

Long-Term Care Survey Alert

READER QUESTION: Get a Handle on What Surveyors Can Cite on Revisits

Q: Can surveyors cite old deficiencies that they did not cite at the time of the original survey when the surveyors come back for a revisit or complaint?

Michigan subscriber

A: This does, in fact, happen from time to time. Our law firm is handling a case, in fact, where a survey team specifically found that a complaint was not substantiated. A member of the survey team complained [about that finding] and the survey agency sent in another team and substantiated the complaint. The State Operations Manual does not directly prohibit the practice. Of course, if the facility were to challenge such a citation, they could raise obvious credibility issues regarding the survey. On the other hand, surveyors can always cite anything they see.

Expert advice provided by Joseph Bianculli, attorney in Arlington, VA.