

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Myers</i>	DATE <i>7-7-08</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>000011</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>7-10-08</i>
<i>cc: Singletau, Qintary Morrissey, Stansbury Ref Log # 681</i>	<input type="checkbox"/> FOIA DATE DUE _____
	<input type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1. <i>Still pending per Richard K. on 7/30/08.</i>			
2.			
3. <i>Cleared w/ log # 625 -- 10/10/08</i>			
4.			

SALUDA NURSING CENTER

581 Newberry Highway Post Office Box 398
Saluda, South Carolina 29138-0705

Robert F. Bowles, NHA
Administrator

Phone 864-445-2146
Fax 864-445-3119

July 2, 2008

RECEIVED

Log. Myers
Appex Sign.
cc: Singlestar,
Quinnell, Morrison
Ref Log # 681

JUL 03 2008

Nicole Mitchell-Threat
Bureau of Long-term Care Services
PO Box 8206
Columbia SC 29202-8206

Department of Health & Human Services
OFFICE OF THE DIRECTOR

Dear Ms. Mitchel-Threat:

Enclosed is a copy of a letter received today by the resident about whom you and I have been having conversation. Logisticare refused to provide transportation services to him on Saturday, June 28, 2008 and again on Monday, June 30, 2008. He was returned to us last night at 6:15 PM via Capital City Ambulance Service out of August GA. He was returning from University Hospital where he had had work done on his dialysis shunt.

He continues to need dialysis three (3) times a week. He will not require an ambulance for his transportation to and from dialysis. He is able to transfer to a car with minimal assistance and enjoys riding in the car. His next dialysis appointment at Davita Dialysis Clinic in Aiken is tomorrow, July 3, 2008, and must be there 10:30 -- 11:00 AM. We need to know **NOW** what to do!!!

Receiving this letter today is evidence of just how bad this system is and exhibits their non-caring attitude. They continue to have no regard for the person that they have already been paid to serve. Logisticare personnel need to know the regulations regarding nursing home care if they are to deal with nursing home residents.

The letter states that we are "non-compliant". Saluda Nursing Center is not the one that is non-compliant. Logisticare is the company that is non-compliant. The letter states that they need evidence of his Medicaid eligibility and the letter itself contains his Medicaid number. By their contract they are obligated to provide transportation to Medicaid recipients. Although the resident is under Medicare part A services for his stay in Saluda Nursing Center, his transportation should be provided by Logisticare because transportation is an excluded service under Medicare Part A for dialysis recipients.

Saluda Nursing Center does not commit Medicare fraud. It would be an abuse of Medicare to use an ambulance for this resident. Saluda Nursing Center does not have enough vehicles to provide transport for this resident. He is Medicaid certified. Therefore, Logisticare should be providing his transportation.

Page 2
Letter to Nicole Mitchel-Threat
July 2, 2008

I am waiting for you to call me today following our phone conversation yesterday, Tuesday, July 1, and our email communication, to learn the steps that I need to follow to take legal action against the SC Department of Health and Human Services and your transportation broker—Logisticare.

In advance, I want to thank you for your cooperation in this matter for your concern for the people of SC. We are grateful to know some people who care!

Sincerely,



Robert F. Bowles, NHA
Administrator

Xc: Sheila Platts
Emma Forkner ✓
Patricia Johnson
Sen. Cromer
Sen. Massey
Rep. Frye
Lt. Gov. Bauer

General Explanation of the Major Categories for Skilled Nursing Facility (SNF) Consolidated Billing

The SNF annual update file contains a comprehensive list of HCPCS codes involved in editing claims submitted to FIs for services subject to SNF consolidated billing (CB). The CMS has divided these codes into 5 Major Categories.

General explanation of the Categories:

* Major Category I - Exclusion of Services Beyond the Scope of a SNF *

These services must be provided on an outpatient basis at a hospital, including a critical access hospital (CAH) only, not by a SNF, and are excluded from SNF PPS and CB for beneficiaries in a Part A stay. Services directly related to these services, defined as services billed for the same place of service and with the same line item date of service as the services listed below, are also excluded from SNF CB, with exceptions as listed below.

- Note that anesthesia, drugs incident to radiology and supplies (revenue codes 037x, 025x, 027x and 062x) will be bypassed by enforcement edits when billed with CT Scans, Cardiac Catheterizations, MRIs, Radiation Therapies, or Angiographies or surgeries.
- In general, bypasses also allow CT Scans, Cardiac Catheterization, MRI, Radiation Therapy, Angiography, and Outpatient Surgery HCPCS codes 0001T – 0021T, 0024T – 0026T, or 10021 - 69990 (except HCPCS codes listed as inclusions under Major Category 1F) to process and pay. This includes all other revenue code lines on the incoming claim that have the same line item date of service (LIDOS).

Major Category I is further broken down into subcategories:

- A. Computerized Axial Tomography (CT) Scans
- B. Cardiac Catheterization
- C. Magnetic Resonance Imaging (MRIs)
- D. Radiation Therapy
- E. Angiography, Lymphatic, Venous and Related Procedures
- F. Outpatient Surgery and Related Procedures—INCLUSION (see note below)

Note: Inclusions, rather than exclusions, are given in this one case, because of the great number of surgery procedures that are excluded and can only be safely performed in a hospital operating room setting. It is easier to automate edits around the much shorter list of inclusions under this category, representing minor procedures that can be performed in the SNF itself. Additionally, this was the approach originally taken in regulation to present this information. *Procedures associated with splints and casts are included with minor surgical procedures and appear with an asterisk (*)*.

