NJAASC Membership Meeting January 2024

Immediate Jeopardy and Removal Plans

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Disclaimer

This power point presentation is an educational tool prepared by the New Jersey Department of Health that is general in nature. It is not intended to be an exhaustive review of the Department's administrative code & is not intended as legal advice. Materials presented should not substitute for actual statutory or regulatory language. Always refer to the current edition of a referenced statute, code &/or rule or regulation for language.

Objectives:

By the end of this session, the participants will:

- Develop a greater understanding of:
    - Immediate Jeopardy Definition and Components
    - Immediate Jeopardy Template
    - Immediate Jeopardy Removal Plan
    - Survey requirements after an Immediate Jeopardy Survey

Immediate Jeopardy Defined

- Immediate Jeopardy is:

- A situation in which **immediate corrective action** is necessary because the provider's **noncompliance** with one or more requirements of participation or conditions of participation has **caused, or is likely to cause, serious injury, harm, impairment, or death** to an individual receiving care in a facility.

- Appendix Q

Immediate Jeopardy Components

- **Noncompliance:** An entity has failed to meet one or more federal health, safety, and/or quality regulations; AND

- **Serious Adverse Outcome or Likely Serious Adverse Outcome:** As a result of the identified noncompliance, serious injury, serious harm, serious impairment or death has occurred, is occurring, or is likely to occur to one or more identified recipients at risk; AND

- **Need for Immediate Action:** The noncompliance creates a need for immediate corrective action by the provider/supplier to prevent serious injury, serious harm, serious impairment or death from occurring or recurring.

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Immediate Jeopardy Template

- For every tag cited at an IJ level, an individual IJ template is needed.

- The IJ template is an unofficial document that provides key information regarding the non-compliance and how it meets the IJ criteria.

- Allows for clear communication of the noncompliance, the impact or likely impact to the recipient of care, and the need to take immediate corrective action to prevent the occurrence or recurrence of serious injury, harm, impairment, or death.

Immediate Jeopardy Template

Date/Time IJ Template provided to entity: _____

IJ Component	Yes/No	Preliminary fact analysis which demonstrates whether key component exists.
Noncompliance: Has the entity failed to meet one or more federal health, safety, and/or quality regulations? If yes, in the blank space, identify the tag and briefly summarize the issues that lead to the determination that the entity is in noncompliance with the identified requirement. This includes the action(s), error(s), or lack of action, and the extent of the noncompliance (for example, number of cases). Use one IJ template for each tag being considered at IJ level.	Yes/No	.
AND		
Serious injury, serious harm, serious impairment or death: Is there evidence that a serious adverse outcome occurred, or a serious adverse outcome is likely as a result of the identified noncompliance? If Yes, in the blank space, briefly summarize the serious adverse outcome, or likely serious adverse outcome to the recipient.	Yes/No	
AND		
Need for Immediate Action: Does the entity need to take immediate action to correct noncompliance that has caused or is likely to cause serious injury, serious harm, serious impairment, or death? If yes, in the blank space, briefly explain why.	Yes/No	

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Immediate Jeopardy Template

Date/Time IJ Template provided to entity: --

IJ Component	Yes/No	Preliminary fact analysis which demonstrates when key component exists.
Noncompliance: Has the entity failed to meet one or more federal health, safety, and/or quality regulations? If yes, in the blank space, identify the tag and briefly summarize the issues that lead to the determination that the entity is in noncompliance with the identified requirement. This includes the action(s), error(s), or lack of action, and the extent of the noncompliance (for example, number of cases). Use one IJ template for each tag being considered at IJ level.		
AND		

Immediate Jeopardy

AND		
Serious injury, serious harm, serious impairment or death: Is there evidence that a serious adverse outcome occurred, or a serious adverse outcome is likely as a result of the identified noncompliance? If Yes, in the blank space, briefly summarize the serious adverse outcome, or likely serious adverse outcome to the recipient.		
AND		

Immediate Jeopardy

AND		
Need for Immediate Action: Does the entity need to take immediate action to correct noncompliance that has caused or is likely to cause serious injury, serious harm, serious impairment, or death? If yes, in the blank space, briefly explain why.		

Disclaimer: The findings on this IJ Template are preliminary and do not represent an official finding against a Medicare provider or supplier. Form CMS-2567 is the only form that contains official survey findings.

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Removal Plan

- Entity's response to address the immediacy of the non-compliance.

- Guideline:

  - Facility letterhead or Facility Name/Address

  - Tag # associated with the IJ

  - Indicate the deficient practice

  - State how the facility will correct the specific findings:

    - What immediate measure(s) will be put into place to remove harm or prevent serious harm from occurring/reoccurring.

    - Staff education/re-education. Who will educate? What education will be received by staff? (i.e., Policy and Procedure/Facility chosen nationally followed standards).

  - Completion Date: date by which the entity asserts likelihood of serious harm to any recipient no longer exists (i.e., When action (interventions) and education will be completed).

  - On bottom of form: Name/Title/Signature/Date & Time

Removal Plan Example

IJ Template: Reflects on 1/31/24, the facility failed to ensure that multi-dose vials of medications that are accessed in the immediate patient care area, are discarded immediately after a single patient use. Tag 240-Infection Control-Safe Injection Practice Multi-Dose Vials.

Removal Plan: On facility letterhead or Facility Name/Address include the following:

- During a Federal complaint survey, the following Immediate Jeopardy related to infection control was identified:

- **IJ #1** (if multiple) Tag 240 – Infection Control – Safe Injection Practice Multi-Dose Vials

- **Deficient Practice**: The facility failed to ensure that multi-dose vials of medications that are accessed in the immediate patient care area, are discarded immediately after a single patient use.

- Identify all actions (i.e., interventions, education, etc.) the facility will take to immediately address the noncompliance that has resulted in an immediate jeopardy by detailing how the entity will keep recipients safe and free from harm caused by noncompliance.
    - All opened multidose vials were immediately discarded
    - Safe injection policy and procedure was reviewed to ensure multidose vials are discussed
    - Anesthesiologist and nurses were provided education to include review of the policy and procedure that indicates multidose vials are not to be accessed in patient care areas.

- Completion Date: 1/31/24

- Signature/Title/Date and Time:
        Jane Doe, Director of Nursing 1/31/24 2:30 PM

After an Immediate Jeopardy

- Survey Team must verify full implementation of the removal plan while on-site
- 2567 (official survey report) is generated and sent to facility (non-deemed) to CMS (deemed)
  - Condition statement that includes IJ information included in the report with the specifics of removal plan and when the IJ was removed.
- Plan of Correction is required by facility within 10 calendar days
  - Completion dates
- Condition-level survey revisit required

Questions