




DELAWARE HEALTH AND SOCIAL SERVICES


Division of Developmental Disabilities Services

**DDDS Policy:
Informal Dispute Resolution (IDR) Pertaining to Provider
Quality Service Reviews (QSR)**

October 30, 2017

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|  | <p>DDDS Policy Informal Dispute Resolution (IDR) Pertaining to Quality Service Reviews (QSR) Revision Table</p> |
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| Revision Date | Sections Revised | Description of Revision |
|----------------------------|------------------|--|
| 12/14/2006 | All | Origination date |
| 1/15/2007 | All | Revision |
| 10/20/2017 | All | Changed the name from Dispute Resolution for Neighborhood Homes to Informal Dispute Resolution (IDR) Pertaining to Provider Quality Service Reviews (QSR) to ensure it covers all Quality Service Reviews regardless of service. |
| | | Reformatted and revised the process to incorporate the Centers for Medicare and Medicaid Services (CMS) requirements pertaining to the informal dispute resolution 42 CFR 488.331. |
| | | Included reference to the 3310 Neighborhood Group Home Regulations. |
| | | Includes reference to the DDDS Standards issued January 1, 2017. |
| | | <i>Live Signature is located in the Office of the Director.</i> |
| Director's Signature/Date: | | Effective: 10/30/2017 |

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1. Purpose:

The purpose of the Informal Dispute Resolution (IDR) process is to provide the Delaware Division of Developmental Disabilities Services (DDDS) Contracted Providers an opportunity to challenge deficiency citations resulting from the Service Integrity Quality Service Review (QSR) as required by [42 CFR 488.331](#).

2. Definitions:

- 2.1. "Contracted Provider" means any provider and its employees that are authorized to perform DDDS services.
- 2.2. "Immediate Jeopardy" means a situation in which the provider'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 as referenced in [42 CFR Part 489.3](#).
- 2.3. "Informal Dispute Resolution process" means a continuous informal process that includes ongoing professional communication between the Contracted Provider and the DDDS Service Integrity from the time the Quality Service Review (QSR) begins until the final report is received by the Contracted Provider.
- 2.4. "Division" means Division of Developmental Disabilities Services (DDDS).
- 2.5. "Quality Service Review (QSR)" means ascertain the quality of the services provided by the Contracted Providers and to ensure that minimum standards are met with the respect to [DDDS Provider Standards for Home and Community Based Services](#) and [DDDS policies](#).

3. Scope:

- 3.1. This policy applies to DDDS Contracted Providers and the DDDS Service Integrity Unit.

4. Standards:

- 4.1. All Contracted Providers who would like to dispute any citations involving Licensed Homes in accordance with [3310 Neighborhood Group Homes](#) & [3315 Rest \(Family\) Care Homes](#) regulations must contact the [Division of Long Term Care Residence Protection \(DLTCRP\)](#) to file an Informal Dispute.
- 4.2. Notification to the Contracted Provider to the right to an Informal Dispute Resolution (IDR) shall include:
 - 4.2.1. The availability of the IDR process;
 - 4.2.2. The name, address and telephone number of the Director of Service Integrity whom the Contracted Provider must contact to request an IDR,
 - 4.2.3. Who will conduct the review;
 - 4.2.4. That the IDR constitutes an informal administrative process that in no way is to be construed as a formal evidentiary hearing; and
 - 4.2.5. That the decision of the IDR review will be made in writing to the Contracted Provider.

- 4.2.6. All decisions of the IDR review are final.
- 4.3. The Contracted Provider may request the opportunity for an IDR for each Quality Service Review (QSR) if a resolution could not be remediated with the survey team at the exit meeting.
- 4.4. To request an IDR the Contracted Provider shall:
 - 4.4.1. Make the request in writing to the Director of Service Integrity via mail, or email;
 - 4.4.2. Be made within fifteen (15) days of receiving the Quality Service Review Description of Findings;
 - 4.4.3. Include the specific standard number being disputed and an explanation of the basis for the challenge to the citation(s) being disputed; and
 - 4.4.4. Include copies of any documents (i.e. medical reports, policies & procedures, etc.) that will be used to challenge the QSR findings.
- 4.5. Once a request for an IDR has been received, Service Integrity and Enhancement will:
 - 4.5.1. Convene a panel within fifteen (15) business days of receiving the request.
 - 4.5.2. The Panel shall include:
 - 4.5.2.1. The Director of Service Integrity and Enhancement;
 - 4.5.2.2. The Director of Service Integrity; and
 - 4.5.2.3. At minimum, 1 Program Administrator of Service Integrity.
 - 4.5.3. Review the QIP and supporting documentation submitted by the Contracted Provider.
 - 4.5.4. Only information submitted in writing by the Contracted Provider will be considered during the panel review.
 - 4.5.5. Notify the Contracted Provider, in writing of the decision within five (5) business days of the panel's decision.
- 4.6. If the IDR panel does not rule in favor of the Contracted Providers challenge, the original Quality Service Review Description of Findings will be considered final and a Quality Improvement Plan will be required within fifteen (15) days of receiving the notification of the decision.
- 4.7. If the IDR panel rules in favor of the Contracted Providers challenge:
 - 4.7.1. The original QIP including a notation of the IDR review will be kept on file for six (6) years;
 - 4.7.2. The Contracted Provider will be given a revised Quality Service Review Description of Findings stating remaining findings for which the Contracted Provider will need to complete a revised QIP within fifteen (15) days of receiving the notification of the decision.
- 4.8. The IDR process shall not be used to:
 - 4.8.1. Delay the formal imposition of remedies.
 - 4.8.2. Challenge substandard quality of care or immediate jeopardy.
 - 4.8.3. Challenge remedies imposed.
 - 4.8.4. Challenge alleged inconsistency of the survey team in citing deficiencies among Contracted Providers.
 - 4.8.5. Challenge alleged inadequacy or inaccuracy of the IDR process.

4.8.6. Disagree with regulations, policies & procedures and DDDS Provider Standards for Home and Community Based Services.

4.9. DDDS may publically display information regarding the outcome of a final Quality Service Review (QSR) including any IDR that has been concluded.