

**DEPARTMENT OF DEVELOPMENTAL SERVICES'**  
**AUDIT OF**  
**SPEECH LANGUAGE AND EDUCATIONAL ASSOCIATES**

**Programs and Services:**

Speech Pathology – PL0538

Early Start Specialized Therapeutic Services – PW5912

Infant Development Program – HL0288

Behavior Analyst – PL0952

Behavior Management Assistant – PL0953

Audit Period: July 1, 2013, through June 30, 2014

**Audit Section**

**Auditors:** Alimou Diallo, Acting Chief of Vendor Audit Unit  
Sangita Sen, Auditor  
Thai Vang, Auditor

# SPEECH LANGUAGE AND EDUCATIONAL ASSOCIATES

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## EXECUTIVE SUMMARY

The Department of Developmental Services (DDS) has audited Speech Language and Educational Associates (SLEA). The audit was performed upon the Speech Pathology (SP) program, Early Start Specialized Therapeutic Services (ESSTS) program, Infant Development Program (IDP), Behavior Analyst (BA) program and Behavior Management Assistant (BMA) program for the period July 1, 2013, through June 30, 2014.

The audit disclosed the following issues of non-compliance:

### **Finding 1: Speech Pathology – Unsupported Billings**

The review of SLEA's SP program, Vendor Number PL0538, revealed that SLEA had a total of \$46,669 of unsupported billings to Frank D. Lanterman Regional Center (FDLRC), North Los Angeles County Regional Center (NLACRC) and Tri-Countries Regional Center (TCRC).

### **Finding 2: Early Start Specialized Therapeutic Services – Unsupported Billings**

The review of SLEA's ESSTS program, Vendor Number PW5912, revealed that SLEA had a total of \$59,440 of unsupported billings to Westside Regional Center (WRC).

### **Finding 3: Infant Development Program – Unsupported Billings**

The review of SLEA's IDP program, Vendor Number HL0288, revealed that SLEA had a total of \$783 of unsupported billings to NLACRC and TCRC.

### **Finding 4: Behavior Analyst – Unsupported Billings**

The review of SLEA's BA program, Vendor Number PL0952, revealed that SLEA had a total of \$10,754 of unsupported billing to the Eastern Los Angeles Regional Center (ELARC), FDLRC, NLACRC and WRC.

### **Finding 5: Behavior Management Assistant – Unsupported Billings**

The review of SLEA's BMA program, Vendor Number PL0953, revealed that SLEA had a total of \$7,546 of unsupported billings to NLACRC and WRC.

### **Finding 6: Speech Pathology – Lack of Requisite Qualifications by Staff**

The review of SLEA's SP program, Vendor Number PL0538 revealed that some of SLEA's staff who provided services to consumers did not meet the licensing requirement for this program. The lack of requisite licensing resulted in overbillings in the amount of \$206,778 to FDLRC, NLACRC and TCRC.

**Finding 7: Early Start Specialized Therapeutic Services – Lack of Requisite Qualifications by Staff**

The review of SLEA's ESSTS program, Vendor Number PW5912, revealed that some of SLEA's staff who provided services to consumers did not meet the licensing requirement for this program. The lack of requisite licensing resulted in overbillings in the amount of \$69,700 to WRC.

**Finding 8: Behavior Analyst – Lack of Requisite Qualifications by Staff**

The review of SLEA's BA program, Vendor Number PL0952, revealed that some of SLEA's staff who provided services to consumers did not meet the credential requirement for this program. The lack of requisite credentials resulted in overbilling in the amount of \$11,311 to ELARC, FDLRC and NLACRC.

The total findings identified in this audit amount to \$412,981, which is due back to DDS. A detailed discussion of these findings is contained in the Findings and Recommendations section of this report.

## **BACKGROUND**

DDS is responsible, under the Lanterman Developmental Disabilities Services Act, for ensuring that persons with developmental disabilities receive the services and supports they need to lead more independent, productive and normal lives. DDS contracts with 21 private, nonprofit regional centers that provide fixed points of contact in the community for serving eligible individuals with developmental disabilities and their families in California. To fulfill their objectives, regional centers secure services and supports from qualified service providers and/or contractors. Pursuant to Welfare and Institutions (W&I) Code, Section 4648.1, DDS has the authority to audit those service providers and/or contractors that provide services and supports to persons with developmental disabilities.

