

## **EXERCISE #7: DEFICIENCY DETERMINATION**

### **Participant Handout**

#### **Scenario Observations from Video (some modifications from actual video)**

The SA Team consisted of 3 Surveyors. There was only 1 CMS/RO Evaluator, who observed the following during the SA Team's Task 6 (Information Analysis for Deficiency Determination) meeting:

- The team leader began the meeting by identifying one tag that would be cited because of her reviews: F323 Accidents. She provided the following examples to support this tag:
  1. A resident had scratched herself on a bent heat register cover
  2. A bottle of bleach was stored in an unlocked basement closet where it was possible for residents to access it.
  
- The team leader also said that she had a citation for Dignity because the nurse aides were calling a married couple Grandma and Grandpa.
  
- One SA Surveyor was not prepared for the meeting and was reviewing a medical record, making notes as she read.
  
- Another SA Surveyor had some examples under quality of life and quality of care of facility practices that had caused residents actual distress with loss of functioning:
  1. A resident who was incontinent was taken to the dining room without being given dry clothing. She said that she was very upset about this because she had always been a very clean person;
  2. A resident who was blind did not leave his room anymore because he did not like the music or activities that were available to him;
  3. 30 residents were observed in a room in front of the television with the weather channel on as a planned activity. No one was paying any attention to the television; and
  4. A resident was losing weight because of an adverse drug reaction.
  
- The team leader determined that the severity for all deficiencies was Level 2, (potential for harm but no actual harm) because there were no long term physical outcomes for the concerns. She said that if the team identified actual harm, there might be Substandard Quality of Care and problems with the citation because the administrator was politically connected.
  
- Several quality of care and quality of life concerns were identified and discussed. Because of time constraints, the team decided to cite them all under F240 and F309, rather than under the individual appropriate tags.

- Room size waivers had been given to the facility for a number of years despite the fact that some room sizes were clearly inadequate for the residents of those rooms. This issue was not discussed during Task 6, and the team failed to cite it. It was assumed that the waiver would continue to be given.
- One surveyor, who believed that residents could never receive their medications in the dining room and made quite a point of this to the medication nurse, did not mention this episode at the Task 6 meeting.

### **Decisions made by the RO Evaluator prior to Task 6 Deficiency Determination**

Through Joint SA/RO observations, as well as Limited Independent Fact-Finding, the RO Evaluator came to several conclusions prior to observing Task 6, Deficiency Determination. Some of these conclusions were:

1. The RO Evaluator's limited independent fact-finding established that calling the married couple "Grandma" and "Grandpa" was not a violation of their dignity. Friends and relatives had been calling them that for years, and that was how they wished to be addressed.
2. The bottle of bleach in the unlocked basement closet was not accessible to residents because the basement door was locked with a combination lock.
3. Observation of the SA interview with the man who was blind indicated that he was very distressed with the music and activities available to him. He said he was so disturbed by his isolation that he "doesn't know what to do."
4. A family member of one of the 30 residents watching the weather channel on the television said that her relative was always nervous and uncommunicative after being in this large, unfocused, noisy group. The family member said that she had asked that the TV watching activity be discontinued for her relative, but that it was hard to be sure her request had been honored because of the high turnover of aides in the facility.
5. None of the rooms receiving room size waivers was adequate to care for the resident residing in that room.

### **Exercise Instructions**

Given the above information and your observations of the video, rate the team's performance, using the **Measure 6: Deficiency Determination** rating form. Please answer the following questions.

1. What rating would you give to the SA Team?
2. What is your rationale for giving this rating?
3. What are the relevant Indicators?

**(6) DEFICIENCY DETERMINATION**

**Effectiveness with which the Survey Team determined the facility’s compliance with Federal Regulations**

RATING LEVEL	DESCRIPTION OF SURVEY TEAM BEHAVIOR
<p style="text-align: center;"><b>5</b> <b>EXTREMELY EFFECTIVE</b></p>	<p>Correctly determined whether all findings* constituted deficiencies <b>OR</b> For revisit surveys, correctly determined all deficiencies above the level of substantial compliance.</p> <p>Correctly selected all regulatory requirements.</p> <p>Made correct determinations of the magnitude and extent of all citations that could contribute to substandard quality of care or rise to severity level 3 or 4.</p>
<p style="text-align: center;"><b>4</b> <b>VERY EFFECTIVE</b></p>	<p style="text-align: center;"><b>Exceeded the description for a rating of “3” but did not meet the description for a rating of “5”</b></p>
<p style="text-align: center;"><b>3</b> <b>SATISFACTORY</b></p>	<p>Correctly determined whether findings* constituted deficiencies for all citations that could result in substandard quality of care, or that could rise to the level of harm or immediate jeopardy <b>OR</b> For revisit surveys, correctly determined all deficiencies above the level of substantial compliance.</p> <p>Selected some regulatory requirements that were less than optimal, but not totally inappropriate.</p> <p>Made correct determinations of the magnitude and extent of all citations that could contribute to substandard quality of care or rise to severity level 3 or 4.</p>
<p style="text-align: center;"><b>2</b> <b>LESS THAN SATISFACTORY</b></p>	<p style="text-align: center;"><b>Exceeded the description for a rating of “1” but did not meet the description for a rating of “3”</b></p>
<p style="text-align: center;"><b>1</b> <b>MUCH LESS THAN SATISFACTORY</b></p>	<p>Made incorrect determinations of whether some findings* constituted deficiencies <b>OR</b> For revisit surveys, did not correctly determine all deficiencies above the level of substantial compliance.</p> <p>Selected some inappropriate regulatory requirements.</p> <p>Made many incorrect determinations of the magnitude and extent of citations, including at least one citation that could contribute to substandard quality of care or rise to severity level 3 or 4.</p>

\* The term “findings,” as used here, includes both the SA team’s findings and those discovered by the RO evaluator that the SA team should have discovered based on the identified concerns.

Rating (1-5)

**Supporting Narrative**

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**(6) DEFICIENCY DETERMINATION (CONT.)**

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**Indicators**

*Check the box beside each indicator that the team could work on to improve their performance on the measure.*

- A. Systematically reviewed and discussed all evidence gathered as it related to the applicable requirements
- B. Used all relevant information gathered to make decisions
- C. Solicited all team members' input into the decisions
- D. Accurately determined whether
  - Potential or actual physical, mental or psycho-social injury or deterioration to a resident occurred
  - Residents failed to reach their highest practicable level of physical, mental or psychosocial well-being
- E. Accurately determined each regulatory requirement that was not met
- F. Accurately determined if substandard quality of care exists
- G. Accurately determined if immediate jeopardy exists
- H. Accurately determined avoidability / unavoidable
- I. Accurately assessed severity
- J. Accurately assessed scope
- K. Invoked correct immediate jeopardy procedures
- L. Used interpretations and definitions in the Guidance to Surveyors to make determinations

