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Chapter 449@ Medical and Other Related Facilities

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Section 449.99858@ Scope of violations: Evaluation of representative sample of recipients; size of sample

## **449.99858 Scope of violations: Evaluation of representative sample of recipients; size of sample**

### **1.**

In determining the scope of a violation, a survey of a facility must evaluate a representative sample of recipients as described in the protocol for the survey of such a facility. Unless a sample of a different size is required for the survey by federal law, the sample must consist of at least the following size:    Number of

recipients    Minimum number of recipients in sample    1 -

9.....    All recipients    10 -

40.....    10    41 -

75.....    15    76 -

100.....    20    101 -

175.....    25    176 -

250.....    30    251 -

350.....    35    351 -

450.....    40    451 or

more.....    50

### **2.**

The sample size used in identifying the scope of a deficiency in a resurvey must not be less than 60 percent of the sample size used in the initial survey.

### **3.**

In determining the scope of a violation involving particular kinds of care, treatment or services, the survey must evaluate a representative sample of recipients receiving or requiring the particular kinds of care, treatment or services. Unless a sample of a different size is required for the survey by federal law, the sample must consist of at least the following size:

Number of recipients needing or receiving a particular kind of care, treatment or services	Minimum number of recipients in sample
1 - 9.....	All

10 - 40.....	10
41 - 75.....	15
76 - 100.....	20
101 - 175.....	25
176 - 250.....	30
251 - 350.....	35
351 - 450.....	40
451 or more.....	50

#### **4.**

The Bureau may review more than the minimum number of recipients. If it does so, the determination of scope must be based on the number of recipients actually reviewed.

#### **5.**

If the Bureau investigates a complaint relating to a recipient, the Bureau may sample only that recipient. The scope of any deficiency cited pursuant to this subsection must be scope level one.

#### **6.**

As used in this section, "recipient" means a person who: (a) Is admitted to a licensed bed maintained by the facility at the time the Bureau surveys the facility;

or (b) Received services at the facility within the 30 days immediately preceding the date the Bureau surveys the facility, if the facility is not licensed to maintain beds.

**(a)**

Is admitted to a licensed bed maintained by the facility at the time the Bureau surveys the facility; or

**(b)**

Received services at the facility within the 30 days immediately preceding the date the Bureau surveys the facility, if the facility is not licensed to maintain beds.