



January 26, 2018

Mr. Brad W. Moorhouse, Administrator  
NHC Healthcare Anderson  
1501 East Greenville Street  
Anderson, SC 29621

**RE: IDR Request**

Dear Mr. Moorhouse:

I am in receipt of your letter dated January 17, 2018, related to a recent Informal Dispute Resolution (IDR) of a specific tag citing non-compliance of Medicare requirements for Skilled Nursing Facilities (SNF) at your facility, NHC Healthcare-Anderson, resulting from a Complaint investigation conducted by the Bureau of Certification on November 9, 2018 and of your most recent letter of January 25, 2018, which included the plan of correction. We are currently reviewing your Plan of Correction and will contact you once the review is complete.

At your request, an IDR meeting was conducted on December 18, 2018. During that meeting you and your staff were given an opportunity to present information to the qualified IDR panelists to demonstrate that a deficiency should not have been cited. After careful review of the information that you provided, the panel determined that the citation tag that was cited during the survey should have been cited at more appropriate tags, because the deficient practice at the time of the survey did exist.

SC DHEC Bureau of Certification follows CMS IDR protocol outlined in the State Operations Manual (SOM), Chapter 7, Section 7212. Under that protocol, the State Survey Agency may "delete and/or change deficiency citation findings as recommended." The State Agency may also "adjust the scope and severity assessment for deficiencies". In this specific case, the IDR panel recommended citing the non-compliance under more appropriate citations but remained at the same Scope and Severity (s/s) level, which are those listed citations listed in the CMS-2567 that you received on January 15, 2018 and revised on January 23, 2018.

As for next steps in the appeal process, in CMS Enforcement situations, a request for hearing would be made to the Departmental Appeals Board (DAB); but, because the remaining citation tags are at the same Scope & Severity as the original citation tag (s/s level D) and there are no Civil Monetary Penalties (CMP) or Enforcement actions associated with the citations at this time, there would not be an opportunity for a hearing before the Departmental Appeals Board, pursuant to CMS policy. Additionally, CMS policy states that when tags are changed as a result of IDR and are placed under a different tag but are based on the same facts as the result of the IDR, the tags are not eligible for Informal Dispute Resolution (ref. SOM Chapter 7, Section 7212.3). However, the SOM allows for CMS to review state decisions related to IDR. Chapter 7, Section 7212.3 states: "Since CMS has ultimate oversight responsibility relative to a State's performance, it may be appropriate for CMS to examine specific informal dispute resolution decisions or the overall informal dispute resolution process to determine whether a State is arriving at a correct result."

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I hope this letter addresses the concerns that you raised in your letter. We will be happy to meet with you if you have any questions. Please feel free to contact me directly at (803) 545-4293.

Sincerely,

A handwritten signature in blue ink, appearing to read "MaryJo Roué". The signature is stylized with a large, looped initial "M" and a long, sweeping underline.

MaryJo Roué, Bureau Chief  
Bureau of Certification/Health Regulation