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Ask the nursing expert



AMY STEWART

DECEMBER 1, 2021

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We just received the CMS-2567 from our recent survey and have two G citations we don't agree with. Some think it's a waste of time to dispute them. When and how should we use the informal dispute resolution process?

Myths abound regarding IDRs and when they should or should not be used. Many leaders fear surveyor retribution if they dispute any citations, while others attempt to dispute all citations. The key points when submitting IDRs are to select the citations to dispute carefully and clearly document the evidence.

First, review your CMS-2567 closely. Check the tags for potential dispute and identify how the facility was in compliance with the requirements. To dispute a citation, determine if there is a reasonable, supportable argument that the citation is incorrect, advises Janet Feldkamp, a nurse attorney/partner at Benesch Law.

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She recommends starting the process by determining who will be responsible for developing the initial draft. The IDR narrative should use neutral language and avoid angry comments. She also recommends including

documentation and evidence that supports the facility's reasoning, such as letters from physicians or professional literature.

Highlight pertinent information to emphasize its relevance and number exhibits for reference in the narrative. End by stating clearly the conclusion being advocated and how the evidence presented supports it.

Once the draft IDR is complete, have multiple reviewers read it. Ask someone who is unfamiliar with the citation to do the final read-through. Remember that there is a 10-calendar day deadline following receipt of the CMS-2567. Be sure to submit the IDR in a timely manner.

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