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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
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STATE GOVERNMENT  
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**MEMORANDUM**

**TO:** All House Members

**FROM:** Representative Mauree A. Gingrich

**DATE:** February 28, 2011

**SUBJECT:** Co-sponsor: Long-Term Care Nursing Facility Independent Informal Dispute Resolution Act

I am reintroducing legislation that I have proposed in prior sessions as the Long-Term Care Nursing Facility Independent Informal Dispute Resolution Act. This bill will provide an enhanced informal dispute resolution process for long-term care facilities, designating a CMS-approved Independent IDR agent that would contract with the PA Department of Health to complete reviews.

This proposal would create a mechanism designed to be an alternate IDR process to the current system. The facility would have the option to pursue an IDR adjudicated by the Department of Health, or to have a CMS-approved entity—likely Pennsylvania's QIO (a federally designated Medicare Quality Improvement Organization)—hear the appeal. If the facility opts for the new Independent IDR, the facility would be charged a fee for the service to be commensurate with the level of review requested; desk audit, phone interview, or in-person hearing.

Residents of licensed nursing facilities benefit from this proposal from a truly impartial IDR process which would provide more assurances when consumers are researching the care options available to them. In addition, operators would benefit in that many nursing facilities choose to forego filing IDR requests because there is little likelihood of a favorable review or due to fear of future retribution by survey staff. This bill would provide nursing facilities with a more objective process in which to challenge their cited survey deficiencies, with the review taking place outside the field office and survey staff that initially cited the deficiency.

If you would like to co-sponsor this legislation, please contact Nicole Foit in my Harrisburg office at 783-1815 or via email to [nfoit@pahousegop.com](mailto:nfoit@pahousegop.com). I appreciate your support and co-sponsorship. Thank you.