



Division of Survey and Certification, Region VI

September 17, 2008

Regional Survey and Certification Letter No. 08-02

To: All State Survey Agencies (Action)
All Title XIX Single State Agencies (Information)

Subject: State Agency Responsibilities Following Completion of Nursing Home Informal Dispute Resolution

This Regional Survey and Certification (RS&C) letter supersedes RS&C letter 03-04.

The Dallas Regional Office is not currently receiving completed IDR results in a timely and consistent manner. This letter clarifies the responsibility of the State Agency (SA) to provide IDR results and the procedures necessary to forward this information to the Regional Office. The rationale for sharing this information is to ensure each enforcement action is supported and changes in enforcement remedies due to IDR results are processed in a timely manner.

Section 7212 of the State Operations Manual specifies in general terms what the respective State Agency must do when an IDR modifies or deletes deficiencies on the CMS 2567. The State Agency must:

- (1) make changes to the CMS 2567 and to the appropriate CMS database (ACO),
- (2) provide a clean copy of the CMS 2567, if requested by the provider and the provider agrees to provide a new signed plan of correction,
- (3) adjust the scope and severity assessment to reflect the changes made to individual citations, and
- (4) re-evaluate the remedies recommended to CMS or State Medicaid.

The State Operations Manual provides the State Agency with discretion to change enforcement recommendations following an IDR. The Centers for Medicare and Medicaid Services expects the State Agency to notify the Regional Office of the results of an IDR whether or not enforcement recommendations change. Under the notices tab in AEM, the State Agency will enter all provider communication related to the IDR (e.g. IDR letter and /or the IDR Decision and Rationale Attachment,) within 10 working days. Please see Addendum A for instructions on how to notify CMS via AEM.

This procedure is effective immediately. You should send the results of any IDR conducted for currently open enforcement actions. We will continue to request the results of IDR on a case by case basis for enforcement actions that have concluded (i.e. substantial compliance has been determined). IDRs submitted by e-mail will no longer be accepted. If you have any questions please contact Vilma Acosta by telephone at 214-767-4460 or by e-mail at Vilma.acosta@cms.hhs.gov.

Sincerely,

/s/

David R. Wright
Associate Regional Administrator
Division of Survey and Certification

Enclosure: Addendum A

Addendum A: Notification via AEM of IDR results:

1. On the Case basic tab add a new activity.

Case TXXRQG for TEMPLE LIVING CENTER WESTERN HILLS (455785) - Cycle Start: 07/12/2007 - Status: Open CMP Collection

Latest Alleged Compliance: 10/29/2007 Day 23 No IJ 3 Calendar Months 10/12/2007 6 Calendar Months 01/12/2008 Facility Data

Case Basics | Surveys & IDR | Remedies | CMP | NATCEP | Notices | Hearing/Appeal | Upload

Summary

Case Status: Federal Status: Open-CMP Collection Closed // State Status: //

Beginning Case Type: Federal Type: No Opportunity to Correct

Key Dates: Correction Due Date for Opportunity to Correct: // Substantial Compliance: 10/02/2007 Cycle Start to Compliance: 82 Initial Transfer to RO: 07/27/2007

Federal Program Participation Status: ACTIVE Status Date: //

Public Notices

Request for Termination Notice 1: // Date Notice 1 Appeared: //

Request for Termination Notice 2: // Date Notice 2 Appeared: //

Case Workers

Worker Name	Phone #	Date Began	Current Prima
ACOSTA, VILMA	(214)767-446	08/09/2007	<input checked="" type="checkbox"/>
BOUWENS, LINDA		07/26/2007	<input checked="" type="checkbox"/>
CASTILLO, JANIE		07/26/2007	<input type="checkbox"/>
GREELEY, NANET		10/15/2007	<input type="checkbox"/>

Federal State: + Add - Remove

Activities

Sent	Due	Completed	Type	Responsible Party
07/26/2007			18-Review Survey	BOUWENS, LINDA
12/05/2007		12/13/2007	R1-RO LETTER IN AEM	CASTILLO, JANIE
11/15/2007			18-Review Survey	BOUWENS, LINDA
11/15/2007			18-Review Survey	ACOSTA, VILMA
11/26/2007			18-Review Survey	ACOSTA, VILMA

+ Add - Modify - Remove

State Case Notes

Print... Letter/History Notes Attachments Cmplnt Inv Save & Exit Cancel Help

ASPEN Region...

Click to open the "Define Activity" window to create a new activity.

2. Select the activity that best describes the IDR results for the case:

- A. IDR changes in remedies
- B. IDR no changes in remedies

Activity Description
Select between:
1. R4- IDR changes in remedies
2. R5- IDR no changes in remedies

Select a RO staff for activity.

Type any notes relevant to the activity.

- 3. Select the name of RO case worker
- 4. Close the activity
- 5. Enter the IDR result letter and any provider documentation related to the IDR under the Notices tab.

Enter IDR letter, IDR decision and Rationale attachment, and any IDR appeal decision.