



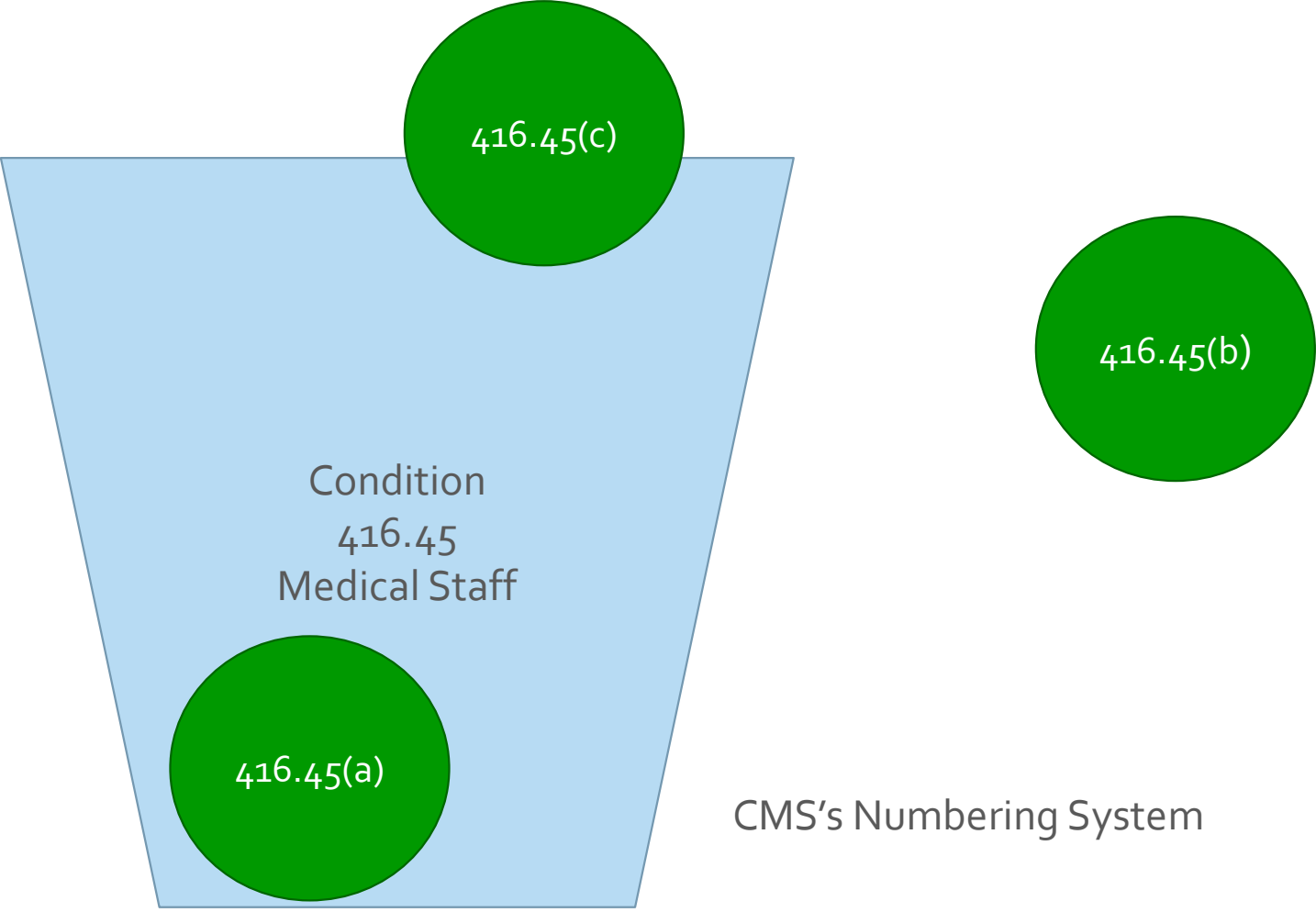
Citing Deficiencies Onsite

Accredited Medicare Facilities

Citations

- CMS requires that observations of actual care and outcomes be the **PRIMARY** method employed to evaluate
- **Secondary** Methods
 - Closed records, policies, procedures, grievances, notices, etc
 - Compliance with all processes required by the CoP
- Past noncompliance cannot be cited only current
- Citation Levels
 - Immediate Jeopardy (patients are at risk) – Notify AAAASF Immediately
 - Condition-level noncompliance
 - Standard-level noncompliance

Conditions



Condition Level Noncompliance

- ... deficiencies are of such character as to substantially limit the provider's... capacity to furnish adequate care **or**
- ... (potential to) adversely affect the health and safety of patients;"

Certification of Noncompliance
488.26(b)

Condition Level Noncompliance

- Noncompliance with the condition stem statement exists
- There is a single requirement out of compliance which is of such magnitude as to result in noncompliance with the entire condition (degree)
- Many of the requirements and/or standards within the condition are found out of compliance (manner)
- Combination of and/or an interaction between, manner & degree that demonstrates noncompliance

Stem Statement Noncompliance

Example:

- “The hospital must have an organized nursing service that provides 24 hour nursing services. The nursing services must be furnished or supervised by a registered nurse.”
- Condition level noncompliance is cited for noncompliance with anything required in the stem statement:
 - There is no 24 hour RN nursing service, or
 - Not an RN supervising care (every unit 24/7), or
 - Not an RN furnishing care or supervising other nursing staff furnishing care (every unit 24/7)

Condition Level Due to “Degree”

- Requirement(s) out of compliance of such magnitude to result in noncompliance with the entire CoP
- Degree = “how bad”, “how significant”, “how severe”
- The significance (degree) of a situation is based on team judgment as applied to the circumstances
 - Wrong site surgery
 - Retained surgical instrument

Condition Level Due to “Manner”

- Several Standards within the CoP are noncompliant
- Manner = “how wide spread”; “how many”; “how often”; “how frequent”
- Types of manner
 - Requirements are out of compliance in each of “several” Standards is sufficient manner (ex. 482.13 has 7 Standards, citations in all 7 standards)
 - Facility wide non-compliance with a requirements (ex. Medical records found accessible in most rooms)

Interaction of Degree and Manner

Example:

- Within a CoP, several moderate degree citations in a couple or several standards within a CoP that contains several Standards
- The interaction of degree and manner will vary situation to situation
- Team judgment is required to address the interaction of the unique circumstances of each situation

Correct Level of Citation Is Critical

- Cited at the level supported by the evidence
 - Over citing unjustly impacts the facility
 - Under citing does not ensure that the area of noncompliance is corrected