutions Inc. has been in operation under these rules since 2001.

In section 611.5 of this same Chapter 611. - DEFINITIONS: The department makes CLEAR what a Home Care Agency is, and how it is directed to carry out its mandate mission. Specifically referencing the definitions of: Home Care Agency, Home Care Registry, Home Care Services and the Independent Living Philosophy. Clearly, rendered services ARE CONSUMER DIRECTED. Therefore, all services are as directed

by the consumer, to the consumers own daily specified needs and wants, within the context of their ISP authorized approvals.

One of the foundation building blocks of HCBS services and its delivery since 2000 has been the acknowledgement by the U.S. Supreme Court (Olmstead Decision) and the then torch bearer of the consumer direction movement (PENNSYLVANIA) ... that who better knows what they need than the consumer themselves. This was and has been the unobstructed understanding of the way, manner and measuring stick in determining the quality of care a consumer receives. We bring up this point because during the audit it was emphatically stated by the BFO Auditors that these services are not consumer driven, and that in fact these services are managed care/facility care and must be provided as such. More importantly, it is this misunderstanding that greatly conflicts with what documentation the auditors were looking for and the mandates of DOH and HCBS 1915 c waiver services.

In the Results of Field Work Section, BFO's Findings # 1: The audit team states that .."In order for a claim to be considered VALID, it must be supported by a time sheet and daily activity log."

Besides the obvious fact that the issue is not having a time sheet: SIGNED BY THE CONSUMER AUTHORIZING PAYMENT FOR SATISFACTORY SERVICE PROVISION. The BFO auditors were clear that the regulation clearly state that there MUST be a daily "Daily Activity Note".

What is a "Daily Note"? In no regulation other than through the OFFICE of Developmental Programs is there any reference to a "Daily Activity Note or Progress Note". Refer to Chapter 51 Office of Developmental Programs – specifically HCBS 51.16 Progress notes. There is no such definition stated in any other regulations under any other Department or Office. Still this is not the point, Unlimited Staffing Solutions Inc. prides itself in providing not only quality services that empowers each individual consumer, and it exceeds the requirement of any regulation.

This issue was raised, albeit informally, by [REDACTED] of QMET during our last QMET audit (which covered the same audit period as BFO) in which NO OVER PAYMENTS were found. Furthermore, the same tool was used by both BFO and QMET in determining properly billed claims compliance.

With that said, during the informal discussions regarding "Daily Activity Log" ... with our desire to put our best effort forward and our mutual understanding of service delivery mechanics and mandates, I personally re-drafted, during the QMET 2014 audit our existing time sheet by incorporating the various generalized tasks which a direct care worker could perform while rendering service. Our original time sheet has been in use since 2001 until this recent QMET audit. At that time, a second time sheet was created showing the tasks, **and approved by** [REDACTED] as the new Time Sheet. A third time sheet has been created resulting from the BFO Audit team having some issue with the fact the time heading was "HCBS TIME SHEET" as opposed to "USS Time Sheet" or just "Time Sheet", even though HCBS is the acronym for HOME & COMMUNITY BASED SUPPORT SERVICES.

Therefore, as presented, USS response to BFO finding #1 is: Given that QMET completed an Audit for the period of March 1 - 2013 through February 28, 2014 and FOUND NO OVER PAYMENTS or billing compliance issues. Given that DOH-Dept. of Health conducted their own audit for the same period and found NO discrepancies or compliance issues. UNL asserts that the BFO findings are contradictory and are incorrect in their determination to previous QMET findings of Audits covering the same audit period. Furthermore, that both QMET and BFO by their own admission use similar Audit Financial Probe auditing tools in determining the accuracy and validity of Promise billing, and that there may be a serious misunderstanding or misrepresentation or regulation conflict between governing regulations namely DOH and OLTL, which have historically supported the requirement that that consumer signs as verification and authorizing the payment to the worker for services provided, upholding the philosophical understanding that the consumer can best determine satisfactory validity in service provision that meets their unique needs for that day and week.

Perhaps the question or issue is what constitutes an activity of daily living (ADL or IADL) or the documenting of activities performed each day by the worker. Although 52.3-Definitions cite ADL/IADL's, this is not, nor can it be an exhaustive list. More importantly no such specific requirement (Daily Activity Note) has been formally required or audited for, or made clear or directed or defined by OLTL or its regulations other than that stated earlier.

