



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

Sent Via Electronic Plan of Correction (ePOC)

May 29, 2025

Michigan Veterans Home of Chesterfield Township - 235728
Event ID: KRB211

Dear Jennifer Manning:

On May 21, 2025, a standard and abbreviated (Complaint #MI00153073) survey was completed at your facility. On May 21, 2025, a life safety code (LSC) and emergency preparedness (EP) survey was also completed at your facility. Here's what you need to know:

Findings:

- Health Survey – Your facility was in compliance with federal regulations.
- LSC/EP Survey – Your facility was not in compliance with federal regulations.

Plan of Correction (POC):

- Acceptable POC(s) must be uploaded to ePOC by **June 8, 2025**.
- The corrective action dates cannot exceed 60 days from the LSC and EP survey exit date.
- POC(s) must include:
 - Dates when corrective action will be completed. The corrective action dates must be acceptable to Bureau of Survey & Certification (BSC).
- Corrective Action for Affected Resident(s): Explain how the facility will fix the issue for resident(s) who were impacted.
- Identify Other Potentially Affected Resident(s): Describe how the facility will find other resident(s) who might be affected by the same issue.
- Prevent Recurrence: Outline the steps or changes the facility will implement to ensure the issue doesn't happen again.
- Monitor Performance: Detail how the facility will keep track of its actions to ensure the solutions are effective and lasting.
 - An electronic acknowledgement signature and date by an official facility representative.
- Prioritize Revisit Surveys: CMS and the State will focus on doing onsite revisit surveys to check compliance, instead of reviewing multiple POC submissions.
- Follow-Up on Unapproved POC: If the POC isn't approved after two attempts, CMS or the State will contact the facility to confirm they're ready for a revisit.

LSC Temporary Waiver (TW):

- Your facility may qualify for this waiver:
 - If deficiencies can't be fixed within 60 days or beyond the Discretionary Denial of Payment for New Admissions.
- Request must be made and written within your POC.
- Request must include:
 - Dates when corrective action will be completed. The corrective action dates must be acceptable to BSC.
 - Indicate how continued non-compliance will not pose a risk to resident safety.
 - Timetable with measurable milestone dates of major activities to correct the deficiency.
 - Indicate what additional fire safety features are being added for resident safety while the waiver is in place.
- The date in the POC must match the TW expiration date and be listed as the X5 completion date.
 - TW cannot exceed 6 months from survey exit date.

Federal Enforcement Remedies:

- One or more of the following remedies are recommended for imposition by CMS, the State Medicaid Agency, and/or imposed by BSC due to your facilities non-compliance. They will remain in effect until substantial compliance has been attained.
- Remedies:
 - Mandatory denial of payment for new Medicare/Medicaid admissions effective **August 21, 2025**.
 - Mandatory Termination of your provider agreement effective **November 21, 2025**.
 - You should inform all Medicare/Medicaid patients admitted on or after this date of the restriction.

Submitting Documentation to Verify Compliance:

- LSC Attestation Requests:
 - Must be made separately from the health survey request.
 - Many LSC citations are visual/functional and may require an onsite revisit.
 - Requests can be sent to LARA-BSCLSC@Michigan.gov.

Informal Dispute Resolution (IDR):

- Through IDR your facility can contest:
 - Cited deficiencies.
 - Scope and severity only for deficiencies cited at SQC or immediate jeopardy (IJ).
- Submitting an IDR request:
 - Visit website:
<https://www.michigan.gov/lara/bureau-list/bsc/long-term-care-division/long-term-care-facilities/resources/idr-and-iidr-processes>
 - Through the iMPROve portal, request form and supporting documentation must be submitted by **June 8, 2025**.
 - List each deficiency with an explanation of the dispute.
- An incomplete IDR process will not delay the effective date of any enforcement actions.
- If there are changes to enforcement remedies, CMS will notify you separately.
- Questions: LARA-BSC-IDR@michigan.gov

Nurse Aide Training and Competency Evaluation Program (NATCEP) Prohibition:

