

Long-Term Care Survey Alert

Survey Appeals: A SURVEY SUCCESS STORY AFTER THE FACT

No luck convincing surveyors to put up their citation pads during the exit conference?

All is not lost. Sometimes facilities can still skip an F tag by presenting their case to the survey team supervisor after the exit conference. **Kathy Hurst**, a nursing consultant and attorney in Chino Hills, CA, recalls one incident where California surveyors issued a facility an "intent to cite" for not preventing resident abuse. At issue: a resident had accused a staff member of being verbally abusive to him and swearing at him to be quiet.

"The survey team received this information from the resident and brought it to the facility's attention,"

Hurst relates. "The facility launched an immediate investigation and found the abuse to be unsubstantiated.

The resident in question had a diagnosis of paranoid schizophrenia, past alcoholism and a known propensity for making false allegations." In addition, the facility had care planned the resident's mental health issues accordingly, Hurst says.

Even so, the state issued the citation on the assumption that the incident occurred because the resident said it did.

"When the facility received the intent to cite, the administrators tried to talk to the surveyor who was adamant that the facility was somehow abusive," Hurst says.

Yet before the state issued the survey results, facility representatives called the surveyor's supervisor to explain the circumstances. "They also sent her all the documentation, which the surveyor refused to review during the survey or afterwards," Hurst reports. "As a result, the citation was never written anywhere and the facility received an apology from the survey team supervisor."