

## IDR Frequency Asked Questions

November 6, 2018

1. If a facility does not agree with the IDR decision, what recourse does the facility have?
  - The facility may request a hearing with the Administrative Law Judge
2. Is a facility allowed to dispute the scope and severity of a citation?
  - SOM 7212.3: Facilities may not dispute: Scope and severity assessments of deficiencies with the exception of scope and severity assessments that constitute substandard quality of care or immediate jeopardy.
3. What are the timelines relating to requesting an IDR?
  - Chapter 7 of the SOM, section 7212.3 states the request must be made within the same 10 calendar day period the facility has for submitting an acceptable plan of correction to the surveying entity. The facility's full argument is due with the request. The information the facility wants the panel to consider is due no later than 15 days prior to the scheduled IDR session. Historically IDR is held the Third Thursday of the month.
4. Is the facility allowed to have an attorney or other individual represent them during an IDR that may not be an employee?
  - If in the initial request, the facility indicates it will have an attorney with them, then yes. The Department will schedule our attorney to be present. We have not been asked if a non-facility person may represent/present the facility case. We do not see an issue; however, the facility would need to ensure that HIPAA requirements are met.
5. How many members are on the IDR panel?
  - There are five panel members. Two from the provider community (IHCA Executive Director and a DON), two from the Department (Division Administrator & State Training Coordinator), and the State Ombudsman.