## **OBJECTIVE, SCOPE AND METHODOLOGY**

### **Objective**

The audit was conducted to determine whether SLEA's SP program, ESSTS program, IDP program, BA program and BMA program were compliant with the W&I Code, California Code of Regulations (CCR), Title 17, State and Federal laws and regulations and the regional centers' contracts with SLEA for the audit period of July 1, 2013, through June 30, 2014.

### **Scope**

The audit was conducted in accordance with the Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States. The auditors did not review the financial statements of SLEA, nor was this audit intended to express an opinion on the financial statements. The auditors limited the review of SLEA's internal controls to gain an understanding of the transaction flow and invoice preparation process, as necessary, to develop appropriate auditing procedures. The audit scope was limited to planning and performing audit procedures necessary to obtain reasonable assurance that SLEA complied with W&I Code and CCR, Title 17. Any complaints that DDS' Audit Section was aware of regarding non-compliance with laws and regulations were also reviewed and addressed during the course of the audit.

The audit scope was determined by reviewing the programs provided to the five regional centers that utilize SLEA's services during the audit period. DDS audited services provided to ELARC, FDLRC, NLACRC, TCRC and WRC. These five regional centers were chosen due to the large volume of services utilized by the centers as measured by Purchase of Service (POS) expenditures.

SLEA provided seven different types of services, of which DDS audited five. Services chosen were based on the amount of POS expenditures invoiced by SLEA. By analyzing the information received during a pre-audit meeting with the vendor, an internal control questionnaire and a risk analysis, it was determined that a two-month sample period would be sufficient to fulfill the audit objectives.

## **Speech Pathology**

During the audit period, SLEA operated two SP programs. The audit included the review of one of SLEA's SP programs, Vendor Number PL0538, Service Code (SC) 707 and testing was done for the sample months of July 2013 and May 2014. However, because the sample months showed a significant amount of unsupported billings and overbillings, the testing sample was expanded to include all months in Fiscal Year (FY) 2013/14 (July 2013 through June 2014).

## **Early Start Specialized Therapeutic Services**

During the audit period, SLEA operated one ESSTS program. The audit included a review of SLEA's ESSTS program, Vendor Number PW5912, SC 116 and testing was done for FY 2013/14.

## **Infant Development Program**

During the audit period SLEA operated one IDP program. The audit included a review of SLEA's IDP program, HL0288, SC 805 and testing was done for the months of July 2013 and May 2014.

## **Behavior Analyst**

During the audit period, SLEA operated one BA program. The audit included a review of SLEA's BA program, Vendor Number PL0592, SC 612 and testing was done for the months of July 2013 and May 2014.

## **Behavior Management Assistant**

During the audit period, SLEA operated one BMA program. The audit included a review of SLEA's BMA program, Vendor Number PL0953, SC 615 and testing was done for the months of July 2013 and May 2014.

## **Methodology**

The following methodology was used by DDS to ensure the audit objectives were met. The methodology was designed to obtain a reasonable assurance that the evidence provided was sufficient and appropriate to support the findings and conclusions in relation to the audit objectives. The procedures performed included, but were not limited to, the following:

- Reviewed vendor files for contracts, rate letters, program designs, POS authorizations and correspondence pertinent to the review.
- Interviewed regional center staff for vendor background information and to obtain insight into the vendor's operations.

- Interviewed vendor staff and management to gain an understanding of the vendor's accounting procedures and processes for regional center billing.
- Obtained and reviewed the vendor's internal control questionnaire.
- Reviewed vendor service/attendance records to determine if the vendor had sufficient and appropriate evidence to support the direct care services billed to the regional center(s).
- Analyzed the vendor's payroll and attendance/service records to determine if the appropriate level of staffing was provided.

## **CONCLUSION**

Based upon items identified in the Findings and Recommendations section, SLEA had findings of non-compliance with the requirements of CCR, Title 17.