G. Emergency Services

These services are identified on claims submitted to FIs by a hospital or CAH using revenue code 045x (Emergency Room—"x" represents a varying third digit). Related services with the same line item date of service (LIDOS) are also excluded. Note that in order to get a match on the LIDOS there must be a LIDOS and HCPCS in revenue code 045x.

* H. Ambulance Trips – With Application to Major Category II *

Note: Ambulance trips associated with Major Category I.A-E and G services are excluded from SNF CB. In addition, ambulance trips associated with Major Category II. A. services provided in renal dialysis facilities (RDFs) are also excluded from SNF consolidated billing.

Log # 11

From: Sheila Platts

To: Beverly Hamilton; Jeff Saxon; Jennifer Lynch; Nicole Mitchell Threatt

Date: 7/17/2008 10:19:02 AM

Subject: Re: Fwd: Received Fax From: 8037340396

Jennifer,
Policy is being researched, CMS contacted, and Legal involved to resolve this issue. We will respond to Mr. Bowles in writing as soon as the issue is clarified. Sheila

>>> Jennifer Lynch 7/17/2008 9:55 AM >>>

Good morning. Please review the attached fax that came from the Governor's office. It looks as though you all are trying to get clarification for Saaluda Nursing Center regarding transportation efforts and are awaiting a final decision. Could you please let me know the latest? Although I can't give the Governor's office specifics on the individual, I do need to let them know the correct policy. I assume once a decision is reached one of you will be in contact with Mr. Robert Bowles. Any information you can provide will be helpful. Thanks!!

Jennifer Lynch

Supervisor, Division of Constituent Services

Bureau of Eligibility/Policy & Oversight

Department of Health and Human Services

(803) 898-3965

(803) 255-8350 FAX

lynchjen@scdhhs.gov

>>> Carrie B Jackson 7/16/2008 11:18 AM >>>

Carrie Jackson

Department of Health and Human Services

Bureau of Eligibility/Policy and Oversight

803-898-2635

803-255-8350 (fax)

JACKSONC@dhhs.gov

>>> "fax" <fax@scdhhs.gov> 7/16/2008 11:09 AM >>>

This message was received via FAXCOM, a product from Biscom Inc. <http://www.biscom.com/>

-----Fax Reception Report-----

Received Time: 07/16/2008 11:08

Result: OK

Description: All pages received OK

Result Code: 0000

Pages Received: 2

Remote TSI: 8037340396

Connect Time: 0 minutes, 53 seconds

Routing ID: 8350

Caller ID:

Unique ID: DHHSBUREAUOFIT_0807161508561874

Fax Line: 2

Fax Server: 127.0.0.1

The fax is included as a TIF image attachment

CC: Alicia Jacobs

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Hamilton Myers / Waldrep</i>	DATE <i>7-7-08</i>
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to need no opinion + this action

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<i>cc: Singletta, Pintau, Morrison, Stensland Ref Log #1681</i>	<input type="checkbox"/> FOIA DATE DUE _____
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July 2, 2008

*Log. Myers
Approv Sign.*

*cc: Singley, Morrison
Quinlan, Morrisson
Ref Log # 681*

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JUL 03 2008

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Robert F. Bowles, NHA
Administrator

Xc: Sheila Platts
Emma Forkner ✓
Patricia Johnson
Sen. Cromer
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Rep. Frye
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Log 625-4
Log # 11

State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

June 10, 2008

Emma Forkner
Director

Mr. Robert F. Bowles, Administrator
Saluda Nursing Center
Post Office Box 398
581 Newberry Highway
Saluda, South Carolina 29138-0705

Dear Mr. Bowles:

Thank you for your letter dated May 29, 2008, regarding Medicaid transportation for residents of the Saluda Nursing Center. South Carolina Department of Health and Human Services (SCDHHS) works closely with the transportation brokers to ensure that reliable transportation services are provided in a timely manner. We regret the unfortunate incidents that you reported and appreciate the opportunity to be of assistance in this matter.

SCDHHS has contacted LogistiCare as responsible regional transportation broker to review and address the concerns you reported. LogistiCare agrees that your complaint is valid and will reroute trips (to an alternate provider) in a timely manner and closely monitor transportation services for Medicaid beneficiaries from your facility. Ms. April Izlar, Regional Manager for LogistiCare, will contact you directly on this matter with a thorough explanation and corrective action plan to ensure similar incidents do not occur in the future.

As follow-up, SCDHHS transportation staff will review the actions of LogistiCare's management to ensure that acceptable transportation services are delivered as requested and a resolution is implemented with the service providers. You can expect the Broker to take the action required to ensure adequate transportation is being furnished to Medicaid beneficiaries.

If your residents experience any further difficulty with Medicaid transportation services, please contact Ms. Sheila Platts, Division Director for Transportation, at (803) 898-4614.

Sincerely,

Emma Forkner
Director

EF/mhp

cc: April Izlar, LogistiCare

Chuck DeZearn, LogistiCare