

Montana State Legislature

Exhibit Number: 10

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QAD's Primary Responsibilities

(Continued)

- Provide independent fair hearings for clients, applicants and providers participating in DPHHS programs
- Maintain Certified Nurse Aide Registry
- Approve and monitor Nurse Aide Training Program
- Operate the Certificate of Need Program
- Ensure DPHHS compliance with the Federal Health Insurance, Portability and Accountability Act (HIPAA)

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QAD Organization

- **Quality Assurance Division**
(Mary Dalton, Administrator – Bert Freeman, Fiscal Officer)
- **Office of Fair Hearings** (Bobbie Conrady, Bureau Chief)
- **Program Compliance Bureau** (Nan LeFebvre, Bureau Chief)
 - Third Party Liability
 - Surveillance Utilization Review
 - Program Integrity
 - HIPAA
- **Audit Bureau** (Carol Bondy, Bureau Chief)
- **Licensure Bureau** (Roy Kemp, Bureau Chief)
 - Day Care Licensing
 - Health Care Facility Licensing
 - Community Residential Licensing
 - Certificate of Need
 - Medical Marijuana Registry
- **Certification Bureau** (Marjorie Vander Aarde, Bureau Chief)
 - Health Care Facility Certification for Medicare & Medicaid
 - Nurse Aid Registry
 - Nurse Aide Training Program

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Number of QAD FTE & Location

Total FTE = 109.7
Helena = 79.5 Field = 30.2

- **QAD Administrators Office**
 - 4 Helena FTE
- **Office of Fair Hearings**
 - 6 Helena FTE
- **Program Compliance**
 - 7 Field FTE
 - 24 Helena FTE
- **Audit Bureau**
 - 7.5 Helena FTE
- **Licensure Bureau**
 - 18.2 Field FTE
 - 12 Helena FTE
- **Certification Bureau**
 - 5 Field FTE
 - 26 Helena FTE

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QAD FUNDING

- **QAD Administrators Office**
 - 40% GF / 60% FF
- **Office of Fair Hearings**
 - 50% GF / 50% FF
- **Program Compliance Bureau**
 - SURS & TPL
 - 25% GF / 75% FF
 - Program Compliance & Fraud
 - 50% GF / 50% FF
- **Certification Bureau**
 - 10% GF / 90% FF
- **Audit Bureau**
 - 50% GF / 50% FF
- **Licensure Bureau**
 - Day Care
 - 13% GF / 87% FF
 - Mental Health
 - 50% GF / 50% FF
 - Chemical Dependency
 - 100% State Special
 - Residential Community
 - 75% GF / 25% FF
 - Health Care Facilities
 - 100% GF
 - Certificate of Need
 - 100% GF

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PL-DP 3210

- Montana Medical Marijuana Act (CI-148) passed 11-2-04
- Department immediately responsible for implementation
- Registry program must be self-supporting
 - \$200 annual patient registration fee
- Requesting .25 FTE (grade 10), and authority to spend revenue from registration fee on operating costs - \$15,468/annually in state special revenue for both SFY 06 & 07

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PL-DP 9999

- Eliminates 0.60 FTE (\$32,108 GF) in '06 and 0.65 FTE (\$34,605 GF) in '07
- Across-the-board personal services reduction made by 2003 Legislature

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New Proposal – DP190

- Medicaid Payment Error Rate Program (PERM)
- Retrospective review of Medicaid eligibility and medical necessity for service
- Self-supporting through savings generated by collection of overpayments to clients and providers
- Estimated savings 0.15% total Medical expenditures - \$300,000 in '06 and \$1 million in '07
- 8.00 FTE requested

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Legislation

- SB 60 – Senator John Esp – “An Act Allowing the Department ...to Adopt by Rule the Number of Beds a Critical Access Hospital May Have...”
 - Developed in response to requests from providers
 - Allows an increase in the number of acute care beds a facility may have from 15 to 25 beds
 - Mirrors federal law changes passed in 11/03

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Legislation(cont.)

•SB101 - Senator Trudi Schmidt – “An Act Defining “Residential Therapeutic Schools or Programs” and Providing for Registration.... “

- Creates a Mandatory registration process this biennium
- Directs the Department to form a workgroup to develop licensure standards to be proposed for adoption by the 2007 legislature
- Prohibits school districts from receiving “ANB” funding for children whose parents/guardians reside outside of Montana and authorizes schools to charge and collect tuition from out-of-state parents/guardians.

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Office of Fair Hearings



Bobbie Conrady, Bureau Chief

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Office of Fair Hearings



Key Responsibilities

- Adjudicate issues related to public assistance, child care, and public health activities
- Research statutes, rules, and court cases to determine the applicable law and apply the law to the facts to reach conclusions of law
- Review and analyze medical information, health policies, medical records, property records and financial documents
- After weighing the evidence and evaluating the testimony, prepare and issue written decisions that are binding, unless appealed to the Board of Public Assistance, Director or district court
- Conduct Informal Dispute Resolution conferences and render recommendations after determining the outcome of each disputed deficiency and the scope and severity level based upon the factual basis of the citations and the application of federal and state laws governing the survey and certification processes

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Office of Fair Hearings Major Accomplishments

