

## **INFORMAL DISPUTE RESOLUTION FREQUENTLY ASKED QUESTIONS**

Q: What can be disputed with the IDR process?

A: The IDR process is limited to the deficiencies that were cited during the survey. The IDR cannot address the survey process, issues regarding surveyors, previous or later survey results, survey results for other facilities, civil monetary penalties or other enforcement actions

Q: Where can I get an IDR request form?

A: The form is available online at:

<https://www.ok.gov/health2/documents/LTC%20IDR%20Panel%20IDR%20833%20Fillable%202014-03-28-2.pdf>

Q: How soon after the survey must the IDR request be submitted?

A: The request must be received by the Department of Health within 10 calendar days of receipt of the Statement of Deficiencies. Supporting documents for consideration are submitted with the request.

Q: What kind of documentary evidence can be submitted?

A: Any documents that provide facts to show that the citation of a deficiency was incorrect may be submitted. Only the citation itself will be considered. Character references regarding facility staff do not serve to determine whether deficiencies are valid, and therefore will not be considered. Please limit supporting documentation to evidence that will be used in the facility's argument during the proceeding, and do not bring to the proceeding additional documents that were not provided with the request for IDR. All parties (survey agency staff, panel members and facility staff participating in the proceeding) need an opportunity to review documentation prior to the proceeding. It is recommended that supporting documentation not be excessive, but limited to just what supports the facility's evaluation of the situation. All documentation must be redacted.

Q: What information must be redacted?

A: Any information that could reveal the identity of a resident must be marked out. This includes name, DOB, SSN, room number, admission date, relatives' names, addresses, telephone numbers, etc. Names of employees and medical personnel may be left in.

Q: How do I submit the request and documentation?

A: The request and documentation can be emailed to [IDRCoordinator@health.ok.gov](mailto:IDRCoordinator@health.ok.gov) or they can be faxed to 405-271-2206, or they can be mailed or hand delivered to the Health Department.

Q: Do I have to submit a Plan of Correction for the deficiencies being disputed, or can I wait until after the IDR?

A: The request for IDR does not delay submission of a Plan of Correction, nor does it delay enforcement remedies. However, if changes are made as a result of the IDR process, enforcement actions are reviewed, and a new statement of deficiencies is issued with notification of changes in enforcement remedies if applicable.

Q: How soon after I submit my request will the IDR be conducted?

A: IDRs are conducted once a month. The IDR Coordinator will notify you of the date and time.

Q: Who may attend the IDR?

A: Any staff, doctors, pharmacists or other medical professionals who have relevant information to contribute, as well as OSDH personnel, may attend. The IDR is not a formal evidentiary hearing; no party may be represented by an attorney. The meeting may not be recorded; however, the panel may make written notes.

Q: Who determines the outcome of the IDR?

A: The IDR determination will be recommended by a panel of up to five volunteers with knowledge of long term care requirements, including one who is employed by the Long Term Care division of OSDH. The panel's recommendation is forwarded to the Director of Long Term Care Services, who can either uphold or overturn the panel's recommendation.

Q: What can I expect during the IDR meeting?

A: The IDR panel, the facility's representatives and the survey team will be present. The survey team presents their case first, and then the facility presents theirs. Then the panel will ask questions, and there will be discussion among the attendees. When all parties are satisfied that there has been sufficient discussion, the facility representatives and survey team will be dismissed and the panel will discuss the facts that were presented and reach a determination. The IDR meeting is limited to two hours.

Q: What are the possible outcomes of the IDR?

A: The panel may determine that no changes should be made or that deficiencies have examples removed, wording changes, or be completely removed. In cases of Immediate Jeopardy or Substandard Quality of Care, the scope and severity of a deficiency may be lowered.

Q: When will I receive the results of the IDR?

A: The IDR Coordinator will send the results to the facility within two weeks.

**If you have any questions, please feel free to contact the IDR Coordinator at 405-271-6868 or by email at [IDRCoordinator@health.ok.gov](mailto:IDRCoordinator@health.ok.gov).**