

42 CFR 488.745 offers HHAs, upon their receipt of the official Form CMS-2567, the option to request an informal opportunity to dispute condition-level survey findings warranting a sanction.

The request for the Informal Dispute Resolution (IDR) must be made within the same 10 calendar day period the facility has for submitting an acceptable plan of correction. Together with the written request for IDR, the facility must also submit documentation in support of the facility's position to refute the findings on Form CMS-2567. There is no five day extension to submit documentation.

Kentucky offers three types of IDRs: Desk, Teleconference and Face to Face Reviews.

In the case of the desk review, the HHA must submit two copies of documentation (written request for IDR and case material). With a desk review the IDR coordinator will review the materials and make a recommendation to the Inspector General.

With an IDR teleconference, the HHA must also submit two copies of documentation. An IDR teleconference, involves the surveyor(s) who wrote the deficiencies, the agency and the IDR coordinator. The HHA staff will be given an opportunity to present their information and the surveyor will be given an opportunity to comment. The IDR coordinator may ask questions of the HHA staff or the surveyor. After the IDR teleconference, the IDR coordinator will make a recommendation to the Inspector General.

If a panel review is requested, the HHA must submit five copies of documentation. The IDR coordinator will send the supporting documentation submitted by the facility, as well as the CMS 2567 to the panel members for review prior to the panel meeting. The HHA must notify the IDR coordinator in advance if the agency will have an attorney present.

The panel consists of the following members: The IDR coordinator, who serves as a nonvoting panel moderator, two CMS certified OIG surveyors who were not responsible for citing the deficiency in dispute and an Administrator of a HHA with no affiliation or ties to the agency disputing the deficiency.

During the IDR panel review the HHA staff will be given an opportunity to present their information and the surveyor will be given an opportunity to comment. The panel members may ask questions of the HHA staff or the surveyor. After the panel review meeting has concluded the panel members review all documentation or information presented by the facility and the voting members make a recommendation to the Inspector General.

Request for HHA IDR panel members:

Kentucky requires a HHA Administrator to be on each IDR panel. There is no payment or travel reimbursement for serving on a panel. Administrators will be rotated. If a HHA Administrator is interested in serving on a panel a confidentiality statement must be signed prior to participating in the first IDR panel.

A copy of the Confidentiality Agreement is included and may be emailed, faxed or mailed to:

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