

R. 330.11002 Department authority and duties

Rule 11002.

(1)

The department is responsible for the implementation of an enforcement system for nursing facilities. The departments duties include, but are not limited to, determining remedies for noncompliance with federal conditions of participation to be used instead of, or in addition to, termination of a facility's participation in the medicaid program. These rules are promulgated in accordance with section 1919 of the social security act of 1935, 42 U.S.C. §1396(h)(2)(A). Section 1919 requires that a state establish, by law, whether by statute or by regulation, remedies for noncompliance.

(2)

The department shall enter into an agreement or contract with the designated state survey agency. The designated state survey agency is responsible for all survey and medicaid certification functions assigned to it by the contract or agreement between MDCH and the designated state survey agency. Nothing in these rules shall be construed as restricting the remedies or authority otherwise available to the state survey agency under federal and state law to address a nursing facility's deficiencies.