

Inspections Report

# **Nursing Facility Staffing Hours Verification**

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Mira Vista Court



**Inspector  
General**

Texas Health  
and Human Services

August 16, 2022  
OIG Report No. INS-22-008



# Nursing Facility Staffing Hours Verification

## Mira Vista Court

## Results in Brief

### Why OIG Conducted This Inspection

The Texas Health and Human Services (HHS) Office of Inspector General (OIG) Audit and Inspections Division (OIG Inspections) conducted an inspection of Mira Vista Court, a skilled nursing facility.

In 2020, the U.S. Department of Health and Human Services Office of Inspector General conducted a review of nursing facility staffing levels for 2018. The report revealed staffing levels varied considerably from day to day, which raised concerns some facilities may not fully meet the needs of their residents.

OIG Inspections initiated this inspection because of potential health and safety concerns caused by staffing shortages at nursing facilities.

### Summary of Review

The inspection objective was to determine whether the direct care licensed nursing hours recorded at Mira Vista Court supported the hours reported to CMS in compliance with federal requirements.

The inspection scope covered the period from January 1, 2021, through June 30, 2021.

### Key Results

Mira Vista Court accurately reported direct care licensed nursing hours worked to the U.S. Centers for Medicare and Medicaid Services (CMS) for 77 percent of the 799 payroll records reviewed as part of this inspection. However, Mira Vista Court overreported some direct care licensed nursing hours worked due to not accounting for all required meal break deductions. OIG Inspections did not identify any instances of Mira Vista Court underreporting direct care licensed nursing hours to CMS.

### Recommendation

Mira Vista Court should program Kronos, the electronic timekeeping system used by the facility, to deduct one hour for meal breaks when a staff member works a shift of 16 hours or more to conform to the CMS requirement.

### Management Response

Mira Vista Court agreed with the inspection recommendation and indicated corrective actions had been fully implemented.

For more information, contact: [OIGInspectionsReports@hhs.texas.gov](mailto:OIGInspectionsReports@hhs.texas.gov)

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# Inspection Overview

## Overall Results

Mira Vista Court, a skilled nursing facility, accurately reported direct care licensed nursing hours worked to the U.S. Centers for Medicare and Medicaid Services (CMS) for 77 percent of the 799 payroll records reviewed as part of this inspection. However, Mira Vista Court overreported some direct care licensed nursing hours worked due to not accounting for all required meal break deductions. OIG Inspections did not identify any instances of Mira Vista Court underreporting direct care licensed nursing hours to CMS.

The Texas Health and Human Services (HHS) Office of Inspector General (OIG) Audit and Inspections Division (OIG Inspections) offered a recommendation to Mira Vista Court, which, if implemented, will help ensure that Mira Vista Court reports accurate and complete direct care licensed nursing hours to CMS.

OIG Inspections presented preliminary inspection results, observations, and recommendations to Mira Vista Court in a draft report dated August 2, 2022. Mira Vista Court agreed with the inspection recommendation and indicated corrective actions had been fully implemented. Mira Vista Court's management response is included in the report following the recommendation.

OIG Inspections thanks management and staff at Mira Vista Court for their cooperation and assistance during this inspection.

## Objective

The inspection objective was to determine whether the direct care licensed nursing hours recorded at Mira Vista Court supported the hours reported to CMS in compliance with federal requirements.

## Scope

The inspection scope covered the period from January 1, 2021, through June 30, 2021.

## Background

Mira Vista Court, owned by the Dallas County Hospital District and managed by Fundamental Administrative Services, LLC (FAS), is a skilled nursing facility located in Fort Worth, Texas, and licensed for 142 beds.

Mira Vista Court provides institutional care to individuals whose medical conditions regularly require the skills of a licensed nurse. Mira Vista Court accepts Medicaid and Medicare to offer services such as:

- Long-term care
- Rehabilitation and therapy
- Physical therapy
- Occupational therapy
- Wound care
- Nutrition support
- Other special services

### **Direct Care Licensed Nursing Hours Reported to CMS**

Nursing facilities must electronically submit payroll data to CMS quarterly through the Payroll-Based Journal reporting system,<sup>1</sup> which is a web-based system developed by CMS to document nursing facility payroll data, census information, and staffing levels.

