

HEALTH CARE

NYSDOH STEPPING UP EFFORTS TO OBTAIN PROOF OF DEFICIENCY CORRECTION FROM NURSING HOMES

Nursing homes should expect the New York State Department of Health (“NYSDOH”) to be much more vigilant in obtaining proof that deficiencies identified during surveys are corrected.

A report recently issued by the U.S. Department of Health and Human Services Office of the Inspector General (“OIG”) found that “State agencies did not always verify nursing homes’ correction of deficiencies identified during surveys in 2014 in accordance with Federal requirements.” As a result, the NYSDOH has made improvements to its process for verifying the correction of deficiencies by nursing homes.

The OIG recently reviewed more than 4,300 deficiencies that NYSDOH identified in 2014 that required a correction plan. The nature of these deficiencies required NYSDOH to verify correction by either obtaining evidence of the correction or by conducting a follow-up survey. After reviewing documentation for a small sampling (100) of these deficiencies, the OIG estimated that the NYSDOH did not verify and document the nursing homes’ correction of 72 percent of the identified deficiencies in 2014, pursuant to Federal requirements.

In a written response to the OIG report, the NYSDOH indicated that it “has re-examined the State Operations Manual, and implemented process improvements to ensure that surveyors verify and document the correction of nursing home deficiencies in accordance with Federal requirements.”

Nursing homes should anticipate that, in response to the OIG findings, NYSDOH will increase its oversight of nursing homes with survey deficiencies to ensure that plans of correction are in fact implemented and that the identified deficiencies are corrected.

If you have any questions about the OIG report, or results of a recent NYSDOH survey conducted at your facility, please contact a member of our [Health Care team](#) at (585) 232.6500 or visit www.hselaw.com.

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