

MDS Alert

MDS NURSES WANT TO KNOW

Beware Survey and Other Consequences of MDS Inaccuracies

Question: I'm a new MDS coordinator and haven't been through many surveys. Can and do surveyors cite facilities for MDS inaccuracies? Would that usually result in a fiscal intermediary audit or trouble with the Health & Human Services Office of Inspector General?

Indiana Subscriber

Answer: There are survey citations that can apply to MDS inaccuracies. Facilities can be tagged for more mundane MDS inaccuracies under F272, which says the assessment has to be accurate - with the watchword of accuracy appearing in the OBRA regulation (although there is some leeway for "clinical disagreement"). Many facilities have been cited for MDS errors under this tag and the citations have been upheld on appeal.

Facilities can also be cited for "willful falsification" of assessment data where, for example, someone appears to have purposefully upcoded or shows a pattern of ADL upcoding or rounding up therapy minutes, both of which drive payment. Willful falsification would also include a facility that sends out a memo saying all residents in nursing homes require assistance with eating in some fashion and instructs clinicians to code everyone at a certain level. Carrying assessment responses forward from one MDS to the next without actually reassessing the resident is another example of a willful falsification, according to the **Centers for Medicare & Medicaid Services**.

Yet the survey agency, FI and OIG don't usually talk to each other (although there are exceptions). Unless something rises to the level of willful falsification there would have to be a real complaint or whistleblower situation to trigger that kind of scrutiny.

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