

Office of Inspector General
Unannounced Survey
Statement

It is important that all employees of the Office of the Inspector General and other agency employees that are involved in the survey activities through contract or agreement clearly understand their responsibility of confidentiality as it relates to unannounced surveys. It is also important that each individual that may be involved in the planning, scheduling, transmitting and performance of survey activities are knowledgeable of the laws that prohibit prior notice of surveys. Please read the following statutes and regulations and contact your immediate supervisor if you have any questions or do not understand these requirements.

Long-term care facilities are defined by statute as KRS 216.510(1) as:

Family care homes, personal-care homes, intermediate-care facilities, skilled-nursing facilities, nursing facilities as defined in Public Law 100-203, nursing homes, and intermediate-care facilities for the mentally-retarded and developmentally disabled.

Kentucky law, KRS 216.530, requires that "All surveys of long-term care facilities by the cabinet shall be unannounced." Any employee of the cabinet who gives or causes to be given advance notice to any long-term care facility that an inspection or investigation is under consideration or impending is subject to dismissal, suspension or demotion. (KRS 216.575)

Federal law (42 CFR 488.307) also mandates that surveys of Medicare or Medicaid certified long-term care facilities are unannounced. An individual who notifies a SNF or NF, or causes a SNF or NF to be notified, of the time or date on which a standard survey is scheduled to be conducted is subject to a Federal civil money penalty not to exceed \$2000. (42 CFR 488.3078 (c)).

The licensing regulation (902 KAR 20:008 Sec. 2. (a)) specifies that inspections of health facilities other than long-term care facilities may be unannounced. It is the policy of the Office of Inspector General that all complaint investigations are unannounced and that all other, surveys re unannounced unless it would be feasible to conduct the survey without prior notice, for example mobile health services and out-of-state nursing pools.

Kentucky law mandates that all inspections of licensed and unlicensed child care centers shall be unannounced. (KRS 199.896 (14)) A person who violates KRS 199.896 shall be fined not less than \$1000 or imprisoned for not more than 12 months, or be fined and imprisoned at the discretion of the court. (KRS 199.990 (5))

I, _____, hereby affirm that I have read and understand my responsibilities relating to the announcement of surveys conducted by staff of the Office of Inspector General or under the authority of a contract with the Office of Inspector General,

Signature

Date

Witness

Date