## **VIEWS OF RESPONSIBLE OFFICIALS**

DDS issued a draft audit report on March 11, 2022. DDS scheduled an exit conference to occur on March 28, 2022; however, on or around March 16, 2022, SLEA cancelled the meeting. DDS made several attempts to reschedule, without success. DDS did not receive SLEA's response to the draft audit report within the 30-day response period in accordance with California Code of Regulations, Title 17, Section 50606(d)(2); therefore, DDS is issuing the draft audit report as final.

## **RESTRICTED USE**

This report is solely for the information and use of DDS, Department of Health Care Services, ELARC, FDLRC, NLACRC, TCRC, WRC and SLEA. This restriction is not intended to limit distribution of this report, which is a matter of public record.



## FINDINGS AND RECOMMENDATIONS

### Finding 1: Speech Pathology – Unsupported Billings

The review of SLEA's SP program, Vendor Number PL0538, for the audit period of July 1, 2013, through June 30, 2014 revealed that SLEA had unsupported billings for services billed to FDLRC, NLACRC and TCRC.

Unsupported billings occurred due to a lack of appropriate documentation to support the units of service billed to the regional centers and non-compliance with the CCR, Title 17.

DDS reviewed the direct care service hours documented on the service logs/timesheets generated by the NPAWorks software, along with session notes and compared those hours to the direct care service hours billed to FDLRC, NLACRC and TCRC.

DDS noted the direct care service hours on these documents were 765 hours less than the direct service hours billed to the regional centers. SLEA was not able to provide appropriate supporting documentation for those 765 hours of services billed.

The lack of documentation resulted in unsupported billings to the regional centers in the amount of \$46,669, which is due back to DDS.  
(See Attachment A)

W&I Code, Section 4648.1(e)(1) states:

- “(e) A regional center or the department may recover from the provider funds paid for services when the department or the regional center determines that either of the following has occurred:
  - (1) The services were not provided in accordance with the regional center's contract or authorization with the provider, or with applicable state laws or regulations.”

CCR, Title 17, Section 54326(a)(3) and (10) states:

- “(a) All vendors shall: ...
  - (3) Maintain records of services provided to consumers in sufficient detail to verify delivery of the units of service billed: ...
  - (10) Bill only for services which are actually provided to consumers, and which have been authorized by the referring regional center.”

CCR, Title 17, Section 50604(d) and (e) states:

- “(d) All service providers shall maintain complete service records to support all billing/invoicing for each regional center consumer in the program....
- (e) All service providers’ records shall be supported by source documentation.”

**Recommendation:**

SLEA must reimburse to DDS \$46,669 for the unsupported billings. In addition, SLEA should comply with the CCR, Title 17 as stated above to ensure that proper documentation is maintained to support the amounts billed to the regional centers.

**Vendor’s Response:**

DDS did not receive a response to the draft audit report from SLEA.

**Finding 2: Early Start Specialized Therapeutic Services – Unsupported Billings**

The review of SLEA’s ESSTS program, Vendor Number PW5912, for the audit period of July 1, 2013, through June 30, 2014 revealed that SLEA had unsupported billings for services billed to WRC.

Unsupported billings occurred due to a lack of appropriate documentation to support the units of service billed to the regional center and non-compliance with the CCR, Title 17.

DDS reviewed the direct care service hours documented on the service logs/timesheets generated by the NPAWorks software, along with session notes and compared those hours to the direct care service hours billed to WRC.

DDS noted the direct care service hours on these documents were 1,140 hours less than the direct service hours billed to the regional center. SLEA was not able to provide appropriate supporting documentation for those 1,140 hours of services billed.

The lack of documentation resulted in unsupported billings to the regional center in the amount of \$59,440, which is due back to DDS.  
(See Attachment A)

W&I Code, Section 4648.1(e)(1) states:

“(e) A regional center or the department may recover from the provider funds paid for services when the department or the regional center determines that either of the following has occurred:

- (1) The services were not provided in accordance with the regional center’s contract or authorization with the provider, or with applicable state laws or regulations.”

