

Long-Term Care Survey Alert

Tool: Take These Steps To Stave Off Citations Under F-Tag 155

In its recent Survey and Certification memo on advance directives, CMS tells surveyors that the following steps are essential to determining compliance.

Establish and maintain policies and procedures regarding residents' rights to accept or refuse treatment and to formulate an advance directive.

Inform and educate residents about these rights and the facility's related policies.

Help residents exercise these rights.

Incorporate each resident's choices regarding these rights into treatment, care, and services.

In addition to making sure you have taken the steps above, consider these examples of situations that can warrant IJ level citations:

Example of Severity Level 4 (Immediate Jeopardy)

As a result of the facility's failure to obtain the documented wishes of the resident related to life-sustaining treatments, the resident received treatments that were inconsistent with his/her advance directives or other documented wishes, including use of feeding tubes, artificial nutrition and hydration, and hospitalization.

Example of Severity Level 3 (Actual Harm that is not Immediate Jeopardy)

A facility allowed family members, who did not have legal standing under state law, to make such decisions on behalf of the resident and to override the resident's expressly documented choices to decline life-sustaining treatments. As a result, the resident received treatments that were contrary to his/her documented choices.

Example of Severity Level 2: (No Actual Harm with Potential for More than Minimal Harm)

As a result of the facility's failure to obtain physician orders that were consistent with the resident's documented wishes, the direct care staff was unaware of the resident's wishes, although a situation involving life-sustaining treatment options did not yet arise in the resident's care.

Resource: To see CMS' advance directive guidance, go to www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/Survey-and-Cert-Letter-12-47.pdf.