

ISDH Long Term Care
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Informal Dispute Resolution Update

Independent Informal Dispute Resolution

On December 2, 2011, the Centers for Medicare and Medicaid Services (CMS) issued [Survey and Certification Letter 12-08](#) discussing federal requirements for independent informal dispute resolution (IIDR) for nursing homes. The Indiana State Department of Health (ISDH) was required to submit to CMS a policy and procedure for informal dispute resolution consistent with the federal requirements. The ISDH submitted a policy to CMS for review and that policy was approved by CMS on December 22, 2011.

There are two informal dispute resolution process - the traditional ISDH conducted informal dispute resolution process and the independent informal dispute resolution process. The traditional ISDH conducted informal dispute resolution process may be either a paper review or a face to face review and is requested through the ISDH Survey Report System during the submission of the plan of correction. The independent informal dispute resolution process is a paper review.

The ISDH is now ready to begin implementation of independent informal dispute resolutions. A nursing home survey is only eligible for independent informal dispute resolution if the survey has a finding with a scope and severity level of "G" or higher, a civil money penalty is imposed by the Centers for Medicare and Medicaid Services (CMS), and the penalty is subject to being placed in escrow by CMS. Surveys beginning on or after January 1, 2012, meeting that criteria are eligible for independent informal dispute resolution.

If a facility is eligible for and offered the opportunity for independent informal dispute resolution, the facility may elect either independent informal dispute resolution or the traditional ISDH conducted informal dispute resolution. A facility may not have both informal dispute resolution processes for a survey.

Introduction to the Independent Entity - MAXIMUS Federal Services

In late 2011, the ISDH began the process of selecting the Independent Entity to conduct the independent informal dispute resolution reviews. Pursuant to state contracting requirements, the ISDH was required to provide notice of a contract opportunity. In late 2011, the ISDH released a request for proposals for an entity to perform independent informal dispute resolutions. After the competitive process, MAXIMUS Federal Services, Inc. (MAXIMUS Federal) was selected as Indiana's independent entity for independent informal dispute resolutions for nursing home certification surveys. The contract with MAXIMUS Federal was completed in July 2012. The following is a little background on MAXIMUS Federal.

MAXIMUS Federal is a wholly owned subsidiary of MAXIMUS, Inc. MAXIMUS Federal has more than 6,000 employees and provides services in every state and Canada, Australia, and the United Kingdom. The corporate office is located in Reston, Virginia. MAXIMUS Federal serves a variety of clients including the Indiana Department of Insurance, the Centers for Medicare and Medicaid Services (CMS), the Arizona Department of Health Services, the U.S. Department of Veterans Affairs and the U.S. Office of Personnel

Management. Beginning January 1, 2012, they are also providing Independent Informal Dispute Resolution services to Arizona.

Their largest practice area is dispute resolution and health care appeals. Their experience in dispute resolutions and health care appeals covers from correct coding and usual and customary reimbursement, quality of care, medical necessity, substandard care complaints, and provider qualification disputes. MAXIMUS Federal's clinical staff includes five full-time medical directors, five full time equivalent on-site administrative physicians, and over 300 health care attorneys, certified nurse executives, advance practice nurses, pharmacists, medical coders, and similar professionals. They also maintain a fully credentialed independent panel of nearly 600 physicians representing every specialty recognized by the American Board of Medical Specialties.

Instructions for Requesting an Independent Informal Dispute Resolution

Any survey eligible for independent informal dispute resolution will receive an offer for independent informal dispute resolution from CMS. The offer will likely be included as part of the *CMS Notice of Imposition of a CMP* letter. The facility must request the independent informal dispute resolution within ten calendar days of the offer.

To request an independent informal dispute resolution, the facility simply needs to send an email requesting independent informal dispute resolution to ISDH.LTC.IDR@isdh.in.gov. That email address was specifically set up to receive requests for the independent informal dispute resolution process. The ISDH Survey Report System is not used to request an informal dispute resolution. If the facility submits a request for independent informal dispute resolution, any previous request for traditional ISDH conducted informal dispute resolution is changed to the independent process. The request should include the following information:

1. Name of facility
2. Date of survey report for which independent informal dispute resolution is requested
3. Any changes to the informal dispute resolution request submitted in the plan of correction
4. Attach any additional records in support of the informal dispute resolution request not provided at the time of submitting the plan of correction

The ISDH has prepared [Instructions for Requesting Independent Informal Dispute Resolution](#). The document provides a more detailed overview of the process. The document, along with other information, will be available on the ISDH Informal Dispute Resolution Information Center at www.in.gov/isdh/25304.htm.