

Enforcement Updates

Provider Meeting 2016

Objectives

- ❖ Understand the new Mandatory Immediate Imposition of Federal Remedies S&C: 16-31-NH Memo and Chapter 7 changes
- ❖ Understand Remedies which may be imposed

Mandatory Immediate Imposition of Federal Remedies continued

- **Double G situations** (Deficiencies of actual harm or above (G, H, I, J, K, L) on the current survey as well as having deficiencies of actual harm or above on the previous standard health or LSC survey **OR** deficiencies of actual harm or above on any type of survey between the current survey and the last standard survey. These surveys must be separated by a period of substantial compliance.; OR
- Classified as a **Special Focus Facility (SFF)** AND has a "F" level or higher deficiency on its current survey.

Mandatory Criteria for Immediate Imposition of Federal Remedies

Mandatory Criteria for Immediate Imposition of Federal Remedies	Immediate Jeopardy	SQC deficiencies that are not JJ	Any G level deficiency identified in Resident Behavior and Facility Practices, QOL, or QOC	Double G (Actual harm identified on current survey AND deficiencies of JJ OR actual harm on any survey between the current survey and last standard survey.)	Special Focus Facility AND "F" level or higher
Types of remedy(ies) that at a minimum should be considered for immediate imposition by CMS in addition to the CMPs when JJ is cited, mandatory 3 month DPNA for new admissions or mandatory 6 month termination as required. NOTE: Multiple remedies may be imposed for any situation as appropriate.	<ol style="list-style-type: none"> 1. Termination 2. CMPs (must be imposed immediately) 3. DDPNA (Discretionary Denial of Payment for New Admissions) 4. Temp. Mgmt. State 5. Monitoring Directed Plan of Correction (DPOC) 7. Directed In-Service 8. Denial of Payment for ALL Individuals 	<ol style="list-style-type: none"> 1. Termination 2. CMPs 3. DDPNA 4. DPOC 5. Directed In-Service Training 6. Denial of Payment for ALL Individual* 	<ol style="list-style-type: none"> 1. Termination 2. CMPs 3. DDPNA 4. DPOC 5. Directed In-Service Training 6. Denial of Payment for ALL Individual* 	<ol style="list-style-type: none"> 1. Termination 2. CMPs 3. DDPNA 4. Temp. Mgmt. State 5. Monitoring Directed In-Service 7. Denial of Payment for ALL Individual* 8. Denial of Payment for ALL Individual* 	<ol style="list-style-type: none"> 1. Termination 2. CMPs 3. DDPNA 4. Temp. Mgmt. State 5. Monitoring DPOC 7. Directed In-Service 8. Denial of Payment for ALL Individual*

Assessment Factors Used to Determine the Seriousness of Deficiencies Matrix

Immediate Jeopardy to resident health or safety	J POC Required: Cat. 3 Optional: Cat. 1 and Cat.2	K POC Required: Cat. 3 Optional: Cat. 1 and Cat.2	L POC Required: Cat. 3 Optional: Cat. 1 and Cat.2
Actual harm that is not immediate	G POC Required: Cat. 2 Optional: Cat. 1	H POC Required: Cat. 2 Optional: Cat. 1	I POC Required: Cat. 2 Optional: Cat. 1 & Temporary Mgmt.
No actual harm with potential for more than minimal harm that is not IJ	D POC Required: *Cat. 1 Optional: Cat. 2 <small>*required only when decision is made to impose enforcement remedies instead of or in addition to termination</small>	E POC Required: *Cat. 1 Optional: Cat. 2	F POC Required: *Cat. 2 Optional: Cat. 1
No actual harm with potential for minimal harm	A No POC No remedies Commitment to Correct Not on CMS-2567 Isolated	B POC No remedies Pattern	C POC No remedies Widespread

- Once an enforcement remedy is imposed, it is in effect as of the date in the notice letter.
- All remedies remain in effect and continue until the facility is in substantial compliance.