

R. 330.11003 Determining substantial compliance with regulations governing medicaid certification

Rule 11003.

(1)

The state medicaid agency, based on the determinations and recommendations of the state survey agency or HCFA, on the basis of a standard, abbreviated, extended, or partial extended survey, shall determine whether a participating nursing facility is in substantial compliance with the regulations governing medicaid certification.

(2)

Based on the determination of noncompliance, the department or HCFA may impose 1 or more remedies. Remedies may be based on any of the following: (a) The welfare of the residents. (b) The seriousness of the deficiency. (c) The facility compliance history. (d) The likelihood that the remedy will lead to quick and sustained compliance.

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(b)

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(c)

The facility compliance history.

(d)

The likelihood that the remedy will lead to quick and sustained compliance.

(3)

The rules of this part have been designed to minimize the time between identification of the deficiencies and the application of the remedies.

(4)

The department or HCFA shall assess progressively stronger remedies for repeated or uncorrected deficiencies.

(5)

Enforcement remedies include federal and state enforcement options and these rules.

(6)

If the state medicaid agency finds that a nursing facility currently meets the requirements, but previously was noncompliant, then the state medicaid agency may impose a remedy for the days it finds that the facility was not in substantial compliance.

(7)

Nothing in this rule shall be construed as restricting the remedies available to any state agency to address a nursing facility's deficiencies.