

## **OMIG Authority to Audit PRIs Upheld**

The Office of the Medicaid Inspector General (OMIG) has authority to audit nursing home Patient Review Instruments (PRIs) but individual facilities can challenge audit findings, according to a state appeals court.

In a Nov. 1 decision, the Appellate Division of the NYS Supreme Court upheld a July 2011 ruling by a NYS Supreme Court judge that OMIG has the authority to audit PRIs, even though DOH has prescribed an audit process and engaged an audit contractor (i.e., IPRO). LeadingAge NY had intervened in the case (*NYSHFA v. Sheehan*) as an *amicus curiae* (“friend of the court”), arguing that OMIG failed to follow the DOH PRI audit protocols on properly staging audits; considering various forms of documentation and timely observing affected residents.

The court also noted that alleged procedural flaws in individual OMIG PRI audits can be challenged administratively and legally by affected facilities.

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