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 AAAASF Immediately
- Condition-level noncompliance
- Standard-level noncompliance
... 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)
Condition Level Noncompliance

- 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)
Condition Level Due to “Degree”

- 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