

- Deficiency statements for violations of the federal conditions of compliance (2567)
 - Deficiency statement sets forth the federal requirements that are out of compliance and the detailed findings for the determination. It also identifies the severity of the violation which determines the process that follows and potential remedies.
 - There are four factors that determine the severity of a deficiency:
 - • Level 1 - **No actual harm with potential for minimal harm:** A deficiency that has the potential for causing no more than a minor negative impact on the residents or employees;
 - • Level 2 - **No actual harm with a potential for more than minimal harm that is not immediate jeopardy:** Noncompliance with the requirements that results in the potential for no more than minimal physical, mental, and/or psychosocial harm to the residents or employees and/or that result in minimal discomfort to the residents or employees of the facility, but has the potential to result in more than minimal harm that is not immediate jeopardy;
 - • Level 3 - **Actual harm that is not immediate jeopardy:** Noncompliance with the requirements that results in actual harm to residents or employees that is not immediate jeopardy;
 - • Level 4 - **Immediate jeopardy to resident health or safety:** Noncompliance with the requirements that results in immediate jeopardy to resident or employee health or safety in which immediate corrective action is necessary because the provider's noncompliance with one or more of those requirements has caused, or is likely to cause, serious injury, harm, impairment or death to a resident receiving care in a facility or an employee of the facility

- The scope level of a deficiency reflects how many residents were affected by the deficiency. There are three scope levels assigned to a deficiency: isolated, pattern, or widespread. DPH determines the scope and severity levels for each deficiency cited at a survey.
- NH is required to submit for each non-compliance a plan of correction within 10 days of receiving the deficiency statement. If the plan is acceptable, DPH will thereafter do a follow up visit to determine if the plan has been instituted. Failure to come into compliance can result in imposition of federal enforcement actions, referred to as remedies.
- Federal remedies that can be imposed include:
 - Termination of the provider agreement;
 - Temporary management;
 - Denial of payment for all Medicare and/or Medicaid individuals by CMS;
 - Denial of payment for all new Medicare and/or Medicaid admissions;
 - Civil money penalties;
 - State monitoring;
 - Transfer of residents;
 - Transfer of residents with closure of facility;
 - Directed plan of correction;
 - Directed in-service training;
- **Violation letters set forth violations of state statutes and state regulations** along with factual basis for the findings
- Depending on the violation, DPH may pursue Civil penalties by issuing citation.

- DPH has classified certain violations of statutes and regulations into 2 classes
- Class A violations present an immediate danger of death or serious harm to any patient in the nursing home facility. Up to \$20,000 per violation
- Class B present a potential for death or serious harm in the reasonably foreseeable future to any patient in the nursing home facility. Up to \$10,000 per violation
- Infection control state regulation violations are Class B (slide 5)
- DPH can also issue summary orders if the commissioner finds that the health, safety or welfare of any patient or patients in any nursing home facility or residential care home imperatively requires emergency action including but not limited to (1) Revoking or suspending the license; (2) prohibiting the nursing home facility from admitting new patients or discharging current patients; (3) limiting the license of a nursing home facility including reducing the licensed patient capacity; and (4) compelling compliance with the applicable statutes or regulations 19a-534a
 - DPH may also seek a summary order in same circumstances from DSS that would include termination of the facility's participation in Medicaid or appointment of a temporary manager to oversee the operation of the facility ; transfer of patients to other participating facilities; denial of payment under Medicaid for new admissions; imposition of a directed plan of correction of the facility's deficiencies; imposition of civil monetary penalties
 - DSS can hear charges brought by DPH for violations of the federal requirements and impose these remedies where there is no immediate threat to the residents
- DPH bring a disciplinary action against the nursing home's license which can result in:
 - Revocation or suspension of license
 - Placing the facility on probation

- Restrict acquisition of other facilities
- Imposing a directed plan of correction
- Where there are substantial violations of state and federal requirements, DPH can seek a court order placing the facility into Receivership, where a court appointed receiver takes full control over the facility