

# Indiana State Department of Health Health Care Quality and Regulatory Commission

## Instructions for Requesting Informal Dispute Resolution

This document is intended to provide instructions for comprehensive care and residential care facilities for requesting Informal Dispute Resolution (IDR) for a survey.

The Indiana State Department of Health (ISDH) *Informal Dispute Resolution Policy and Procedure*, Document # 2011-03-LTC, is available at the ISDH Informal Dispute Resolution Information Center at [www.in.gov/isdh/25304.htm](http://www.in.gov/isdh/25304.htm). The ISDH Informal Dispute Resolution Information Center also includes a timeline highlighting components of the Informal Dispute Resolution (IDR) process along with other resources.

### **I. Eligibility for Informal Dispute Resolution (IDR)**

The ISDH offers Informal Dispute Resolution (IDR) for all licensing and certification surveys conducted at comprehensive care and residential care facilities. The Informal Dispute Resolution process is also available to facilities for State-only tags (F9999). The Informal Dispute Resolution process may be either a desk (paper) review or a face-to-face review as requested by the facility. The notice of the opportunity for Informal Dispute Resolution with ISDH is included in the letter attached with the survey report in the ISDH Survey Report System (SRS).

The ISDH Informal Dispute Resolution process is the only process available in instances when Independent Informal Dispute Resolution does not apply. This includes surveys where a Civil Money Penalty (CMP) is not imposed, and all deficiencies are less than a "G" scope and severity level (i.e. scope and severity levels D, E, and F).

### **II. Requesting Informal Dispute Resolution**

Informal Dispute Resolution (IDR) is requested electronically at the time the Plan of Correction (POC) is submitted for the survey on the ISDH Survey Report System. There is a section for IDR at the end of the Plan of Correction for each tag, where desk/paper review IDR or face-to-face IDR can be requested. The fact that a tag is being disputed must also be clearly stated on the Plan of Correction. Corrective actions must be specified on the POC, as if the tag was not being disputed. The Informal Dispute Resolution process cannot proceed without submission of a Plan of Correction. Include on a separate document from the Plan of Correction, a written summary of the

reasons for the dispute for each tag, referencing supporting documents. Include the tag number and resolution proposed – for example, the facility wishes the tag to be deleted, etc. The written summary and supporting documents can be submitted through the ISDH Survey Report System. This is a secure system, and it is not necessary to redact identifiable resident information. Supporting documents submitted as an attachment to an email to [ISDH.LTC.IDR@isdh.in.gov](mailto:ISDH.LTC.IDR@isdh.in.gov) must be redacted of identifiable resident information.

### **III. Informal Dispute Resolution (IDR) Process**

#### **A. DESK (PAPER) REVIEW:**

1. All documents and materials to be considered must be included with the request for Informal Dispute Resolution at the time the Plan of Correction is submitted.
2. The description of the dispute for each tag must be a clear and concise statement. State explicitly what is being disputed and why it is being disputed, cite specific errors, and where support for the dispute is located in supporting documents. Because the documents are scanned, highlighted text may not be effective, so facilities may want to indicate important points through another manner (such as arrows). Supporting documents should be labeled “Attachment A,” “B,” etc. for easier reference.
3. A thorough review of all of the supporting documents will be conducted.

#### **B. FACE-TO-FACE REVIEW:**

1. Supporting documentation may either be submitted at the time of the request for Informal Dispute Resolution or brought with the facility and discussed at the time of the face-to-face meeting. The supporting documentation should be organized as described above in the desk (paper) review Informal Dispute Resolution process.
2. The face-to-face meeting takes place at ISDH. The meeting is scheduled for one hour.
3. During the meeting, the facility presents information they feel is pertinent to disputing the citation(s). The Informal Dispute Resolution process is intended to allow facility staff to directly communicate with IDR and/or Long Term Care (LTC) staff and address issues identified in the survey findings. Only facility employees and facility corporate staff may attend face-to-face meetings. These meetings are not a legal proceeding or open meeting. Non-facility

employees, such as attorneys, outside consultants or family members, are not allowed to attend face-to-face Informal Dispute Resolution meetings.

4. The Director of the Informal Dispute Resolution, designated IDR staff, a LTC supervisor or surveyor may attend the meeting. A decision is not made at the face-to-face meeting. All of the supporting documentation provided by the facility, the survey report (2567), regulations and guidance to the surveyors, and any other pertinent information is thoroughly reviewed after the meeting.

#### **IV. Timeline**

##### **A. DESK (PAPER) REVIEW:**

The desk (paper) review Informal Dispute Resolution process will be completed within 45 calendar days of the date of the request.

##### **B. FACE-TO-FACE REVIEW:**

1. The face-to-face meeting will be scheduled within 30 calendar days of the date of the request.
2. The face-to-face Informal Dispute Resolution process will be completed within 45 calendar days of the date of the face-to-face meeting.

- C. ISDH will provide written notice to the facility of the outcome of the Informal Dispute Resolution process via the ISDH Survey Report System.