

Long-Term Care Survey Alert

Survey Management: Eliminate F353 Tag Risk for Staffing Issues

Find out what got one facility in hot water in a civil case.

Repeated F tags for staffing-related issues can attract plaintiff attorneys looking for viable lawsuits -- or it can add fuel to the fire if your facility gets sued for negative outcomes.

For example, in one recent civil case, the plaintiff's attorney could show that a facility had five instances of survey citations related to staffing issues, reports attorney **Paula Sanders**, with Post & Schell in Harrisburg, Pa. And all of them "sounded eerily similar." Thus, "without any effort, a plaintiff's attorney could argue that the facility had repeated actions rather than an isolated event."

Be preemptive: Do a root-cause analysis to identify and correct the situation leading to any citation related to staffing issues. F353 (nursing services/sufficient staff) requires the facility to "have sufficient nursing staff to provide nursing and related services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care."

Technically speaking, says attorney, **Joseph Bianculli**, in Arlington, Va., "F353 addresses only the quantity of staff -- not how well they perform to meet resident needs." But "as a practical matter, surveyors frequently cite F353 even where there is enough quantity to meet state regs," he says. The theory is "that the staff that are there are inadequate to meet resident needs."

Survey management tip: Facilities should consider going to informal dispute resolution "any time they feel a citation is inaccurate," advises Sanders.