

EXPANSION OF IIDR

Beginning October 1, 2013, a skilled nursing facility ("SNF"), a nursing facility ("NF") or a dually-certified SNF/NF will be permitted to request an independent informal dispute resolution ("IIDR") for all federal deficiencies cited on its standard or complaint survey (CMS-2567) that are subject to the imposition, collection and escrow of civil money penalties ("CMPs") by the Centers for Medicare & Medicaid Services. Currently, only SNFs, NFs and SNF/NFs with federal deficiencies cited at a "G" or higher level (actual harm or immediate jeopardy) are subject to the CMP collection and escrow process and are permitted to request an IIDR. After October 1, 2013, the opportunity to request an IIDR will be afforded to all affected facilities.

An IIDR is a facility's opportunity to challenge cited deficiencies and, ultimately, any imposed CMPs. Therefore, we recommend that facilities immediately begin educating responsible personnel with the rules and regulations governing the IIDR process (42 C.F.R § 488.431) to ensure any request complies with the IIDR timelines and formats.

If you have questions or concerns regarding the foregoing or would like additional information, please contact Todd Selby at tselby@hallrender.com or 317.977.1440, Brian Jent at bjent@hallrender.com or 317.977.1402, David Bufford at dbufford@hallrender.com or 502.568.9368 or your regular Hall Render attorney.