CCR, Title 17, Section 54326(a)(3) and (10) states:

“(a) All vendors shall: ...

- (3) Maintain records of services provided to consumers in sufficient detail to verify delivery of the units of service billed: ...

- (10) Bill only for services which are actually provided to consumers, and which have been authorized by the referring regional center.”

CCR, Title 17, Section 50604(d) and (e) states:

“(d) All service providers shall maintain complete service records to support all billing/invoicing for each regional center consumer in the program....

- (e) All service providers’ records shall be supported by source documentation.”

**Recommendation:**

SLEA must reimburse to DDS \$59,440 for the unsupported billings. In addition, SLEA should comply with the CCR, Title 17 as stated above to ensure that proper documentation is maintained to support the amounts billed to WRC.

**Vendor’s Response:**

DDS did not receive a response to the draft audit report from SLEA.

**Finding 3: Infant Development Program – Unsupported Billings**

The review of SLEA’s IDP program, Vendor Number HL0288, for the sampled months of July 2013 and May 2014 revealed that SLEA had unsupported billings for services billed to NLACRC and TCRC.

Unsupported billings occurred due to a lack of appropriate documentation to support the units of service billed to the regional centers and non-compliance with the CCR, Title 17.

DDS reviewed the direct care service hours documented on the service logs/timesheets generated by the NPAWorks software, along with the session notes, and compared those hours to the direct care service hours billed to NLACRC and TCRC.

DDS noted the direct care service hours on these documents were 10 hours less than the direct service hours billed to the regional centers. SLEA was not able to provide appropriate supporting documentation for those 10 hours of services billed.

The lack of documentation resulted in unsupported billings to the regional centers in the amount of \$783, which is due back to DDS. (See Attachment A)

W&I Code, Section 4648.1(e)(1) states:

“(e) A regional center or the department may recover from the provider funds paid for services when the department or the regional center determines that either of the following has occurred:

(1) The services were not provided in accordance with the regional center’s contract or authorization with the provider, or with applicable state laws or regulations.”

CCR, Title 17, Section 54326(a)(3) and (10) states:

“(a) All vendors shall: ...

(3) Maintain records of services provided to consumers in sufficient detail to verify delivery of the units of service billed: ...

(10) Bill only for services which are actually provided to consumers, and which have been authorized by the referring regional center.”

CCR, Title 17, Section 50604(d) and (e) states:

“(d) All service providers shall maintain complete service records to support all billing/invoicing for each regional center consumer in the program....

(e) All service providers’ records shall be supported by source documentation.”

**Recommendation:**

SLEA must reimburse to DDS the \$783 for the unsupported billings. In addition, SLEA should comply with the CCR, Title 17 as stated above to ensure proper documentation is maintained to support the amounts billed to the regional centers.

**Vendor's Response:**

DDS did not receive a response to the draft audit report from SLEA.

**Finding 4: Behavior Analyst – Unsupported Billings**

The review of SLEA's BA program, Vendor Number PL0952, for the sampled months of July 2013 and May 2014 revealed that SLEA had unsupported billings for services billed to ELARC, FDLRC, NLACRC and WRC. Unsupported billings occurred due to a lack of appropriate documentation to support the units of service billed to the regional centers and non-compliance with the CCR, Title 17.

DDS reviewed the direct care service hours documented on the DS 5862 forms/parental verification forms, data sheets, session notes and check stubs and compared those hours to the direct care service hours billed to ELARC, FDLRC, NLACRC and WRC.

DDS noted that the direct service hours on these documents were 181 hours less than the direct service hours billed to the regional centers. SLEA was not able to provide appropriate supporting documentation for those 181 hours of services billed.

The lack of documentation resulted in unsupported billings to the regional centers in the amount of \$10,754, which is due back to DDS.  
(See Attachment A)

W&I Code, Section 4648.1(e)(1) states:

- “(e) A regional center or the department may recover from the provider funds paid for services when the department or the regional center determines that either of the following has occurred:
  - (1) The services were not provided in accordance with the regional center's contract or authorization with the provider, or with applicable state laws or regulations.”