- Your facility could be prohibited for two years from offering or providing a NATCEP due to, but not limited to the following:
 - Finding of SQC.
 - Mandatory denial of payment. Prohibition starting **August 21, 2025**.
 - A CMP exceeding the amount designated by CMS.
- NATCEP prohibition is not considered an enforcement remedy. You may not appeal the imposition of NATCEP prohibition. You may appeal the citation(s) that are the basis for the prohibition.
- Information regarding NATCEP can be found at <https://www.michigan.gov/lara/bureau-list/bchs/nurse-aide-training-program> or email BCHS-CNA-Training-Program@michigan.gov

Federal Appeals Process (42 CFR 498):

- If you disagree with the finding of noncompliance and imposition of new enforcement remedy(ies), you can file an appeal to the Department of Health and Human Services (DHHS), Department Appeals Board (DAB):
- If you elect to dispute deficiencies through the IDR process, this will not extend the 60-day period to file your appeal before the DAB.
- Filing an appeal will not stop the imposition of any enforcement remedy.
- How to file an appeal electronically:
 - You are required to file your appeal electronically at the Departmental Appeals Board Electronic Filing System Web site (DAB E-File) at <https://dab.efile.hhs.gov/>. To file a new appeal using DAB EFile, you first need to register a new account by: (1) clicking Register on the DAB E-File home page; (2) entering the information requested on the "Register New Account" form; and (3) clicking Register Account at the bottom of the form. If you have more than one representative, each representative must register separately to use DAB E-File on your behalf.
 - The e-mail address and password provided during registration must be entered on the login screen to access DAB E-File. A registered user's access to DAB EFile is restricted to the appeals for which he is a party or authorized representative. Once registered, you may file your appeal by:
 - Clicking the File New Appeal link on the Manage Existing Appeals screen, then clicking.
 - Civil Remedies Division on the File New Appeal screen.
- Entering and uploading the requested information and documents on the "File New Appeal-Civil Remedies Division" form.
- At minimum, the Civil Remedies Division (CRD) requires a party to file a signed request for hearing and the underlying notice letter from BSC that sets forth the action taken and the party's appeal rights. A request for a hearing should identify the specific issues and the findings of fact and conclusions of law with which you disagree, including a finding of substandard quality of care, if applicable. It should also specify the basis for contending that the findings and conclusions are incorrect. The DAB will set the location for the hearing. Counsel may represent you at a hearing at your own expense.
- All documents must be submitted in Portable Document Format ("PDF"). Any document, including a request for hearing, will be deemed to have been filed on a given day, if it is uploaded to DAB E-File on or before 11:59 p.m. ET of that day. A party that files a request for hearing via DAB E-File will be deemed to have consented to accept electronic service of

appeal-related documents that CMS files, or CRD issues on behalf of the Administrative Law Judge, via DAB E-File. Correspondingly, CMS will also be deemed to have consented to electronic service. More detailed instructions for using DAB E-File in cases before the DAB's Civil Remedies Division can be found by clicking the button marked E-Filing Instructions after logging-in to DAB E-File.

- For questions regarding the E-Filing system, please contact E-File System Support at OSDABImmediateOffice@hhs.gov.
- Please note that all hearing requests must be filed electronically unless you have no access to the internet or a computer. In those circumstances, you will need to provide an explanation as to why you are unable to file electronically and request a waiver from e-filing with your written request.
- How to submit an appeal by mail:

Department of Health and Human Services
Departmental Appeals Board, MS 6132
Civil Remedies Division
330 Independence Avenue, SW
Cohen Building, Room G-644
Washington, D.C. 20201

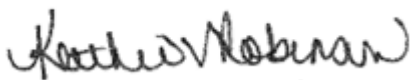
- If you choose to send your request to the Washington, D.C. address, please send a copy of your request to the CMS Office listed below:

The Centers for Medicare & Medicaid Services,
Survey & Operations Group
Attention: Tasha Fisher, Interim Principal Program Representative
230 South Dearborn Street, Suite 3370
Chicago, Illinois 60604-1505

Contact Information:

Any questions regarding the health survey may be directed to Heather McInchak, Manager at (313) 580-7389 or mcinchakh@michigan.gov. Life safety code and emergency preparedness questions may be directed to Gerald Rodabaugh, Fire Safety Supervisor at (517) 243-5515 or LARA-BSCLSC@Michigan.gov. Enforcement related questions may be directed to me at (517) 730-8033 or robinsonk18@michigan.gov.

Sincerely,



Kathie V. Robinson, Analyst
Bureau of Survey and Certification