**Nursing Home (NH) Information Sheet**

**Informal Dispute Resolution Pilot Project**

*What is Informal Dispute Resolution?*

* Residential Care Services is part of the Aging and Long-Term Support Administration that makes sure residents in Long-Term Care Facilities are receiving the care and services they need and that providers follow the rules and regulations..
* Surveyors and investigators work for Residential Care Services.
* During licensing surveys and investigations, Residential Care Services staff sometimes issue citations and/or enforcement actions.
* A citation or F Tag is a violation of regulations or laws that apply to Nursing Homes.
* NH regulations are part of the Code of Federal Regulations (CFR) *(need a link to the SOM)*
* When a surveyor or investigator decides a Nursing Home has violated a regulation or law, they issue the Nursing Home a citation and/or enforcement action.
* A surveyor or investigator must have proof that a regulation or law was not followed to issue a citation and/or enforcement action.
* If a surveyor or investigator decides an Nursing Home has not followed a regulation or law, they must write a statement describing which regulation or law was not followed and reference evidence that supports their finding.
* The Statement of Deficiencies (also referred to as the 2567) is the official document used to record this information.
* Nursing Homes may dispute citations and/or enforcement actions using the Informal Dispute Resolution process.
* During an Informal Dispute Resolution meeting, Nursing Home staff explain why the citation and/or enforcement action was incorrectly issued to an Informal Dispute Resolution Program Manager who works for Residential Care Services.
* This meeting can be in person, over the telephone or through a document review.
* The Informal Dispute Resolution Program Manager listens to the facility’s argument and decides if changes should be made to the Statement of Deficiencies (2567).

*What’s new?*

* Beginning in the Summer of 2022, Residential Care Services plans to offer Nursing Homes the use of a volunteer panel as an alternative to traditional Informal Dispute Resolution meeting which are described above. The Nursing Home IDR Panel will begin as a six-month pilot project. Implementation of the panel is expected to begin sometime during the first few months of 2023.
* To qualify for an Informal Dispute Resolution meeting, you must use the “NH IDR Request” form.
* The disputing facility may only use the panel process if you are disputing three or fewer F Tags. If the facility is disputing four or more F Tags, the traditional IDR process must be used.
* You will still have ten calendar days from the date you receive the 2567 to submit your request, but you will be allowed 20 calendar days from the date you receive the 2567 to submit documents to support your argument during the during the Informal Dispute Resolution Panel meeting.
* Informal Dispute Resolution meetings can still be in person, over the telephone, or a desk review. Due to the pandemic, in person meetings will be done vitually using the Microsoft TEAMS application.
* Documents received after the twenty calendar day deadline will not be considered by the panel.

*What to expect during the panel meeting?*

* The panel includes:
	+ One Nursing Home provider representative
	+ One Residential Care Services representative
	+ One Consumer representative
	+ One Panel Chair
* One staff person from the disputing facility is allowed to present the dispute.
* The disputing facility will have a total of 30 minutes to present their dispute to the panel.
* After the facility presentation is complete, Residential Care Service staff who issued the F Tag and/or enforcement action will have 20 minutes to present their argument for why each citation was issued.
* The disputing facility is then given a brief rebuttal period which. Time given for this phase of the meeting is up to the discretion of the chair.
* After the rebuttal statement, panel members will be allowed to question both facility staff and RCS staff. The time allotted for this phase of the meeting is up to the discretion of the chair.
* After the question and answer phase of the meeting both the disputing facility and RCS staff responsible for issuing the F Tag and/or enforcement action will leave the meeting.
* After the two parties have left the meeting, the panel will deliberate and then vote on whether to recommend that the disputed F Tag and/or enforcement action should be changed.
* After receiving the recommendation of the panel, the panel chair will decide whether RCS agrees with the panel recommendation. If the panel chair does not agree, the facts of the dispute will be reviewed with RCS management and a final determination will be made.
* The disputing facility will receive notification through ePOC as soon as a final decision is made. If the 2567 is changed as a result of the IDR, the disputing facility will receive a fresh copy with the changes included.
* This pilot is expected to last for six months. After the pilot is complete, Residential Care Services will decide if it should continue or if any changes should be made to the process.
* Individual participants in the pilot will be given a brief satisfaction survey in the months following their IDR. The survey will be anonymous.

*Is there any more detailed information I can refer to if I have more questions?*

* Yes, a “Guidelines” document is located on the IDR website at:

[Informal Dispute Resolution (IDR) | DSHS (wa.gov)](https://www.dshs.wa.gov/altsa/residential-care-services/informal-dispute-resolution-idr)

* The website includes several documents that will help prepare for and participate in the Informal Dispute Resolution process..

If you are interested in serving as a volunteer on the Nursing Home Informal Dispute Resolution panel or have any questions about the new process, please contact Beverly McCoy, IDR Volunteer Coordinator, at beverly.mccoy@dshs.gov or 360-725-2482.