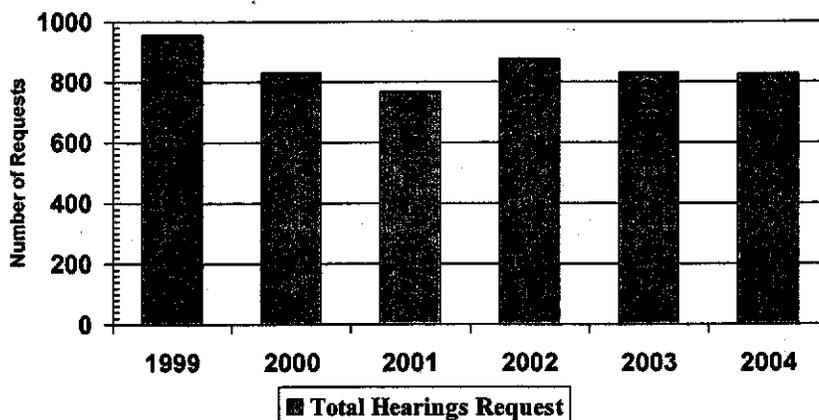
- Decisions rendered within statutory timelines has improved 20% since 2002
- In 2004 became responsible for the Informal Dispute Resolution process for nursing facilities disputing deficiency citations
- Designed, created and implemented a database to increase efficiency in tracking and reporting

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Hearing Requests*

FY99 - FY04



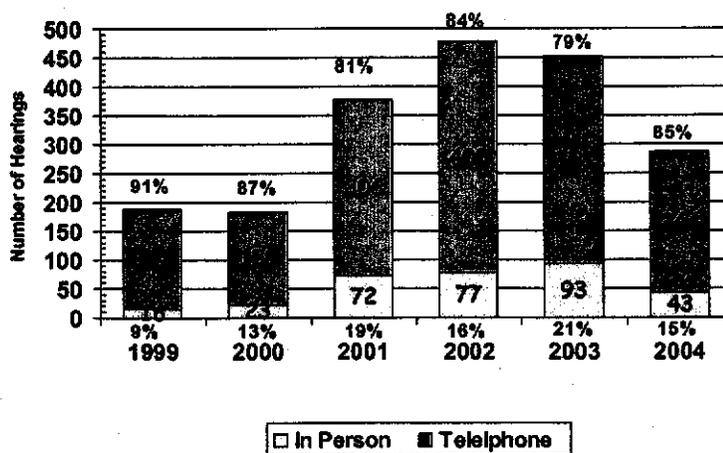
*Requests may involve more than one program.

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Telephone & Inperson Hearings

FY99 - FY04



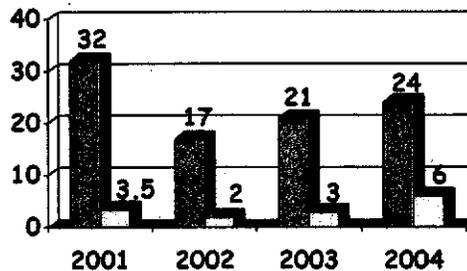
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Hearing Requests by Program

| Hearing Type ↓ | Fiscal Year → | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 |
|--|---------------|------|------|------|------|------|------|
| CHIP | | 0 | 2 | 3 | 6 | 1 | 3 |
| LIEAP | | 30 | 13 | 37 | 34 | 21 | 41 |
| Medicaid | | 539 | 383 | 345 | 297 | 293 | 290 |
| Tobacco | | 5 | 4 | 4 | 7 | 5 | 0 |
| Licensure | | 20 | 12 | 16 | 21 | 14 | 9 |
| Disabilities | | 11 | 12 | 13 | 11 | 16 | 16 |
| TANF / FAIM | | 300 | 207 | 130 | 141 | 152 | 123 |
| Food Stamps | | 470 | 273 | 270 | 355 | 305 | 274 |
| Nurse Aid Registry | | 1 | 0 | 0 | 0 | 1 | 0 |
| Child & Family Services | | 39 | 16 | 9 | 14 | 4 | 13 |
| Food/Consumer Safety | | 0 | 0 | 0 | 1 | 0 | 0 |
| Adult Protective Services | | 0 | 0 | 0 | 1 | 0 | 0 |
| Nursing Home Discharge | | 10 | 5 | 9 | 10 | 8 | 7 |
| Assisted Living Facility Discharge | | NA | 0 | 0 | 0 | 1 | 0 |
| Early Childhood Services | | 22 | 30 | 49 | 37 | 49 | 46 |
| Addictive/Mental Disorders | | 0 | 0 | 1 | 3 | 0 | 0 |
| Substantiation / Child Abuse & Neglect | | 0 | 0 | 32 | 36 | 60 | 65 |
| Child & Adult Care Food Program | | 0 | 1 | 4 | 4 | 2 | 11 |
| Institutional / Ability to Pay | | 0 | 0 | 0 | 0 | 1 | 0 |
| Certification | | NA | 0 | 2 | 0 | 1 | 0 |

Hearings Requests Appeals to Board



Appeals to Board
 Decisions Overturned by Board

Informal Dispute Resolution

07-01-04 to 12-31-04

- **In-Person or Telephone Conference(s) (7/1 – 12/31/04): 30**
 - Conference(s) Held: 19
 - Conference(s) Pending: 5
 - Conference Request(s) Withdrawn: 6
- **Records Review(s): 1**
 - Records Review(s) Held: 1
 - Records Review(s) Pending: 0
 - Records Review Request(s) Withdrawn: 0
- **Tag(s) Disputed: 88**
 - Tag(s) Disposed of Prior to Conference: 25
 - Tag(s) Decided at Conference: 21
 - Tag(s) Upheld: 7
 - Tag(s) Amended: 10
 - Tag(s) Deleted: 4
 - Tag Disputes Pending: 42
 - Awaiting Decision(s): 29
 - Awaiting Conference(s): 13

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Program Compliance Bureau



Nan LeFebvre, Bureau Chief

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