

## OASIS Alert

### Documentation: Linking Paychecks To Timely Documentations Works - But It's Risky

**Experts suggest better ways to get those assessments in on time.**

Late paperwork can cost you money - but so can illegal incentives.

OASIS deadlines and prospective payment system reimbursement rules place a premium on submitting paperwork on time. But if you try to solve the problem by withholding paychecks, you could quickly run afoul of federal and state labor laws, attorneys agree.

Home health agencies are always looking for ways to encourage busy clinicians to focus on getting OASIS assessments and related paperwork in quickly so the agency can check and submit the data within the required time periods. Unfortunately, one of the most effective incentives - linking paychecks to paperwork completion - can cost you thousands.

**Hidden trap:** Withholding paychecks when clinicians don't submit documentation could violate your state's employment laws. If the employee has worked the time, the laws require you to pay her.

State employment laws "are pretty nasty," warns attorney **Liz Pearson** with Covington, KY-based **Pearson & Bernard**. They usually require employers to pay up to three times the unpaid wages plus any attorneys' fees - "always the kicker," Pearson says.

You shouldn't be surprised if a case with \$300 in wages results in \$3,500 in attorneys' fees, cautions **John Gilliland** with Indianapolis-based **Gilliland & Caudill**.

**Don't overlook:** You could also be violating the federal Fair Labor Standards Act by withholding checks, Gilliland says. And arguing your case before the labor board can be a costly experience, he adds.

#### How To Safely Let The Money Talk

While you have to give the employee a paycheck, you don't have to pay the whole amount. "Use reduced pay for incomplete work," Pearson counsels. Clearly communicate to employees a pay rate for incomplete work and a (full) pay rate for completed work.

The safe way to avoid state law problems is to make the reduced rate - down to minimum wage - the job's base pay rate, Gilliland advises. Then, offer a "bonus" amount on top of that base rate for filling out and submitting paperwork on time.

**Tip:** Check your state's laws before implementing this system, because reducing the job's pay rate doesn't fly in a number of states, Gilliland warns. And if you pay per-visit, check with your attorney, experts warn.

If only certain clinicians aren't meeting paperwork expectations, sit down with the clinicians in question and try to find out why, suggests consultant **Pam Warmack** with **Clinic Connections** in Ruston, LA. "We need to know the problem before we can come up with solutions," she explains.

**Caution:** If many clinicians are unable to meet your deadline, check to see that your expectations are reasonable, Warmack warns.

Make timely submission a component of performance expectations for both clinicians and supervisors, recommends senior clinical consultant **Judy Adams** with Charlotte, NC-based **LarsonAllen Health Care Group**. "Be very clear about the agency's expectations and use close follow-up for those who are having difficulty," she advises.

Some agencies pay an extra amount on a sliding scale for timely paperwork, allowing clinicians to earn more money if they submit their paperwork very quickly.

But be consistent when it comes to disciplining employees who don't meet deadlines, or rewarding those who do, Warmack urges. Playing favorites will cause even more problems.