

Chapter 85. Intermediate Care
Facilities for Persons with
Developmental Disabilities
Subchapter A. General Provisions

4. If a timely request for an informal reconsideration is received, the department shall schedule and conduct the informal reconsideration.

5. The provider shall be notified in writing of the results of the informal reconsideration.

6. Except as provided for in complaint surveys pursuant to R.S. 40:2009.11 et seq., and as provided in this licensing Rule for license denials, revocations, and non-renewals, the decision of the informal reconsideration team shall be the final administrative decision regarding the deficiencies. There is no administrative appeal right of such deficiencies.

7. Pursuant to R.S. 40:2009.13, et seq., for complaint surveys in which the licensing agency (Health Standards Section) of the department determines that the complaint involves issues that have resulted in, or are likely to result in, serious harm or death, as defined in the statute, the determination of the informal reconsideration may be appealed administratively to the department's Division of Administrative Law or its successor. The hearing before the Division of Administrative Law or its successor is limited only to whether the investigation or complaint survey was conducted properly or improperly. The Division of Administrative Law or its successor shall not delete or remove deficiencies as a result of such hearing.

§8519. Statement of Deficiencies

A. The following statements of deficiencies issued by the department to the ICF/DD shall be posted in a conspicuous place on the licensed premises:

1. the most recent annual survey statement of deficiencies; and
2. any subsequent complaint survey statement of deficiencies.

B. Any statement of deficiencies issued by the department to the ICF/DD provider shall be available for disclosure to the public 30 calendar days after the provider submits an acceptable plan of correction of the deficiencies or 90 calendar days after the statement of deficiencies is issued to the provider, whichever occurs first.

C. Unless otherwise provided in statute or in this licensing Rule, a provider shall have the right to an informal reconsideration of any deficiencies cited as a result of a survey or investigation.

1. Correction of the deficient practices, of the violation, or of the non-compliance or deficiency shall not be the basis for the reconsideration.

2. The informal reconsideration of the deficiencies shall be requested in writing within 10 calendar days of receipt of the statement of deficiencies, unless otherwise provided in this Rule.

3. The request for informal reconsideration of the deficiencies shall be made to the department's Health Standards Section. The request for informal reconsideration shall be considered timely if received by the Health Standards Section within 10 calendar days of the provider's receipt of the statement of deficiencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180-2180.5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3186 (December 2012).