Document Relied Upon

State Operations Manual
Appendix P - Survey Protocol for Long Term Care Facilities - Part I (Rev. 42, 04-24-09)
http://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_p_ltcf.pdf
Pages 91 – 93: IV. Deficiency Categorization – A, B, C, D; accessed on July 18, 2013.

- Clearly identify the specific deficient entity practices and the objective evidence concerning these practices;

- Identify the extent of the deficient practice, including systemic practices, where appropriate; and

- Identify the source(s) of the evidence, e.g., interview, observation, or record review.

Following deficiency categorization (Section V), enter on Form CMS-2567L the letter corresponding to the box of the scope and severity grid (Chapter 7, §7400.E.) for at least any deficiency which constitutes substandard quality of care and any deficiency which drives the choice of a required remedy category. Enter these letters in ID prefix tag column immediately below the tag number of the Form CMS-2567L.

IV. Deficiency Categorization

A. General Objective

After the survey team determines that a deficiency (ies) exists, assess the effect on resident outcome (severity level) and determine the number of residents potentially or actually affected (scope level). Use the results of this assessment to determine whether or not the facility is in substantial compliance or is noncompliant. When a facility is noncompliant, consider how the deficient practice is classified according to severity and scope levels in selecting an appropriate remedy. (See §7400 for discussion of remedies.)

Scope and severity determinations are also applicable to deficiencies at §483.70(a), Life Safety from Fire.

B. Guidance on Severity Levels

There are four severity levels. Level 1, no actual harm with potential for minimal harm; Level 2, no actual harm with potential for more than minimal harm that is not immediate jeopardy; Level 3, actual harm that is not immediate jeopardy; Level 4, immediate jeopardy to resident health or safety. These four levels are defined accordingly:

1. Level 1 is a deficiency that has the potential for causing no more than a minor negative impact on the resident(s).

2. Level 2 is noncompliance that results in no more than minimal physical, mental and/or psychosocial discomfort to the resident and/or has the potential (not yet realized) to compromise the resident's ability to maintain and/or reach his/her highest practicable physical, mental and/or psychosocial well-being as defined by

an accurate and comprehensive resident assessment, plan of care, and provision of services.

3. Level 3 is noncompliance that results in a negative outcome that has compromised the resident's ability to maintain and/or reach his/her highest practicable physical, mental and psychosocial well-being as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services. This does not include a deficient practice that only could or has caused limited consequence to the resident.

4. Level 4 is immediate jeopardy, a situation in which immediate corrective action is necessary because the facility's noncompliance with one or more requirements of participation has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident receiving care in a facility. (See Appendix Q.)

C. Guidance on Scope Levels

Scope has three levels: isolated; pattern; and widespread. The scope levels are defined accordingly:

III. Scope is isolated when one or a very limited number of residents are affected and/or one or a very limited number of staff are involved, and/or the situation has occurred only occasionally or in a very limited number of locations.

IV. Scope is a pattern when more than a very limited number of residents are affected, and/or more than a very limited number of staff are involved, and/or the situation has occurred in several locations, and/or the same resident(s) have been affected by repeated occurrences of the same deficient practice. The effect of the deficient practice is not found to be pervasive throughout the facility.

3. Scope is widespread when the problems causing the deficiencies are pervasive in the facility and/or represent systemic failure that affected or has the potential to affect a large portion or all of the facility's residents. Widespread scope refers to the entire facility population, not a subset of residents or one unit of a facility. In addition, widespread scope may be identified if a systemic failure in the facility (e.g., failure to maintain food at safe temperatures) would be likely to affect a large number of residents and is, therefore, pervasive in the facility.

D. General Procedures

After the team makes a decision to cite a deficiency(ies), evaluate the deficient practice's impact on the resident(s) and the prevalence of the deficient practice. Review deficiency statements, worksheets, and results of team discussions for evidence on which to base these determinations. The team may base evidence of the impact or prevalence for

residents of the deficient practices on record reviews, interviews and/or observations. Whatever the source, the evidence must be credible.

After determining the severity level of a deficient practice, determine scope. When determining scope, evaluate the cause of the deficiency. If the facility lacks a system/policy (or has an inadequate system) to meet the requirements and this failure has the potential to affect a large number of residents in the facility, then the deficient practice is likely to be widespread. If an adequate system/policy is in place but is being inadequately implemented in certain instances, or if there is an inadequate system with the potential to impact only a subset of the facility's population, then the deficient practice is likely to be pattern. If the deficiency affects or has the potential to affect one or a very limited number of residents, then the scope is isolated.

If the evidence gathered during the survey for a particular requirement includes examples of various severity or scope levels, surveyors should generally classify the deficiency at the highest level of severity, even if most of the evidence corresponds to a lower severity level. For example, if there is a deficiency in which one resident suffered a severity 3 while there were widespread findings of the same deficiency at severity 2, then the deficiency would be generally classified as severity 3, isolated.

E. Psychosocial Outcome Severity Guide

Purpose

The purpose of the Psychosocial Outcome Severity Guide is to help surveyors determine the severity of psychosocial outcomes resulting from the identified noncompliance at a specific F tag. The Guide is used to determine the severity of a deficiency in any regulatory grouping (e.g., Quality of Care, Quality of Life) that resulted in a negative psychosocial outcome.

This Guide is not intended to replace the current scope and severity grid. It is to be used in conjunction with the scope and severity grid to determine the severity of outcomes to each resident involved in a deficiency that has resulted in a psychosocial outcome. The team should select the level of severity for the deficiency based on the highest level of physical or psychosocial outcome. For example, a resident who was slapped by a staff member may experience only a minor physical outcome from the slap but suffer a greater psychosocial outcome. In this case the severity level based on the psychosocial outcome would be used as the level of severity for the deficiency.

Overview

Psychosocial outcomes (i.e., mood and behavior) may result from a facility's noncompliance with any regulatory requirement. Although a resident may experience either a negative physical outcome or a negative psychosocial outcome, some may experience or have the potential to experience both types of negative outcomes.