



DATE: January 14, 2015

SUBJECT: Long Term Care Provider Bulletin No. 2012-05-1
Long-Term Care Nursing Facility Independent Informal Dispute Resolution Act,
Act 128 of 2011

TO: Nursing Home Administrators

FROM: Susan Y Williamson, Director
Division of Nursing Care Facilities
Bureau of Facility Licensure and Certification

Effective April 20, 2012, the Long-Term Care Nursing Facility Independent Informal Dispute Resolution Act (Act), Act 128 of 2011, P.N. 2822, established an independent informal review process for long-term care nursing facilities to dispute **state and federal** survey deficiencies by an independent agent who shall be a federally designated Medicare quality improvement organization (QIO).

The State IIDR process is conducted on a fee-for-service basis established by the independent IDR agent. The current fee is \$75.00 per hour.

Quality Insights of Pennsylvania is the QIO contracted to conduct the State IIDR process.

In accordance with the Act you are afforded an opportunity to request an Independent Informal Dispute Resolution (IIDR) review for State and Federal deficiencies cited.

The attached procedure entitled "Facility Directions Act 128 of 2011 State Independent Informal Dispute Resolution," outlines the procedure that is to be followed when a facility exercises this option.

****Please Note - The IIDR process referred to herein is a first level review, and is not to be confused with the IIDR process that would be offered by the Centers for Medicare & Medicaid Services (CMS) in the event a Civil Monetary Penalty is imposed. Note also that CMS has the right to reject the determination of a first level IDR or IIDR finding.**

Pennsylvania Department of Health
Division of Nursing Care Facilities

Provider Bulletin No. 2012-05-1
Long-Term Care Nursing Facility
Independent Informal Dispute
Resolution Act, Act 128 of 2011

Implementation: April 20, 2012
Reviewed: June 19, 2012
Reviewed: May 28, 2013
Reviewed: June 25, 2014
Reviewed January 14, 2015

Attachment

Facility Directions Act 128 of 2011 State Independent Informal Dispute Resolution

If you have selected the State IIDR process and desire an independent review by Quality Insights of Pennsylvania, you shall submit the information by U.S. mail, FedEx, or UPS addressed as follows:

Quality Insights
Attention: Informal Dispute Resolution
2536 Eastern Blvd
Mailbox #452
York, PA 17402

With a copy of the cover letter to the appropriate Department of Health Division:

Susan Williamson, Director
Division of Nursing Care Facilities
Room 526 Health & Welfare Building
625 Forster Street
Harrisburg, PA 17120-0701 or Email at:
suswilliam@pa.gov

OR

Charles Schlegel, Director
Division of Safety Inspection
2150 Herr Street, 1st Floor
Harrisburg, PA 17103
cschlegel@pa.gov

To request an IIDR for deficiencies you must submit, within the same ten (10) calendar days you have for submitting the plan of correction for the cited deficiencies, the following:

- Your written IIDR request that identifies the deficiencies disputed and the reasons for the IIDR request (cover letter), including supporting documentation with key areas highlighted.
- A copy of the Statement of Deficiencies (2567).

- Indication of the type of review requested, i.e., Desk review, telephone review, or in-person review.
- Contact information for facility, including name of person requesting the IIDR, address, phone number, and email address.

QIP will review the IIDR request, supporting documentation and will submit a written recommendation to the facility with a copy to the Department within 45 days of receipt. If the QIP sustains the deficiency, the written determination will include the rationale for its decision and provide recommended action that the facility can implement to achieve compliance.

The Department's final decision will be provided within 15 business days of receipt. If the Department disagrees with QIP's determination that reverses a deficiency, the Department will provide a written explanation for its decision to nullify QIP's recommendation, to QIP and to the facility.

The facility will receive a Fee Agreement and Business Associate Agreement from QIP to sign when QIP receives the request. The Fee Agreement describes the associated fees and the payment expectation. QIP charges an hourly rate of \$75 plus actual costs incurred (e.g., telephone conference service). Any travel for in-person reviews will be billed in accordance with the Federal Travel Regulations. The Facility hereby agrees to pay QIP in accordance with the rates set forth herein, for the IIDR review the Facility has requested. QIP will invoice the Facility after QIP issues its written report. The Facility agrees to pay QIP within 30 days after receipt of the invoice.