CCR, Title 17, Section 54326(a)(3) and (10) states:

“(a) All vendors shall: ...

- (3) Maintain records of services provided to consumers in sufficient detail to verify delivery of the units of service billed: ...
- (10) Bill only for services which are actually provided to consumers, and which have been authorized by the referring regional center.”

CCR, Title 17, Section 50604(d) and (e) states:

- “(d) All service providers shall maintain complete service records to support all billing/invoicing for each regional center consumer in the program....
- (e) All service providers’ records shall be supported by source documentation.”

**Recommendation:**

SLEA must reimburse to DDS the \$10,754 for the unsupported billings. In addition, SLEA should comply with the CCR, Title 17 as stated above to ensure that proper documentation is maintained to support the amounts billed to the regional centers.

**Vendor’s Response:**

DDS did not receive a response to the draft audit report from SLEA.

**Finding 5: Behavior Management Assistant – Unsupported Billings**

The review of SLEA’s BMA program, Vendor Number PL0953, for the sampled months of July 2013 and May 2014 revealed that SLEA had unsupported billings for services billed to NLACRC and WRC.

Unsupported billings occurred due to a lack of appropriate documentation to support the units of service billed to the regional centers and non-compliance with the CCR, Title 17.

DDS reviewed the direct care service hours documented on DS 5862 forms/parental verification forms, data sheets, session notes, check stubs and compared those hours to the direct care service hours billed to NLACRC and WRC.

DDS noted that the direct service hours on these documents were 144 hours less than the direct service hours billed to the regional centers. SLEA was not

able to provide appropriate supporting documentation for those 144 hours of services billed.

The lack of documentation resulted in unsupported billings to the regional centers in the amount of \$7,546, which is due back to DDS.

(See Attachment A)

W&I Code, Section 4648.1(e)(1) states:

“(e) A regional center or the department may recover from the provider funds paid for services when the department or the regional center determines that either of the following has occurred:

(1) The services were not provided in accordance with the regional center’s contract or authorization with the provider, or with applicable state laws or regulations.”

CCR, Title 17, Section 54326(a)(3) and (10) states:

“(a) All vendors shall: ...

(3) Maintain records of services provided to consumers in sufficient detail to verify delivery of the units of service billed: ...

(10) Bill only for services which are actually provided to consumers, and which have been authorized by the referring regional center.”

CCR, Title 17, Section 50604(d) and (e) states:

“(d) All service providers shall maintain complete service records to support all billing/invoicing for each regional center consumer in the program....

(e) All service providers’ records shall be supported by source documentation.”

**Recommendation:**

SLEA must reimburse to DDS \$7,546 for the unsupported billings. In addition, SLEA should comply with the CCR, Title 17 as stated above to ensure that proper documentation is maintained to support the amounts billed to the regional centers.

**Vendor’s Response:**

DDS did not receive a response to the draft audit report from SLEA.

**Finding 6: Speech Pathology – Lack of Requisite Qualifications by Staff**

The review of SLEA’s SP program, Vendor Number PL0538, for the audit period of July 1, 2013, through June 30, 2014 revealed that some of the staff who provided services to consumers of FDLRC, NLACRC and TCRC did not meet the licensing requirements for such services. Services under the SP program must be provided by a speech language pathologist (SLP) who is licensed by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

Based on the review of staff qualifications and licenses, DDS determined that of the 6,604 hours of service that were billed to the regional centers, 752 hours were provided by staff who were SLPs and 5,852 hours were provided by speech language pathologist assistants (SLPAs). DDS allowed billings at the SLP rate of \$76.14 (NLACRC) and \$67.87 (FDLRC and TCRC) per hour for services that were provided to consumers by SLEA’s SLP. DDS lowered the rates for the hours of service that were provided by SLPAs. DDS reduced the rate for services provided by SLPAs by one-half of the Standard Maximum Allowable (SMA) rates: \$38.07 for NLACRC and \$33.94 for FDLRC and TCRC.

