
ICF/MR BRANCH NEWSLETTER

NC Department of Health and Human Services
Division of Facility Services
Mental Health and Licensure Certification Section

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The purpose of this Newsletter is to provide information and updates on ICF/MR issues in North Carolina. We ask that you pass it on to the homes, facilities and organizations that serve your clients. Additionally if you have any questions, comments or suggestions do not hesitate to contact us at Jay.Silva@ncmail.net or Denise.Erwin@ncmail.net. You may also contact us by calling (919) 855-3795 and asking for an ICF/MR facility consultant or writing to:

ICF/MR Survey Team
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2718 Mail Service Center
Raleigh, North Carolina 27699-2718

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Comments from the Chief

While there is not much growth in the number of ICF/MR facilities in our state, our section is constantly licensing new facilities that provide outpatient, day treatment, child residential, supervised living and a variety of other services for individuals with mental illness, developmental disabilities and substance abuse services. In response to the growth in facilities, this past March our office began offering New Provider Orientation classes to assist providers in the licensure process. Even though many of you have been providing services for years, if you are considering expanding the range of services you provide, to include services such as day activity, supervised living, etc., you may find it useful to attend one of our New Provider Orientation classes to get the most up to date information on licensing new programs and facilities. A class is held each month in Raleigh and in Charlotte. Please contact Ms. Jessie Tippins with our office at (919) 855-3795 to obtain class dates and to sign up, as space is limited. And as always, if you have questions concerning ICF/MR or other issues, please do not hesitate to contact our office.

Jeff Horton, Chief

*DFS Mental Health Licensure and
Certification Section.*

ICF/MR Surveys for North Carolina Numbers for the 3rd Quarter

July 1 thru September 30, 2002

90 recertification surveys and 15 complaint surveys were conducted this quarter with a total of 369 W tags cited. Specifically they included:

Standard Level citations:	361
Conditions cited:	
W 102 Governing Body	0
W 122 Client Protections:	3
W 195 Active Treatment:	4
W 266 Client Behavior and Facility Practices:	0
W 318 Health Care:	1

Additionally, conditions of participation resulted in 3 Immediate Jeopardies being cited and penalties being assessed.

The information listed does not include citations from life safety code surveys.

The following 10 deficiencies were cited most often in the 3rd quarter:

<i>W-249</i>	<i>62 times</i>
<i>W-369</i>	<i>20 times</i>
<i>W-247</i>	<i>17 times</i>
<i>W-130</i>	<i>17 times</i>
<i>W-227</i>	<i>15 times</i>
<i>W-436</i>	<i>14 times</i>
<i>W-288</i>	<i>10 times</i>
<i>W-312</i>	<i>10 times</i>
<i>W-248</i>	<i>10 times</i>
<i>W-240</i>	<i>10 times</i>

W tags 120, 154, and 240 were also cited 10 times.

The information listed above does not include citations from life safety code surveys.

The following facilities had deficiency-free annual recertifications since June 2002:

Dalmoor Drive Group Home, Charlotte, N.C.

Lower Creek Group Home, Morganton, N.C.

Ellendale Group Home, Taylorsville, N.C.

If you did receive a deficiency free annual survey (General and Life Safety) and we failed to identify your facility, please notify us (Joseph.Milanese@ncmail.net) and we will include it in the next edition of the newsletter.

Center for Medicaid and Medicare Services (CMS) Notes

The following information is from the CMS ICF/MR Home Page at:

<http://cms.hhs.gov/medicaid/icfmr/default.asp>

The ICF/MR benefit is an optional Medicaid benefit. Section 1905(d) of the Social Security Act created this benefit to fund "institutions" (4 or more beds) for people with mental retardation, and specifies that these institutions must provide "active treatment," as defined by the Secretary. Currently, all 50 States have at least one ICF/MR facility. This program serves approximately 129,000 people with mental retardation and other related conditions. Most have other disabilities as well as MR. Many of the individuals are non-ambulatory, have seizure disorders, behavior problems, mental illness, visual or hearing impairments, or a combination of the above. All must qualify for Medicaid assistance financially. Since the implementation of the current regulations in 1988, there has been a major shift in thinking in the field of developmental disabilities. Emphasis is now on people living in their own homes, controlling their own lives and being an integral part of their home community. CMS recognized that the current 1988 ICF/MR regulations and survey process needed to be updated and therefore, undertook several major tasks in this program. This web site includes current CMS initiatives for the ICF/MR program.

You can visit the link above for more information on CMS and the ICF/MR program.

Net Links:

We have identified a number of Net Links, which may be helpful to you in the care of your clients. If you know of others, please let us know at Joseph.Milanese@ncmail.net and we will add them for the benefit of others in the ICF/MR community. To use the list click on the link below or cut and paste it to the location (Netsite) field on your browser page.

Federal

Centers for Medicare & Medicaid Services <http://cms.hhs.gov/>

ICF/MR <http://www.hcfa.gov/medicaid/icfmr/icfhmpg.htm>

Medicare <http://www.hcfa.gov/medicare/mcarpti.htm>

Medicaid <http://www.hcfa.gov/medicaid/medicaid.htm>

Laws and Regulations <http://www.hcfa.gov/regs/>

State

N.C. Government <http://www.ncgov.com/>

North Carolina Department of Health and Human Services <http://facility-services.state.nc.us/>

ICF/MR Organizations

North Carolina Association of Community Based ICF/MR Providers

<http://www.ncicfmr.org/>

National Association of QMRP <http://www.qmrp.org/index.shtml>

American Association for the Mentally Retarded (AAMR) <http://www.aanr.org/index.shtml>

The ARC <http://www.thearc.org>

Appeals ?

A frequent question asked by providers is “How can a citation be appealed?” Technically the correct answer to that question is simple. A citation cannot be appealed. There is no requirement for survey agencies to have any process (formal or informal) that allows a provider to appeal a citation.

Practically, however, many state survey agencies (North Carolina among them) encourage providers to discuss any concerns about any citation. This is not an appeals process.

What can be appealed is termination from the ICF/MR program by loss of contract. States are, in fact, required to have an appeals process for any ICF/MR facing the loss of its contract to participate in the program.

The (appeals) procedure allows an ICF/MR to appeal a determination of noncompliance that results in: a) denial of, b) termination of or c) non-renewal of its provider agreement (CFR 431.151). In other words, if a provider is going to lose its contract, an appeal is possible.

The process must include:

1. Right to a hearing.
2. Notice of deficiencies and impending remedies.
3. A written request from the ICF/MR for a hearing within 60 days of receipt of the adverse action.
4. The hearing must be completed within 120 days after the effective date of the adverse action.

If the hearing is made available after that date the ICF/MR must be offered an informal reconsideration. The informal reconsideration must include:

- A) A written notice to the ICF/MR of the denial, termination or non-renewal (of its contract) and the findings (2567) on which it was based.
- B) A reasonable opportunity for the facility to refute those findings in writing.
- C) A written affirmation or reversal by the agency of the denial, termination or non-renewal (of the ICF/MR's contract).

A complete description of the appeals process can be found in the Code of Federal Regulations from subpart D 431.151 - 431.154.

(A final note – we hope that you have found the information we have provided helpful and educational. The ICF/MR Branch has a common goal with the various ICF/MR facilities in North Carolina to ensure the clients have the best life experience available to them.)

ICF/MR SURVEY BRANCH