

Licensing, Certification, and Oversight of Nursing Homes

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Key Terms

State

Nursing home: medical care facility licensed by the State Health Commissioner

Certified nursing facility: nursing home that is certified to participate in Medicare, Medicaid, or both

Inspection: investigation of a facility's compliance with Code of Virginia and 12VAC5-371 by VDH

Federal

Nursing facility (NF): a medical care facility certified to participate in Medicaid *only*

Skilled nursing facility (SNF): a medical care facility certified to participate in Medicare *only*

Survey: investigation of a facility's compliance with Conditions of Participation by VDH as the state survey agency for CMS

Certified nursing facility = NF, SNF, or SNF/NF

Establishing a Nursing Home

Step 1: Apply for and obtain a Certificate of Public Need

- 1% of capital expenditure, capped at \$20K

Step 2: Build new nursing home

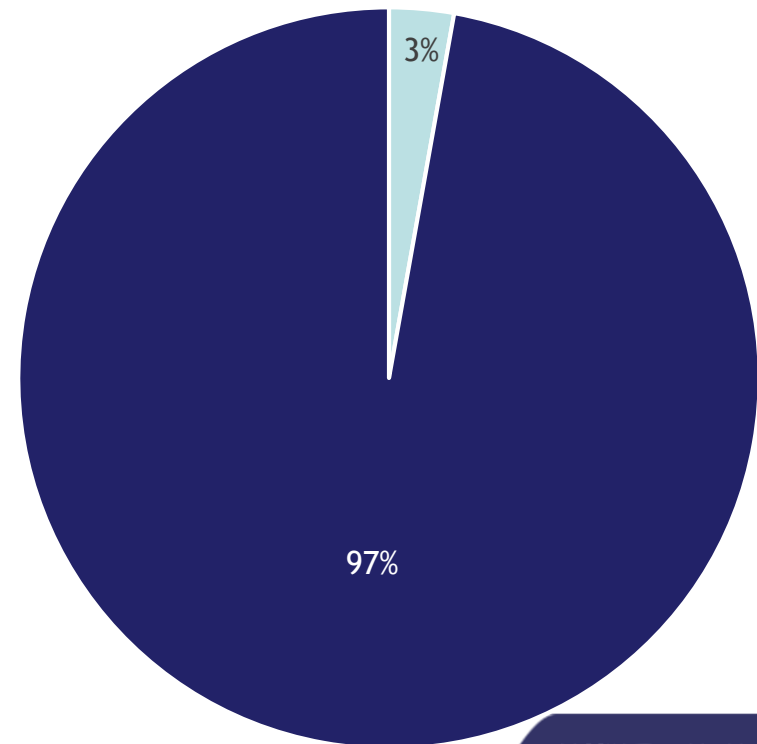
Step 3: Apply for and obtain a nursing home license

- \$1.50/bed, capped at \$500

Optional Step 4: Apply for and become certified as a NF, SNF, or SNF/NF

Participation in Federal Certification

■ Non-participating ■ Participating



Inspections and Surveys

State inspections and federal surveys are unannounced

- Inspections are at least biennially
- Surveys between 12 and 15 months

VDH triages complaints according to CMS guidelines:

- Immediate Jeopardy (IJ) - within 2 business days
- Non-IJ High - within 10 business days
- Non-IJ Medium - within 180 calendar days
- Non-IJ Low - whenever VDH is next onsite

Deficiencies are scored according to scope and severity

Matrix for Scope and Severity

		SCOPE		
		<i>Isolated</i>	<i>Pattern</i>	<i>Widespread</i>
SEVERITY	<i>Immediate jeopardy to resident health or safety</i>	J	K	L
	<i>Actual harm that is not immediate jeopardy</i>	G	H	I
	<i>No actual harm with potential for more than minimal harm that is not immediate jeopardy</i>	D	E	F
	<i>No actual harm with potential for minimal harm</i>	A	B	C

Notes:

- A, B, and C are substantially compliant and constitutes compliance with Conditions of Participation
- Solid shaded boxes indicate substandard quality of care (SQC)
- Level F deficiencies may, but not always, indicate SQC

If Deficiencies Are Cited

- Except for level A deficiencies, an acceptable plan of correction is required
- VDH must conduct revisit surveys for deficiencies at levels G and up, and at level F with SQC
- VDH may accept evidence of correction in lieu of a revisit for deficiencies at level F and below that do not involve SQC
- IJ deficiencies (levels J, K, and L) put a facility on a 23-day termination track unless IJ is resolved

Administrative Penalties

Violations of state law

Plan of correction
License suspension
License revocation
Restricting new admissions

Violations of federal law

Plan of correction
Directed plan of correction
Directed in-service
State onsite monitoring
Temporary management
Civil monetary penalties
Discretionary denial of
payment for new
admissions
Denial of payment for all
individuals
Termination