

Long-Term Care Survey Alert

Regulatory Compliance: THE OPPORTUNITY TO SELF-DISCLOSE POSES ADVANTAGES

Say the quality improvement organization tells you to report what it views as a "substantial risk" to the public health based on something it found out about your facility during quality assurance activities. You may still be able to save the situation or at least mitigate any sanctions by disclosing the issue to the state yourself.

"There are several advantages to your facility reporting the matter to the state survey agency," says **Harvey Tettlebaum**, an attorney in Jefferson City, MO. First, the facility gets a chance to ensure the QIO has its facts straight.

"For example, your facility may have documentation that the QIO hasn't seen that could change its mind," Tettlebaum says. And even if the situation is too serious to rebut, the facility can immediately implement policies and procedures to keep it from happening again. "Also, a facility that self-reports to the state survey agency can integrate that effort into its corporate compliance program and process," Tettlebaum notes.

So even though the facility gets sanctioned, the self-correction may help mitigate the violation.