

Long-Term Care Survey Alert

Survey Trends: OIG REPORT MAY SPELL SURVEY RELIEF FOR FACILITIES

It's official: The survey system shows an unacceptable "wide variation" among states in the proportion of deficiency-free nursing homes and average deficiency rates. That's according to an April **Health & Human Services Office of Inspector General** final inspection report, "Nursing Home Deficiency Trends and Survey and Certification Process Consistency" (<http://oig.hhs.gov/oei/reports/oei-02-01-00600.pdf>). The OIG found that states differ in how they determine both the number and the type of deficiencies. The agency ties this variation to four factors:

inconsistent survey focus;

unclear guidelines;

the lack of a common review process for draft survey reports; and

high surveyor staff turnover.

To fix the system, the OIG wants the **Centers for Medicare & Medicaid Services** to continue to improve its guidance to state agencies by providing "clear and explicit" guidelines and to develop common review criteria for draft survey reports.

The OIG also reiterates CMS' dual function in ensuring compliance and also entering into "nonconsultative" information sharing to help facilities meet requirements for long-term care participation.

Use Report to Your Advantage

As a result of the report, providers may find a more sympathetic ear when they air concerns to regulatory authorities about such issues.

So be on the look out for trends where surveyors are over-focusing on one deficiency, or blatantly injecting their own value judgments in the survey process rather than applying the regs. (See AHCA's list of specific reasons for survey inconsistencies in article 6.) "You might contact survey authorities to share your observations and ask for their insights about the trend," suggests **James Schuster**, an attorney with the **Council for Regulatory Compliance** in Cincinnati. "You might also express concerns that the surveyors may not be looking at other issues that need examining due to the over-focus on one aspect of care."

Tip: Check with other nursing facilities to see if they are seeing the same trend or bias skewing their survey outcomes. If so, consider joining forces and contacting the trade groups or survey agency.