



# Home and Community Support Services Agencies Oversight of Attendants

Elara Caring

## Results in Brief

### Why OIG Conducted This Audit

The Texas Health and Human Services (HHS) Office of Inspector General Audit and Inspections Division (OIG Audit) evaluated the Pasadena, Texas, location of Elara Caring, a Home and Community Support Services Agency (HCSSA). OIG Audit's annual risk assessment included risks regarding HCSSAs' oversight of attendants providing personal care services, which is a benefit under several Medicaid programs that assists clients with everyday tasks to help them stay in their own homes and communities.

### Summary of Review

The audit objective was to evaluate whether Elara Caring (a) developed and performed individualized service plans, (b) performed visit maintenance for selected electronic visit verification (EVV) transactions in accordance with selected regulations, and (c) performed selected oversight activities.

The audit scope included personal care EVV transactions for the period from September 1, 2019, through February 28, 2021, for personal care paid by Amerigroup and UnitedHealthcare, as well as a review of HCSSA oversight activities related to personal attendants.

### Conclusion

Chartwell Community Services, Inc., doing business as Elara Caring, complied with most Home and Community Support Services Agency (HCSSA) requirements; however, it did not comply with certain electronic visit verification (EVV) visit maintenance requirements or perform all required attendant background checks timely.

### Key Results

During the audit scope, Elara Caring developed individual service plans (ISPs), performed attendant orientations, conducted attendant supervisory visits for the clients, and ensured supervisors had the required qualifications to oversee attendants' performance. Elara Caring:

- Prepared ISPs that included the types of services, frequency and duration of services, plan date of service initiation, and plan of supervision for all 45 sampled clients and ensured the clients agreed on the services and signed the ISPs. The services indicated in the ISPs matched the frequency and duration of services documented in the EVV system and in the managed care organizations' authorization for services.
- Performed new-client orientations for all 30 attendants reviewed. These orientations serve as initial face-to-face contact with the client and as demonstration of competence that the attendant can perform the authorized tasks for the client, as required. In addition, Elara Caring conducted annual evaluations of attendants who were employed for at least a year.
- Had a plan of supervision, as required. For the 45 clients reviewed, Elara Caring performed supervisory visits more frequently than Elara's policy. All supervisors hired during the audit scope period met qualification requirements.

## Background

Personal care is a benefit under several Medicaid programs that helps clients with everyday tasks to help them stay in their own homes and communities. Services may include:

- Bathing
- Dressing
- Grooming
- Feeding
- Exercising
- Toileting
- Positioning
- Assisting with self-administered medications
- Routine hair and skin care
- Transfer or ambulation

Elara Caring provides behavioral home health, hospice care, personal assistance services, and skilled home health in 15 states from Texas to Maine. There are 34 offices in Texas, ten of which provide personal care services. During the audit scope, Elara Caring provided in-home assistance to approximately 12,711 qualified individuals throughout Texas. OIG Audit estimated that, for personal care paid by Amerigroup and UnitedHealthcare, Elara Caring employed 719 attendants serving 541 clients in the Pasadena area during the audit scope.

## Management Response

OIG Audit presented preliminary audit results, issues, and recommendations to Elara Caring in a draft report dated June 28, 2022. Elara Caring agreed with the audit recommendations and asserted corrective actions had already been implemented or were underway. Elara Caring's management responses are included in the report following each recommendation.

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However, Elara Caring has opportunities to improve its processes for visit verification and staff vetting. Specifically:

- There were 12,482 transactions that required visit maintenance because they were missing services delivery times for personal care.

EVV visit maintenance allows designated staff of a provider to edit one or more data elements of an EVV visit. When the EVV system does not automatically verify an EVV visit, an exception is generated for each part of the visit that could not be auto-verified. Certain EVV visit data must be corrected to accurately reflect the delivery of service. This process is referred to as "completing visit maintenance."

Of those that required visit maintenance, 105 (0.84 percent) did not include all the required data elements, and therefore, were not adequately supported. Not complying with visit maintenance requirements can prevent Elara Caring from ensuring attendant services were provided to clients and can result in payment for services not provided. OIG Audit accepted the clock-in and the clock-out times as evidence that a visit occurred for 11 out of 105 transactions. For the remaining 94 transactions, Elara Caring was paid \$5,121.82 for personal care services for which it did not provide required visit maintenance information or support for the clock-in and clock-out times for the visit.

- Elara Caring performed background searches for all 30 attendants reviewed. However, one attendant's background checks were not performed timely because the criminal history check was conducted one day after the attendant's first face-to-face contact with the client. Furthermore, the Employee Misconduct Registry and Nurse Aide Registry searches were conducted one day after the attendant's date of hire and one day after the first face-to-face contact with the client. Conducting the required background checks timely, as required, ensures that employees meet background check requirements to serve as an attendant and lessens the risk of hiring attendants that may pose a threat to clients.

## Recommendations

OIG Audit offered recommendations to Elara Caring, which, if implemented, will help ensure compliance with EVV and background check requirements. Elara Caring should:

- Strengthen controls over the visit maintenance process to ensure transactions missing service delivery times include the required data elements in the free text field.
- Repay the state of Texas a total of \$5,121.82 for EVV transactions that did not contain required information to support the delivery of personal care services.
- Ensure all required background checks are conducted timely, as required.