

# Plans of Correction & State-Imposed Enforcements

Shannon St. Hilaire - Federal Enforcement Coordinator



**COLORADO**  
Department of Public  
Health & Environment

# Plans of Correction - Background

- State Operations Manual - Chapter 7 - 7317
  - POCs required for most deficiencies
  - Exceptions
    - Scope/Severity “A”
    - Past Non-compliance (PNC)



# Acceptable Plans of Correction

- Five Required Elements of an Acceptable POC
  - Corrective Action
  - Identification of Others
  - System Changes to Prevent Recurrence
  - Monitoring
  - Completion Date



# Corrective Action

- How was the deficiency fixed for affected (listed) residents?
  - Acceptable Corrective Action
  - Unacceptable Corrective Action
  - Exception



# Identification of Others

- How were other residents with the potential to be affected identified?
  - Acceptable Identification of Others
  - Unacceptable Identification of Others
  - Exceptions



# System Change to Prevent Recurrence

- What did the facility do to prevent the deficiency from recurring?
- Acceptable System Changes
- Unacceptable System Changes



# Monitoring

- Monitoring must identify all of the following:
  - Exactly how and what will be reviewed as part of the monitoring
  - The sample, representative of the facility census, included in the monitoring
  - How often the monitoring will occur
  - How the monitoring will be documented
  - The total minimum length of time the monitoring will continue (a minimum of 3 months is required) and
  - How the monitoring will be included in the QAPI process.



# Monitoring - continued

- Acceptable Monitoring
- Unacceptable Monitoring
- Exceptions





# Completion Date

- The completion date is the date when corrective action is complete.
- The completion date must be acceptable to the State.
- Acceptable Dates
  - Earliest Date - Day After Exit
  - Latest Date - Before CMS require revisit timelines
- Unacceptable Dates
  - Before survey exit
  - After CMS required revisit timelines



# Plans of Correction - General Practices

- For the General Public to understand facility corrections
  - Spell out abbreviations - (e.g., social services director (SSD), as needed (PRN))
  - No proper names (e.g., Susie Smith CNA, Resident Mable Jones)
- Best when in order and labeled
- Avoids litigating informal dispute resolution in the plan of correction
- Follows “unacceptable” resubmission instructions



# Acceptable POC - Summary

- Corrective Action
- Identification of Others
- System Changes
- Monitoring
- Completion Date



# So You Have State-Imposed Remedies

- State Monitoring - Chapter 7 Section 7504
- Directed In-service Training - Chapter 7 Section 7502
- Directed Plan of Correction - Chapter 7 Section 7500



# State Monitoring

- Imposition can be required or optional
- Monitor can be State employee or State contractor
- Monitor Frequency & Access
- Monitor Duration



# Directed In-Service Training

- Purpose - Provide basic knowledge to achieve and remain in compliance with Federal requirements
- Resources - Well-established geriatric education schools (e.g., nursing schools, medical schools, area health education centers); and consultants
- Expenses - Per Chapter 7 Section 7502.4, the expense is borne by facility
- Assessment - Remedy requires assessment as part of in-service completion



# Directed In-Service Training (continued)

- Surveys Receiving Directed In-Service Training
  - Any significant deficiency where staff knowledge drives the practice failure
  - Repeat citations where staff knowledge plays a role in practice failure
- Facility Responsibility for Directed In-Service Training
  - Read the Directed In-Service and contract with approved trainer
  - Reference the Directed In-Service in “System Changes” of POC
  - Retain evidence of Directed In-Service for the revisit



# Directed Plan of Correction

- Purpose - Instructs the facility on the steps to take for achieving and sustaining compliance
- Elements - Should address all five elements of an acceptable POC
- Imposition - Notice provided in Enforcement Letter with 15 calendar days notice for non-IJ deficiencies and two calendar days notice for IJ deficiencies





# Directed Plan of Correction (continued)

- Directed Plans of Correction Imposed when:
  - Any repeat citation at harm or higher where prior efforts were not sustained
  - Revisits with harm
  - Catastrophic system failures
  - A consultant is needed
- Imposition Communicated in Enforcement Letter
- Content



# Directed Plan of Correction (continued)

- Imposition Communicated in Enforcement Letter
- Content of the DPOC will be in COHFI POCD text
- Content of DPOC will also be in the PDF of the 2567
- Facility can request change DPOC completion date by contacting Enforcement Coordinator



# Thank you!



**COLORADO**  
Department of Public  
Health & Environment

---

# Questions?

---



**COLORADO**  
Department of Public  
Health & Environment