All nursing facility data reported to CMS must include:

- Each direct care staff member's category of work.
- The hours of care provided by each category of staff.
- Full resident census data.
- Staff turnover and tenure information, including hours worked and length of employment.<sup>2</sup>

### **Staff Timekeeping and the Payroll-Based Journal Submission Process**

Mira Vista Court utilizes Kronos, an electronic timekeeping system, to capture staff time entries through a fingerprint scan. Staff clock in and out by scanning their fingerprint in the Kronos system, which records each staff member's time entry. Timekeeping records from Kronos automatically interface with the Payroll-Based Journal system. If Kronos malfunctions or if a staff member did not punch in or out for a shift, the staff member must complete and sign a Punch/Time Adjustment

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<sup>1</sup> The U.S. Centers for Medicare and Medicaid Services, Electronic Staffing Data Submission Payroll-Based Journal: Long-Term Care Facility Policy Manual, § 1.2, v. 2.5 (Oct. 2018).

<sup>2</sup> 42 C.F.R. § 483.70(q) (Sept. 16, 2019).

Form, which requires supervisor approval. Once a supervisor approves the Punch/Time Adjustment Form, the payroll coordinator manually enters the hours into Kronos.

Weekly, Mira Vista Court requires all staff members to sign a time detail report that displays detailed time clock punches. To ensure hours are recorded correctly, all department heads verify the summary of hours on the time detail report weekly.

Monthly, Mira Vista Court human resources verifies the summary of hours in the time detail report and uploads the hours into Simple Payroll-Based Journal (SimplePBJ), a third-party software system. SimplePBJ has several analysis tools that review the data uploaded and identify any issues that may affect a nursing facility's rating in the Five-Star Quality Rating System,<sup>3</sup> such as too few registered nurse hours reported per day. If any changes are required to ensure the data is correct, FAS human resources will make corrections prior to submission to CMS. FAS human resources uploads the Payroll-Based Journal data for the previous month to SimplePBJ by the fifteenth of each month. After the fifteenth, FAS human resources conducts another review of SimplePBJ for any additional discrepancies and changes.

## **What Prompted This Inspection**

In 2020, the U.S. Department of Health and Human Services Office of Inspector General conducted a review of nursing facility staffing levels for 2018.<sup>4</sup> The report revealed staffing levels varied considerably from day to day, which raised concerns some facilities may not fully meet the needs of their residents.

OIG Inspections initiated this inspection because of potential health and safety concerns caused by staffing shortages at nursing facilities.

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<sup>3</sup> The U.S. Centers for Medicare and Medicaid Services' Five-Star Quality Rating System gives each nursing facility participating in Medicare or Medicaid a rating between one and five stars for staffing, quality of care, and health inspection results. Nursing facilities with one-star ratings are considered to have below-average quality, and nursing facilities with five-star ratings are considered to have above-average quality.

<sup>4</sup> U.S. Department of Health and Human Services Office of Inspector General, *Some Nursing Homes' Reported Staffing Levels in 2018 Raise Concerns; Consumer Transparency Could be Increased*, OEI-04-18-00450 (Aug. 3, 2020).

# Detailed Results

OIG Inspections compared 799 Mira Vista Court facility payroll records, for 60 specific dates during the scope period, to the direct care licensed nursing hours Mira Vista Court reported to CMS in the Payroll-Based Journal for the following direct care positions:

- Director of Nurses
- Registered Nurses
- Licensed Vocational Nurses

The following section of this report identifies instances of noncompliance observed by OIG Inspections.

## **Observation 1: Mira Vista Court Did Not Deduct the Allotted Time for Meal Breaks as Required by CMS**

Mira Vista Court did not always report complete and accurate direct care licensed nursing hours to CMS through the Payroll-Based Journal reporting system. Mira Vista Court overreported some direct care licensed nursing hours worked due to not accounting for all required meal break deductions.

OIG Inspections identified 184 of 799 (23 percent) payroll records overreporting direct care licensed nursing hours. All of the 184 payroll-record errors were caused by meal break deduction errors.

