

Principles of Documentation Overview

Principle #1: Entity Compliance and Noncompliance

When an entity complies with the requirements applicable to the survey conducted, Form CMS-2567 should consist of an explicit statement that the entity is in compliance. (V000 Initial Comments.) If an entity does not comply with one or more applicable requirements, Form CMS-2567 includes corresponding citations of noncompliance. (Also see Principle #4.)

Principle #2: Using Plain Language

The deficiency citation is written clearly, objectively and in a manner that is easily understood. The deficiency citation does not include consultation, advice, comments or direction aimed at the surveyed entity.

Principle #3: Components of a Deficiency Citation

A deficiency citation consists of (A) a regulatory reference, (B) a deficient practice statement, and (C) relevant findings.

A. Regulatory Reference

A regulatory reference includes the following components (automatically printed by ASPEN):

- 1) A survey data tag number
- 2) The Code of Federal Regulations (CFR) or Life Safety Code (LSC) reference
- 3) The language from that reference which specifies the aspect(s) of the requirement with which the entity was noncompliant
- 4) An explicit statement that the requirement was NOT MET

B. Deficient Practice Statement (aka “Based on”)

The statement of deficient practice is one component of the evidence. It includes:

- 1) The specific action(s), error(s) or lack of action (deficient practice)
- 2) Outcome(s) relative to the deficient practice, when possible
- 3) A description of the extent of the deficient practice or the number of deficient cases relative to the total number of such cases (i.e., “__ of __ patients in the sample,” “__ of __ patients receiving skilled nursing services,” “all 27 patients in the sample”)
- 4) The identifier of the individuals or situations referenced in the extent of the deficient practice (i.e., Patient 21, Licensed Practical Nurse 5, Machine 6)
- 5) The source(s) of the information through which the evidence was obtained (i.e., observation, interview with patient/family/staff), or record review (clinical/personnel/technical/administrative)

C. Relevant Facts and Findings

The facts and findings relevant to the deficient practice answer the questions, “Who? What? Where? When? and How?” Facts and findings illustrate the entity’s noncompliance with the requirement or regulation and include such specifics as:

- Dates, times and locations of observations;
- Dates, times and confidential identifiers of individuals interviewed/records reviewed
- Document titles and dates

Principle #4: Relevance of Onsite Correction of Findings

If, during the survey, the entity corrects the situation that resulted in the deficiency, a determination of NOT MET must be documented on Form CMS-2567. The entity may indicate its correction in the right-hand column of Form CMS-2567. If, during the survey, the entity initiates corrective actions that remove a finding of Immediate Jeopardy, follow the guidance described in Appendix Q.

Principle #5: Interpretive Guidelines

The deficiency citation explains how the entity fails to comply with the regulatory requirements, not how it fails to comply with the guidelines for the interpretation of those requirements.

Principle #6: Citation of State or Local Code Violations

The entity’s failure to comply with State or local laws or regulations is not documented in Form CMS-2567 except when the Federal regulation requires compliance with State or local laws. When the authority having jurisdiction for that State or local law has made a decision of noncompliance and has effectuated an adverse action which has been sustained through the hearing process (such as removal of the license to operate), Form CMS-2567 should note that the entity no longer has a license.

Principle # 7: Cross-References

The cross-referencing of requirements is an acceptable form of documentation on Form CMS-2567 only when it is applicable and provides additional strength to the linked citations. Cross-referencing is most effective when the linked citations have a direct cause and effect relationship to the deficient practices described in both citations. In all instances, the linked citation must contain sufficient evidence to demonstrate noncompliance for the referenced regulation at the linked site.

Principle # 8: Condition for Coverage (CfC) Deficiencies

The CfC citation includes deficient practice statements and findings to support the determination of noncompliance with a condition-level requirement. The findings may be incorporated either by cross references to those requirements which must be corrected to find the CfC in compliance or by narrative description of the individual findings.