It appears to us that the BFO Auditors are saying that scope, frequency, amount and duration entries are what they are looking for to satisfy the Daily Activity Note requirement. USS receives a Service Authorization Form that is used to guide direct care workers in rendering services. The Direct Care provider DOES NOT GET A COPY OF THE ISP. And by regulation the ISP is the ONLY source other than HICSIS that quantifies any service goal in the format of Scope, Amount, Frequency and Duration. **Furthermore as a Direct Care Provider, USS only has limited access to HICSIS.**

Therefore, the implementation of the new time sheet format did take some time. The best avenue decided by management was to address the time sheet changes through normal annual/Initial training sessions as well as when workers dropped of their time sheets themselves. However not all workers come to the office on a common frequency. Most time sheets come in through the mail. This was compiled by the widely known fact as cited in the QMET audit, that SCE's were not giving Direct Care providers all the necessary service documentation.

We have the Audit tool instructions for QMET, specifically as it related to billing Documentation and audit review.

We also have the "FINANCIAL PROBE SAMPLE" For each waiver ACW, IW, OW, and CC... The task is to verify that the provider of service only bills for services provided. The Method- Review supportive documentation for PROMISE billing claims. Utilize protocol on Probe sample (QMET 1409) and Expanded Financial Review (QMET) 1609 to determine compliance with standard.

BFO asserts in Findings #2: Audit found that there were internal control deficiencies identified; including a lack of supervision to review time sheets and "Daily Activity Notes" in claim verification.

RESPONSE: Unlimited Staffing asserts BFO's finding is Erroneous and shows the complete disconnect between DOH/DPW/OLTL regulation and interpretation. This is evidenced by the fact that DOH regulations clearly states "as directed by the consumer" furthermore, only Direct Care agencies must comply with this licensing regulation.

At issue is not the manner in which a claim is processed in Promise, but rather ... what constitutes a "Daily Activity Note".

The only source to gather any direction for any type of "note" taking is that which is received by the SCE's in the form of a SAF-Service Authorization Form. **TO THIS DAY**, the only document given to direct care agencies by SCE is an SAF- Service Authorization Form. This form simply states demographic information, authorization dates and the number of hours each week and most commonly filled out identifying tasks... "that ensure and assist the individual in maintaining an independent and healthy life style.

IF No ISP was forwarded to the Direct care Provider by the SC and if the consumer did not receive a copy (which is the usual mode and practice by most SCE's) There is no service delivery document other than the SAF. **DIRECT CARE AGENCIES ONLY HAVE LIMITED ACCESS TO HICIS. OLTL HAS BEEN AWARE OF THIS LONG STANDING COMPLIANCE ISSUE FOR YEARS.**

There is no requirement that we can find in OLTL's regulation Chapter 55 regarding any "Daily Activity Note". It does state that a valid billable service must be substantiated by service documentation.

What constitutes service documentation? Historically, it has been the time sheet signed by the consumer in attestation that services were satisfactory and that they met the consumer's needs and

were within the scope of the ISP and that by their signature they authorize payment for services rendered.

Finally, as stated in Appendix A of BFO's finding. Unlimited Staffing Solution IS NOT IN ANY WAY RELATED TO, AFFILIATED WITH OR A SUBSIDERARY OF [REDACTED]

BFO Auditors are apparently unaware and as stated by them at the time of the audit, [REDACTED]

[REDACTED]

Therefore, contrary to BFO auditors insight into historical continuums, UNL was credentialed to provide SC services as a Direct Care provider as a direct result of the closing of many county AA's and individual SC providers when a single [REDACTED] was announced back in 2010-2011. HCBS was not created as a corporation until mid-2012. Although HCBS was being used to separate the services then internally to UNL, as directed by OLTL, all billing for all services were completed under UNL's provider number for each service type.

[REDACTED] did not complete 52.26 Conflict Free Service Coordination the "SPIN-OFF" process Until late May early June 2014. ALL (6) REQUIREMENTS OF 52.26 WERE MET AND APPROVED BY OLTL AS EVIDENCED BY THE ACQUISITION OF ITS OWN PROVIDER NUMBER.

UNLIMITED Staffing Solutions INC and [REDACTED] are completely and 100% separate and meet all 52.26 requirements as it relates to Conflict Free Service Coordination.