CMS requires nursing facilities to deduct a 30-minute meal break for each 8- to 12-hour shift staff record on time sheets even if staff did not take a meal break. A one-hour meal break deduction is required for a shift of 16 hours or more.<sup>5,6</sup>

In August 2021 and on behalf of CMS, Myers and Stauffer LC, a public accounting firm, conducted an audit of a skilled nursing facility managed by FAS for the period from January 1, 2021, through March 31, 2021. The audit report identified overreporting of direct care hours due to the lack of meal break deductions. In

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<sup>5</sup> The U.S. Centers for Medicare and Medicaid Services, *Electronic Staffing Data Submission Payroll-Based Journal: Long-Term Care Facility Policy Manual*, § 2.2, v. 2.5 (Oct. 2018).

<sup>6</sup> The U.S. Centers for Medicare and Medicaid Services, *Electronic Staffing Data Submission Payroll-Based Journal (PBJ) Frequently Asked Questions* (Nov. 19, 2018).

response, Mira Vista Court implemented a system enhancement in Kronos in November 2021 to automatically deduct 30 minutes for required meal breaks. However, the enhancement did not include system logic to deduct one hour for meal breaks when working a shift of 16 hours or more.

## **Recommendation 1**

Mira Vista Court should program Kronos to deduct one hour for meal breaks when a staff member works a shift of 16 hours or more to conform to the CMS requirement.

### **Management Response**

#### **Action Plan**

An inspection conducted by the Office of the Inspector General of Texas has found our Payroll-Based Journal reporting non-compliant with regard to the automatic deduction of one hour for any caregiver working more than 16 hours consecutively. Effective with the Quarter 3 2022 reporting period – April 1, 2022, Mira Vista’s Payroll-Based Journal reporting has been modified to deduct a one-hour meal break when 16 or more hours are worked consecutively. This correction was implemented as a result of the findings in the Inspection Report.

This adjustment was made in an effort to be fully compliant with the Payroll-Based Journal Guidelines for reporting staffing hours. Our practice requires all hourly staff, agency and employees, to punch out/in for each meal break taken. When a meal break cannot be taken, the employee is fully compensated for the time. With the automatic meal deduction identified in the CMS guidelines, the time spent with the patients during the untaken meal breaks will not be counted in our staffing report. Thus, when reporting Payroll-Based Journal staffing hours, the actual hours spent with patients will be under-reported.

#### **Responsible Manager**

Vice President, Human Resource Information Management and Payroll Services,  
Fundamental Administrative Services, LLC

#### **Target Implementation Date**

Completed



# Appendix A: Methodology, Standards, and Criteria

## Detailed Methodology

To achieve the inspection objective, OIG Inspections collected information through (a) discussions and interviews with HHS Long Term Care Regulation staff and Mira Vista Court staff and (b) a review of:

- Regulations, policies, and procedures that address the objective.
- Payroll records for Mira Vista Court licensed nursing staff.
- Daily postings by Mira Vista Court stating the current number of licensed and unlicensed nursing staff, per shift, directly responsible for resident care.
- Payroll-Based Journal data.
- Provider information data used in the Five-Star Quality Rating System.

In June 2021, there were 1,209 nursing facilities located in Texas. To choose the nursing facility to inspect, OIG Inspections considered the following criteria:

- CMS quality rating score.
- Ownership and organization type, such as private owned, corporate-owned, for-profit, and nonprofit.
- Facility size.

OIG Inspections generated a random sample of ten dates for each of the six months from January 1, 2021, through June 30, 2021, for review as part of this inspection.

## Standards

OIG Inspections conducts inspections of Texas HHS programs, systems, and functions. Inspections are designed to be expeditious, targeted examinations into specific programmatic areas to identify systemic trends of fraud, waste, or abuse. Inspections typically result in observations and may result in recommendations to strengthen program effectiveness and efficiency. OIG Inspections conducted the inspection in accordance with *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.

