

Long-Term Care Survey Alert

IIDR Clock: Stay Ahead with This Countdown

The IIDR clock starts ticking as soon as a CMP is imposed. Be sure that you understand the rules governing the timing of the new appeals and escrowing process:

Day 1: A civil money penalty is imposed.

Caveat: Be sure to recognize that CMP/"Day 1" could come after the initial notice of deficiency. That's important because the deadline for selecting the traditional IDR process is 10 days from the date of deficiency notice. If at that point in the process you are unsure if a CMP is forthcoming, elect the IDR process to retain all rights to challenge a deficiency, recommends health care attorney **Jeannie Adams of Hancock, Daniel, Johnson & Nagle, PC**, in Richmond, Virginia. You can still shift to the IIDR process later if that seems best.

Not later than Day 30: The state must provide a facility the opportunity for an IIDR within 30 calendar days of the notice of imposition of a CMP that is subject to being collected and placed in escrow.

IIDR offer + 10. The facility must request an IIDR within 10 calendar days of receipt of the offer.

IIDR election + 60. The rules state that the IIDR must be "completed" within 60 days of the facility's notice of IIDR election □ that is, the state survey agency is required by then to have issued an official communication regarding the IIDR panel's conclusion.

Day 90: If the IIDR upholds a CMP in your case, the funds must be escrowed at the time of that decision or at the latest, no later than 90 days after the date of the notice of imposition of the civil money penalty (that is, 90 days after "Day 1" above).