

## MDS Alert

### Industry News to Use: 2017 OIG Work Plan: Get Ready For More Scrutiny Of 4 Key Areas

Federal watchdogs are planning to crack down on nursing facilities' reported complaints, incidents of abuse and neglect, and therapy billing in the coming year. So prepare yourself for more heat from the **HHS Office of Inspector General** (OIG) throughout 2017.

On Nov. 10, the OIG posted its Work Plan for the upcoming fiscal year. According to a recent summary by attorneys **Shannon DeBra** and **Beatrice Nokuri** with **Bricker & eckler LLP**, the 2017 OIG Work Plan includes the following four key items specific to nursing homes and skilled nursing facilities (SNFs):

**1. Nursing home complaint investigations:** The OIG will review state agencies' investigations of the most serious nursing home complaints and whether they conducted investigations within the required timeframes. This initiative is based on a 2006 OIG report that found state agencies failed to investigate "immediate jeopardy" and "actual harm" complaints within the two- and 10-day required timeframes, DeBra and Nokuri stated.

**2. Unreported incidents of potential abuse and neglect:** The OIG also plans to assess abuse and neglect of Medicare beneficiaries receiving care in SNFs and determine whether these incidents were properly reported and investigated in accordance with applicable federal and state requirements, DeBra and Nokuri noted. The OIG will interview state officials to find out if the sampled incidents were reported (if required) and whether states investigated and subsequently prosecuted each reportable incident.

**3. snF reimbursement:** The OIG will review documentation for higher levels of therapy at selected SNFs to determine whether it meets the requirement for each RUG. This review follows up on "previous OIG findings (and, likely, the large settlements we have seen recently in this area) indicating that SNFs are billing for higher levels of therapy than were provided or were reasonable or necessary," DeBra and Nokuri wrote.

**4. Adverse event screening tool:** Finally, the OIG plans to review the use of a SNF adverse event trigger tool with the goal of garnering practical information about the tool for use in the industry.

Link: To access the 2017 OIG Work Plan, visit [https://oig.hhs.gov/reports-and-publications/archives/workplan/2017/HHS\\_OIG\\_Work\\_Plan\\_2017.pdf](https://oig.hhs.gov/reports-and-publications/archives/workplan/2017/HHS_OIG_Work_Plan_2017.pdf).