## Criteria

OIG Inspections used the following criteria to evaluate the information provided:

- 42 C.F.R. §§ 483.35(g) (2016) and 483.70(q) (2019)
- 40 Tex. Admin. Code § 19.1001(b) (2020) and 26 Tex. Admin. Code § 554.1001(b) (2021)
- The U.S. Centers for Medicare and Medicaid Services, *Electronic Staffing Data Submission Payroll-Based Journal: Long-Term Care Facility Policy Manual*, v. 2.5 (2018)
- The U.S. Centers for Medicare and Medicaid Services, *State Operations Manual, Appendix PP, "Guidance to Surveyors for Long Term Care Facilities,"* revision 173 (2017)
- The U.S. Centers for Medicare and Medicaid Services, *Electronic Staffing Data Submission Payroll-Based Journal (PBJ) Frequently Asked Questions* (2018)

## Appendix B: Related Reports

- Nursing Facility Staffing Hours Verification: Winchester Lodge Healthcare Center, [INS-22-007](#), August 9, 2022
- Nursing Facility Staffing Hours Verification: Westchase Health and Rehabilitation Center, [INS-22-006](#), August 9, 2022
- Nursing Facility Staffing Hours Verification: The Villa at Mountain View, [INS-22-001](#), February 17, 2022

## Appendix C: Resources for Additional Information

The following resources provide additional information about the topics covered in this report.

**To view the U.S. Department of Health and Human Services Office of Inspector General Report OEI-04-18-00450, Some Nursing Homes' Reported Staffing Levels in 2018 Raise Concerns; Consumer Transparency Could Be Increased:**

"Some Nursing Homes' Reported Staffing Levels in 2018 Raise Concerns; Consumer Transparency Could be Increased," U.S. Department of Health and Human Services Office of Inspector General,  
<https://oig.hhs.gov/oei/reports/OEI-04-18-00450.asp>  
(accessed July 12, 2022)

**For more information on Mira Vista Court:**

Homepage, Mira Vista Court,  
<http://www.miravistacourt.com/> (accessed July 12, 2022)

**For more information on Fundamental Administrative Services, LLC:**

Homepage, Fundamental Administrative & Consulting, LLC,  
<https://www.fundltc.com/> (accessed July 12, 2022)

**For more information on Dallas County Hospital District:**

Homepage, Dallas County Hospital District, <https://www.parklandhealth.org/>  
(accessed July 12, 2022)

# Appendix D: Report Team and Distribution

## Report Team

OIG staff members who contributed to this inspection report include:

- Kacy J. VerColen, CPA, Deputy Inspector General of Audit and Inspections
- Bruce Andrews, CPA, CISA, Director of Inspections
- James Aldridge, Manager of Inspections
- Giovanna Gutierrez, Lead Inspector
- Casey Gibson, Senior Inspector
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- Stephen Pahl, Deputy Executive Commissioner for Regulatory Services
- Michelle Dionne-Vahalik, Associate Commissioner for Long Term Care Regulation

## Mira Vista Court

- Mack Baldrige, Administrator, Mira Vista Court
- Linda Telehany, Executive Director, Fundamental Administrative Services, LLC
- Heidi Trimble, Vice President, Fundamental Administrative Services, LLC
- MaryAnne Lubertine, Vice President, Human Resource Information Management and Payroll Services, Fundamental Administrative Services, LLC
- Karen Miller, Vice President of Human Resources, Fundamental Administrative Services, LLC

# Appendix E:      **OIG Mission, Leadership, and Contact Information**

The mission of OIG is to prevent, detect, and deter fraud, waste, and abuse through the audit, investigation, and inspection of federal and state taxpayer dollars used in the provision and delivery of health and human services in Texas. The senior leadership guiding the fulfillment of OIG’s mission and statutory responsibility includes:

- Sylvia Hernandez Kauffman, Inspector General
- Audrey O’Neill, Principal Deputy Inspector General, Chief of Audit and Inspections
- Susan Biles, Chief of Staff, Chief of Policy and Performance
- Erik Cary, Chief Counsel
- Christine Maldonado, Chief of Operations and Workforce Leadership
- Steve Johnson, Chief of Investigations and Reviews

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- Phone:      1-800-436-6184

## **To Contact OIG**

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