DDS used these rates to calculate the billable amount for the 5,852 hours that were provided by SLPAs and determined that SLEA overbilled the regional centers by \$206,778. (See Attachment B)

SLEA’s Executive Director signed and acknowledged receipt of a Service Delivery Agreement dated January 15, 2011, that included the allowable use of SLPAs and specified that the use of SLPAs was to be funded at a reduced rate of one-half of the SMA rate.

W&I Code, Section 4648.1(e)(1) states:

“(e) A regional center or the department may recover from the provider funds paid for services when the department or the regional center determines that either of the following has occurred:

(1) The services were not provided in accordance with the regional center’s contract or authorization with the provider, or with applicable state laws or regulations.”

CCR, Title 17, Section 54326 states:

“(a) All vendors shall:



- (12) Agree to accept the rate established, revised or adjusted by the Department as payment in full for all authorized services provided to consumers.”

CCR, Title 17, Section 54342 state in pertinent part:

“(75) Speech Pathology - Service Code 707. A regional center shall classify a vendor as a provider of speech pathology services if the vendor is:

- (A) A speech pathologist who is validly licensed as a speech pathologist by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board; and provides:
  1. Diagnostic screening; and
  2. Preventative and corrective therapy for persons with speech or language disorders.”

**Recommendation:**

SLEA must reimburse to DDS \$206,778 for the overbillings. In addition, SLEA should develop and implement policies and procedures to ensure that only individuals licensed by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board perform the functions of a licensed Speech Language Pathologist.

**Vendor’s Response:**

DDS did not receive a response to the draft audit report from SLEA.

**Finding 7: Early Start Specialized Therapeutic Services – Lack of Requisite Qualifications by Staff**

The review of SLEA’s ESSTS program, Vendor Number PW5912, for the audit period of July 1, 2013, through June 30, 2014 revealed that some of the staff who provided services to consumers of WRC did not meet the licensing requirement for such services. Services under the ESSTS program must be provided by occupational therapists, speech language pathologists, and/or physical therapists who are licensed by the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board.

Based on the review of staff qualifications and licenses, DDS determined that of the 2,809 hours of service that were billed to the regional center, 884 hours were provided by staff who were either occupational therapists or speech language pathologists and 1,925 hours were provided by SLPAs. DDS allowed billings for services that were provided by SLPAs; however, DDS

lowered the rates for the hours of service that were provided by SLPAs. DDS reduced the rate for services provided by SLPAs by one half of the SMA rate. DDS used these rates to calculate the billable amount for the 1,925 hours that were provided by SLPAs and determined that SLEA overbilled the regional centers by \$69,700. (See Attachment B).

SLEA's Executive Director signed and acknowledged receipt of a Service Delivery Agreement dated January 15, 2011, that included the allowable use of SLEAs and specified that the use of SLEAs was to be funded at a reduced rate of one-half of the SMA rate.

W&I Code, Section 4648.1(e)(1) states:

“(e) A regional center or the department may recover from the provider funds paid for services when the department or the regional center determines that either of the following has occurred:

(1) The services were not provided in accordance with the regional center's contract or authorization with the provider, or with applicable state laws or regulations.”

CCR, Title 17, Section 54326 states:

“(a) All vendors shall: ...

(12) Agree to accept the rate established, revised or adjusted by the Department as payment in full for all authorized services provided to consumers.”

CCR, Title 17, Section 54342 states in part:

(a) The following service codes shall be assigned to the following types of services:

“(53) Occupational Therapy - A regional center shall classify a vendor as a provider of occupational therapy if the vendor is:

(A) An occupational therapist who is validly registered by the American Occupational Therapy Association and who, based on the written prescription of a physician, dentist or podiatrist, provides occupational therapy evaluation, treatment planning, treatment, instruction and consultative services.”

“(75) Speech Pathology - A regional center shall classify a vendor as a provider of speech pathology services if the vendor is:

- (A) A speech pathologist who is validly licensed as a speech pathologist by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.”

