

**Office of Health Care Quality
Developmental Disabilities Unit
PROTOCOL FOR THE REVIEW OF
PLANS OF CORRECTION**

A Plan of Correction (POC) is a written response by a licensee to OHCQ findings of non-compliance with state regulations set forth in COMAR. Upon completion of a survey and prior to leaving an agency, OHCQ staff will advise the licensee of preliminary findings and provide the Individual List. The surveyor will compile their preliminary findings into a "Statement of Deficiency" (SOD) which shall be sent to the licensee via email or U.S. Mail along with a copy of the signature sheet. The signature sheet must be signed by an agency representative and returned to the OHCQ surveyor within five (5) days of receipt.

The licensee shall submit a POC within 10 working days of receipt of findings of noncompliance contained in the SOD. COMAR 10.22.02.04E. The POC due date may be sooner than 10 working days when the nature of the noncompliance warrants a more immediate response, as determined by OHCQ (see, "Immediate Notifications"). The licensee may contact the Deputy Director for State Programs, Emma Hambright, and request an extension of not more than 30 days for the submission of the POC.

If OHCQ determines that a POC fails to identify the licensee's plans to remediate OHCQ findings of deficiency, the licensee will be advised of what portions of the POC have been deemed unacceptable. A revised POC must be received by OHCQ within 10 working days from the date of OHCQ notification that the POC is unacceptable. The licensee may contact their DDA regional office for technical assistance with timely completion of an acceptable plan of correction.

Immediate Notifications are urgent findings noted by a surveyor such as health, medical, or environmental issues including lack of heat, hot water, unsafe ramps or an excessively high water temperature (over 130° F.), which require the licensee to fix immediately. The licensee will be informed of any immediate deficiencies by the surveyor as they are noted.

The licensee is expected to address the "immediate notification" findings and will, upon receipt, submit a POC outlining their repair efforts and plan for preventing the deficiencies from occurring in the future. The Immediate Notification deficiency will be sent in writing and included as an addendum to the SOD.

Scope: An acceptable Plan of Correction is a plan which focuses not just on the stated deficiency, but the deficient practice itself. The plan of correction should address the harm that could result from the deficient practice and steps the licensee will take to prevent such harm from occurring in the future.

1. The Plan of Correction must include:
 - A written response to each deficiency noted in the SOD.
 - What actions the licensee has put in place for those individuals found to have been affected by the deficient practice(s);
 - Licensee efforts to identify other individuals that may be impacted by the deficient practice and what corrective action(s) will be taken;
 - Systemic changes implemented to prevent the deficient practice(s) from re-occurring.
 - Name of the person(s) responsible for completion; and,
 - **Target Date:** the date by which a cited deficiency(s) was or will be corrected.
2. The Plan of Correction may not include an explanation addressing why a deficiency occurred, it should focus solely on the remedy.

Protocol:

- 1) At the completion of the survey, the licensee is informed of the surveyor preliminary findings.
- 2) The SOD and Signature Sheet are sent to the agency via email or U.S. Mail. A copy of each is sent to the appropriate DDA Regional Office Liaison.
- 3) The licensee and surveyor complete the signature sheet which includes information on the Informal Dispute Resolution (IDR) process.
- 4) Licensees should e-mail POCs to the attention of the appropriate coordinator and the team leader/surveyor identified on the signature sheet.
- 5) If attachments to the POC are required to be submitted, the attachments may be scanned and e-mailed (adobe file only), or sent via U.S. Mail.
- 6) Licensees requiring an extension for submission of a POC must contact the appropriate coordinator **prior** to the due date of the POC to request an extension. Contact should be made via e-mail.
- 7) After OHCQ's receipt of the POC, the team leader/surveyor will e-mail the licensee acknowledging receipt of the POC and expected date of response.
- 8) Within ten (10) working days of receipt of the POC, the entire document will be reviewed by the surveyor to determine compliance with COMAR.
- 9) If the POC is found acceptable, the licensee will receive an e-mail stating that the POC was accepted.
- 10) If the POC is found unacceptable in part or in whole:
 - a. The licensee will receive via e-mail a document indicating the unacceptable portions of the POC;
 - b. A new date for resubmission of a revised POC will be included in the e-mail (generally, no more than ten (10) working days).
- 11) After receipt of a resubmission, OHCQ will repeat steps 4 and 5 above.

- 12) If the revised POC is deemed acceptable, the licensee will be notified via e-mail (see #6 above).
- 13) If the revised POC is deemed unacceptable, in whole or in part, OHCQ will recommend licensee sanctions.
 - a) The Coordinator will send the licensee a letter of OHCQ's intent to pursue additional sanctions in a "pending sanction letter".
 - b) The Program Manager will compile the information for the specific recommended intermediate action (as per COMAR 10.22.03.04).
 - c) The licensee will receive, in writing, the formal sanctions to be imposed.
 - d) A copy of the sanction letter will be sent to the appropriate DDA regional office and to DDA Headquarters.

