

**NEW YORK**  
*state department of*  
**HEALTH**

Nirav R. Shah, M.D., M.P.H.  
Commissioner

Sue Kelly  
Executive Deputy Commissioner

November 7, 2013

Mr. Brian Mason  
Acting Assistant Comptroller  
New York State Office of the State Comptroller  
110 State Street, 10<sup>th</sup> Floor  
Albany, New York 12236

Dear Mr. Mason:

Pursuant to the provisions of Section 170 of New York State Executive Law, I hereby transmit to you a copy of the New York State Department of Health's comments related to the Office of the State Comptroller's final audit report 2012-S-52 entitled, "Improper Payments to a Dentist."

Please feel free to contact James Clancy, Assistant Commissioner, Office of Governmental and External Affairs at (518) 473-1124 with any questions.

Sincerely,



Nirav R. Shah, M.D., M.P.H.  
Commissioner of Health

Enclosure

**Department of Health  
Comments on the  
Office of the State Comptroller's  
Final Audit Report 2012-S-52 Entitled  
Improper Payments to a Dentist**

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The following are the Department of Health's (Department) comments in response to the Office of the State Comptroller's (OSC) Final Audit Report 2012-S-52 entitled, "Improper Payments to a Dentist."

**Recommendation #1:**

Recover \$66,402 in payments improperly claimed by Dr. Bonsi, as identified in this report.

**Response #1:**

The Office of the Medicaid Inspector General (OMIG) will review the identified claims and recover any improper payments.

**Recommendation #2:**

Actively monitor claims submitted by Dr. Bonsi, particularly those for behavior management and after-hours office visits.

**Response #2:**

The Department has established several controls for all professional dental claims regarding procedure behavior management and after-hours office visits, including claims of this type submitted by Dr. Prosper Bonsi. Effective January 15, 2013, all professional dental claims for after-hours visits (D9440), are pended for professional manual review and adjudication. Additional utilization review edit keys have been established to pend behavior management (D9920) claims for professional manual review for both conflicting claims history (effective January 1, 2013) and unsupported claims history (effective February 2, 2013). The Department also sent a letter to Dr. Bonsi reiterating the program requirement to follow the policies and procedures in the Dental Provider Manual. The Department and OMIG will continue to monitor Dr. Bonsi's billing patterns and take appropriate action as necessary.

**Recommendation #3:**

Develop and implement eMedNY system edits or other controls to preclude payments for improper claims for behavior management and after-hours office visits.

**Response #3:**

Since the Department is utilizing existing editing capability to review professional dental claims for behavior management and after-hours office visits, no additional eMedNY development is required. Effective January 1, 2013, all professional dental claims for after-hours visits (D9440) are pended for professional manual review and adjudication. Additional utilization review edit keys have been established to pend behavior management (D9920) claims for professional manual review for both conflicting claims history (effective January 1, 2013) and unsupported claims history (effective February 2, 2013).