Miscellaneous Service Code, Early Start Special Service Code, Attachment B (CFSB 01-1), October 12, 2001, states in part:

“A regional center shall classify an individual as an Early Start Therapeutic Services provider if the person provides services for consumers aged birth to 36 months who require specialized services, as deemed necessary based on informed clinical opinion. These services must be identified in the Individualized Family Service Plan. Early Start specialized therapeutic services include but are not limited to: services necessary to increase or maintain health and/or developmental progress; and, when provided as ancillary to these services, family and/or individual education and training; family support and counseling; provider travel; interagency consultation; and consultation with and training for other involved professional. Vendors shall be individuals offering these services, and shall ensure possession of licenses, certifications and/or credentials as required by the State of California to practice in the field being offered. In addition, the vendor shall have at a minimum, one year’s experience working with persons with developmental disabilities.”  
WRC will fund services provided by an assistant, half of the Standard Maximum Allowable Rate (SMA).”

**Recommendation:**

SLEA must reimburse to DDS \$69,700 for the overbillings. In addition, SLEA should develop and implement policies and procedures to ensure that only individuals licensed by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board or Board of Occupational Therapy perform the functions of a Licensed Therapist.

**Vendor’s Response:**

DDS did not receive a response to the draft audit report from SLEA.

**Finding 8: Behavior Analyst – Lack of Requisite Qualifications by Staff**

The review of SLEA’s BA program, Vendor Number PL0952, for the sampled months of July 2013 and May 2014 revealed that staff who provided the services to consumers of ELARC, FDLRC and NLACRC, did not meet the credential requirement for such services. Services under the BA program must be provided by staff who are Board Certified Behavior Analysts (BCBA).

Based on the review of the DS 5862 forms and employees' credentials, DDS determined that of the 1,318 hours of service that were billed to the regional centers, 817 hours were provided by staff with a BCBA, and 501 hours were provided by staff with the following degrees: Master's, Bachelor's, Associate's or a high school diploma. DDS allowed billings at the rate of \$75 per hour for services that were provided to consumers by SLEA's BCBA's. DDS lowered the rates for the hours of service that were provided by staff who did not have the required credentials and determined that SLEA overbilled the regional centers as follows:

- Overbillings of \$11,311 for 501 hours occurred when SLEA billed ELARC, FDLRC and NLACRC at the rate of \$75 per hour for services that were provided by staff without a BCBA. CCR, Title 17 requires staff without a BCBA provide their services as Behavior Management Assistants (BMA), Service Code 615. For the audit period, SLEA's BMA rates were \$52.40 for ELARC, FDLRC and NLACRC. DDS used these rates to calculate the billable amount for the hours that were provided by staff who were not a BCBA and determined that SLEA overbilled the regional centers by \$11,311. (See Attachment B)

W&I Code, Section 4648.1 states:

“(e) A regional center or the department may recover from the provider funds paid for services when the department or the regional center determines either the following has occurred: ...

- (1) The services were not provided in accordance with the regional center's contract or authorization with the provider, or with applicable state laws or regulations.”

CCR, Title 17, Section 54326 states:

“(a) All vendors shall: ...

- (12) Agree to accept the rate established, revised or adjusted by the Department as payment in full for all authorized services provided to consumers.”

CCR, Title 17, Section 54342 (a)(11) and (b) state:

“(a) The following service codes shall be assigned to the following types of services:

- (11) Behavior Analyst - Service Code 612. Behavior Analyst....

A regional center shall classify a vendor as a Behavior Analyst if an individual is recognized by the national Behavior Analyst Certification Board as a Board-Certified Behavior Analyst.”

**Recommendation:**

SLEA must reimburse to DDS \$11,311 for the overbillings. In addition, SLEA should comply with the W&I Code, Section 4648.1 and CCR, Title 17 as stated above to ensure that proper documentation is maintained and that only individuals recognized by the national Behavior Analyst Certification Board as a BCBA perform the functions of a Behavior Analyst.

**Vendor's Response:**

DDS did not receive a response to the draft audit report from SLEA.

## **ATTACHMENTS A-B**

### **SPEECH, LANGUAGE, AND EDUCATION ASSOCIATES, INC**

**To request a copy of the attachments for this audit report, please contact the DDS Audit Section at (916) 654-3695.**