

Instructions for Requesting Informal Dispute Resolution



This document is intended to provide instructions for home health agencies, comprehensive care facilities, and residential care facilities for requesting Informal Dispute Resolution (IDR) for a survey.

The Indiana Department of Health (IDOH) Informal Dispute Resolution Policy and Procedure, Document # 2011-03-LTC and 2022-01-HCBC, are available at the [IDOH Informal Dispute Resolution Information Center](#). The IDOH Informal Dispute Resolution Information Center also includes a timeline highlighting components of the Informal Dispute Resolution (IDR) process along with other resources.

I. Eligibility for Informal Dispute Resolution (IDR)

The IDOH offers Informal Dispute Resolution (IDR) for all licensing, certification, and recertification surveys conducted at home health agencies, comprehensive care facilities, and residential care facilities. Please refer to the IDR Policy and Procedure for your provider type for information about which tags are eligible for review. The Informal Dispute Resolution process may be either a desk (paper) review or a face-to-face/video conference review as requested by the facility. The notice of the opportunity for Informal Dispute Resolution with IDOH is included in the letter attached with the survey report in the IDOH Survey Report System (SRS).

The IDOH Informal Dispute Resolution process is the only process available in instances when Independent Informal Dispute Resolution does not apply. This includes long-term care surveys where a Civil Money Penalty (CMP) is not imposed and surveys conducted for Home Health Agencies.

II. Requesting Informal Dispute Resolution

The facility must request the Informal Dispute Resolution (IDR) process within 10 calendar days of receipt of IDOH letter and CMS 2567 survey findings. This is done when submitting the Plan of Correction through the Survey Report System. There is a section for IDR at the end of the Plan of Correction for each tag, where desk/paper review IDR or face-to-face/video conference IDR can be requested. The fact that a tag is being disputed must also be clearly stated on the Plan of Correction (PoC). Corrective actions must be specified on the PoC, as if the tag was not being disputed. The Informal Dispute Resolution process cannot proceed without submission of a Plan of Correction. Include on a separate document from the Plan of Correction, a written summary of the reasons for the dispute for each tag, referencing supporting documents. Include the tag number and resolution proposed – for example, the facility wishes the tag to be deleted, etc. The written summary and supporting documents can be submitted through the IDOH Survey Report System. This is a secure system, and it is not necessary to redact

identifiable resident information. Supporting documents submitted as an attachment to an email to ISDH.LTC.IDR@isdh.in.gov must be redacted of identifiable resident information.

III. Informal Dispute Resolution (IDR) Process

A. DESK (PAPER) REVIEW:

1. All documents and materials to be considered must be included with the request for Informal Dispute Resolution at the time the Plan of Correction is submitted.
2. The description of the dispute for each tag must be a clear and concise statement. State explicitly what is being disputed and why it is being disputed, cite specific errors, and where support for the dispute is located in supporting documents. Because the documents are scanned, highlighted text may not be effective, so facilities may want to indicate important points through another manner (such as arrows). Supporting documents should be labeled "Attachment A," "B," etc. for easier reference.
3. A thorough review of all the supporting documents will be conducted.

B. FACE-TO-FACE AND VIDEO CONFERENCE REVIEW:

1. Supporting documentation may either be submitted at the time of the request for Informal Dispute Resolution or brought with the facility and discussed at the time of the face-to-face or video conference meeting. The supporting documentation should be organized as described above in the desk (paper) review Informal Dispute Resolution process.
2. The face-to-face meeting takes place at IDOH. The meeting is scheduled for one hour.
3. During the face-to-face or video conference meeting, the facility presents information they feel is pertinent to disputing the citation(s). The Informal Dispute Resolution process is intended to allow facility staff to directly communicate with IDOH staff and address issues identified in the survey findings. Only facility employees and facility corporate staff may attend face-to-face and video conference meetings. These meetings are not a legal proceeding or open meeting. Non-facility employees, such as attorneys, outside consultants or family members, are not allowed to attend face-to-face and video conference Informal Dispute Resolution meetings.
4. The Director of the Informal Dispute Resolution, designated IDR staff, a LTC staff, and HCBC staff may attend the meeting. A decision is not made at the meeting. All the supporting documentation provided by the facility, the survey report (CMS



2567), regulations and guidance to the surveyors, and any other pertinent information is thoroughly reviewed after the meeting.

IV. Timeline

A. DESK (PAPER) REVIEW:

The desk (paper) review Informal Dispute Resolution process will be completed within 45 calendar days of the date of the request.

B. FACE-TO-FACE OR VIDEO CONFERENCE REVIEW:

1. The face-to-face or video conference meeting will be scheduled within 30 calendar days of the date of the request.
2. The face-to-face or video conference Informal Dispute Resolution process will be completed within 45 calendar days of the date of the meeting.

C. IDOH will provide written notice to the facility of the outcome of the Informal Dispute Resolution process via the IDOH Survey Report System.

V. Contact

For questions about the IDR process:

Linda Kay, Director of Informal Dispute Resolution

lkay@health.in.gov

Office: 317-233-5568

For assistance with the Survey Report System:

IDOH SRS Help Desk

srshelpdesk@isdh.in.gov

