

Indiana State Department of Health Health Care Quality and Regulatory Commission

Instructions for Requesting Independent Informal Dispute Resolution

This document is intended to provide instructions for skilled nursing facilities (SNF) and nursing facilities (NF) for requesting Independent Informal Dispute Resolution (IIDR) for a certification 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. The ISDH Informal Dispute Resolution Information Center also includes a timeline highlighting components of the Independent Informal Dispute Resolution process along with other resources.

I. Eligibility for Independent Informal Dispute Resolution

- A. A survey is only eligible for Independent Informal Dispute Resolution if there is a survey finding with a scope and severity level of “G” or higher, a civil money penalty (CMP) is imposed, and the penalty is subject to being placed in escrow.
- B. The offer for an Independent Informal Dispute Resolution will be provided to a facility via the Centers for Medicare & Medicaid Services (CMS) *Notice of Imposition of a CMP* letter. This offer will be sent by CMS Regional Office V.

II. Requesting an Independent Informal Dispute Resolution

- A. The facility must request the Independent Informal Dispute Resolution within ten (10) calendar days of receipt of the *CMS Notice of Imposition of CMP* letter from CMS Regional Office V.
- B. To request an Independent Informal Dispute Resolution review, the facility must email ISDH.LTC.IDR@isdh.in.gov and include the following information:
 - 1. Name of facility
 - 2. Date of survey report and citations for which independent informal dispute resolution is being requested
 - 3. Attach any additional records in support of the independent informal dispute resolution request

NOTE: All supporting documentation must be submitted at the time of the request for Independent Informal Dispute Resolution.

III. Submitting Records in Support of the Independent Informal Dispute Resolution

- A. Scanned Documents: All documents must be submitted to the ISDH electronically – i.e., they must be scanned and submitted either as an attachment in the ISDH Survey Report System at the time of submission of the plan of correction or an attachment to the email requesting an Independent Informal Dispute Resolution. The ISDH will be sending documents electronically to the independent entity. 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).
- B. Redacting: All documents submitted as an attachment to an email in support of a request for Independent Informal Dispute Resolution must be redacted of identifiable resident information. Documents submitted through the ISDH Survey Report System do not need to be redacted of identifiable resident information; this system is secure.

IV. Independent Informal Dispute Resolution Process

- A. The Independent Informal Dispute Resolution process is a desk/paper review process only. The review is conducted by an independent entity.
- B. Upon receipt of a request for Independent Informal Dispute Resolution, the ISDH will notify the independent entity and forward a copy of all of the supporting documents submitted by the facility within five (5) calendar days. The independent entity will then conduct the review and provide its recommendation to the ISDH within thirty (30) days.
- C. Opportunity to Comment: The ISDH will notify the involved resident or resident representative (for a complaint only) and the Indiana Long Term Care Ombudsman of all Independent Informal Dispute Resolution requests and provide the opportunity to comment. Upon receipt of any comments, the ISDH forwards those comments to the independent entity for consideration in the review.
- D. The Independent Informal Dispute Resolution process will be completed within sixty (60) calendar days of the date of the request for Independent Informal Dispute Resolution. The Independent Informal Dispute Resolution results will be provided to the facility through the ISDH Survey Report System.

Effective: August 10, 2012

Cancels: N/A

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