Citing Deficiencies Onsite

Accredited Medicare Facilities
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 QUAD A Immediately
- Condition-level noncompliance
- Standard-level noncompliance
Conditions

Condition 416.45
Medical Staff

CMS’s Numbering System

416.45(a)
416.45(b)
416.45(c)
... 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)
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
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)
• 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
• 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