1. Acute sends a paper packet. Long term care will either fax, send the survey as an attachment, or notify that a survey with deficiencies was entered into ASPEN.

2. IJ may printout for ease of use. If less complex, may review solely on ASPEN.

3. Enter penalties and remedies and the date into the OPC database.

4. Email original letter to facility.

Comments:
1. Acute sends a paper packet. Long term care will either fax, send the survey as an attachment, or notify that a survey with deficiencies was entered into ASPEN.

2. IJ may printout for ease of use. If less complex, may review solely on ASPEN.

3. Survey information, deficiencies, date, control number.

4. Enter penalties and remedies and the date into the OPC database.
Comments:
1. Hardcopy file includes enforcement letter, copy of the check, amount paid, check #. Filed by facility and can also include information about installment payments.
2. Mark physical calendar with facility payment due date
3. Call facility reminding them of payment
4. Hardcopy file includes enforcement letter
5. Log check receipt and make a copy
6. Call facility reminding them of payment
7. Installment plan needed?
8. N
9. Create hardcopy record
10. N
11. Enforce payment
12. Log payment into OPC db
13. Receive state enforcement letter
14. Y
15. Pay in full within 30 days?
16. Y
17. Log payment into OPC db
18. Y
19. N
20. N
21. Pay installments
22. Y
23. Transfer check to admin 2
24. Deposit check
Enforcement
Program
Specialist
Enforcement
Director/
Program
Manager

Phase
Deficiency reported on a Federal Survey
Inform Enforcement Team and Secretary

1. Receive Package and prepare OPC Action Tracking Record
2. Retrieve package and ascertain scope and severity
   Enter event into Federal Steno Book and assign the next control number
   Enter info into OPC database
   Place package in the fed basket for review
3. Prepare enforcement recommendation within the allotted time
   Return to secretary to draft the recommendation
   Draft letter using the appropriate template
   Submit letter to program specialist for review
   Review and edit letter
   Return edited letter to secretary for final printing
   Print final letter and submit for Director's signature
   Copy letter and mail to facility

Comments:
1. Survey may inform enforcement by fax or e-mail. When fax, OPC tracking form is often sent. When e-mail, OPC tracking forms may be attached, or it may inform enforcement that an OPC tracking form is available.
2. Preparation of the OPC Tracking Record involves – writing the date received on the OPC TRACKING FORM; entering the control number, facility name, and admins onto the VARIABLE SHEET; reviewing and pulling the facility history from the OPC and ASPEN databases.
3. Federal standards for turnaround:
   - 2 days for immediate jeopardy
   - 10 days for potential harm
   - 120 days for medium. Enforcement recommendation according to the grid, however, CMS is developing a new CMP formula.

Exclusions:
- Does it require directors review?
  - N: Send to director for review
  - Y: Review and edit enforcement letter
  - Sign enforcement letter

ASPEN
enforcement section

Comments:

*For a nursing home challenge, the Panels decision is a recommendation to CMS. CMS has final authority to accept or reject the changes.

New Items:
1.01 — Requests for IDR are logged into the IDR tab in ASPEN. They may be entered by OPC or Survey.

3.101 — Communicate change recommendation to survey. May be in person if it’s an in-person IDR, or may be by phone.

3.111 — Communicate new survey to the facility – does this happen?
**Comments:**

"Offered to nursing homes for deficiencies of scope and severity constituting actual harm, substandard quality of care, or immediate jeopardy to resident health or safety, that lead to the imposition of a civil monetary penalty (CMP) and for which notices has been provided by CMS to the nursing home that the CMP will be collected and placed in escrow."

*New York State Department of Health Office of Long Term Care, Bureau of Quality Assurance and Surveillance ODE – NJ Ombudsman for ...

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Nursing home offers Independent Informal Dispute Resolution (IIDR)</td>
</tr>
<tr>
<td>1.2</td>
<td>Accept within 30 days with 5 copies of all written documents of supporting evidence</td>
</tr>
<tr>
<td>1.3</td>
<td>Submit copies of all documents to OPC Enforcement</td>
</tr>
<tr>
<td>2.1</td>
<td>OPC Enforcement requests comments from resident and NJ ODE</td>
</tr>
<tr>
<td>2.2</td>
<td>Submit copies of all documents to NY DOH LTC</td>
</tr>
<tr>
<td>2.3</td>
<td>Schedule and conduct IIDR</td>
</tr>
<tr>
<td>2.4</td>
<td>Rule on the IIDR</td>
</tr>
<tr>
<td>2.5</td>
<td>Change the ruling?</td>
</tr>
<tr>
<td>2.6</td>
<td>Write an explanation for the change in recommendation</td>
</tr>
<tr>
<td>2.7</td>
<td>Submit file to NJ CMS for final decision</td>
</tr>
<tr>
<td>3.1</td>
<td>Notify facility of the change in recommendation</td>
</tr>
<tr>
<td>3.2</td>
<td>Communicate no change with facility and close IIDR</td>
</tr>
<tr>
<td>4.1</td>
<td>Review change in recommendation</td>
</tr>
<tr>
<td>4.2</td>
<td>Accept IIDR?</td>
</tr>
<tr>
<td>4.3</td>
<td>Submit to NJ OPC Enforcement</td>
</tr>
<tr>
<td>4.4</td>
<td>Compile written record and notify involved resident and NJ ODE</td>
</tr>
<tr>
<td>4.5</td>
<td>Request comments from resident and NJ ODE</td>
</tr>
<tr>
<td>4.6</td>
<td>Notify facility of change in recommendation</td>
</tr>
<tr>
<td>4.7</td>
<td>Submit copies of all docs and comments (if any) to NY DOH LTC</td>
</tr>
</tbody>
</table>

*New York State Department of Health Office of Long Term Care, Bureau of Quality Assurance and Surveillance ODE – NJ Ombudsman for ...

1.1 – Requests are sent electronically through e-mail (HICS)
2.1 – ODE responds to requests for more information with word documents
2.2 – Packet is sent to NY DOH as one large PDF file
3.3 – sent as an e-mail via HICS