

Regulatory Compliance and Review Department

Frequently Asked Questions (FAQ)

1. What does the Regulatory Compliance and Review Department do?

We evaluate information received from the public, health care facilities, and other sources regarding potential non-compliance by licensed healthcare facilities and providers. Our reviews are guided by federal regulations established by the Centers for Medicare & Medicaid Services (CMS) and by state regulations.

2. What types of concerns does the department review?

We review information related to possible violations of federal and state requirements, including:

- Quality of care
- Resident and patient rights
- Health and safety conditions
- Infection prevention and control
- Staffing and training

3. Should I contact the healthcare facility before submitting a concern?

Yes. When possible, concerns should first be reported directly to the healthcare facility.

Facilities are required to have a formal grievance process, and many issues can be resolved quickly through that pathway. If the issue remains unresolved or involves potential non-compliance with federal or state regulations, you may submit it to our department for review.

4. What information should I include when submitting a concern?

Providing detailed and specific information helps us complete an accurate and timely review. Helpful information includes:

- Name of the resident, patient, or client involved
- Date of birth of the resident, patient, or client
- Name of the healthcare facility or provider
- Dates and times of the event(s)
- Names or roles of involved staff (if known)
- A clear description of what occurred and why it is concerning
- Steps already taken to resolve the issue with the facility
- Supporting information or documentation, if available

Specific, factual information improves our ability to assess whether the concern may involve potential non-compliance with federal or state requirements.

5. What if my concern is about an individual licensed healthcare professional?

Some concerns relate directly to the conduct or practice of individual licensed professionals, such as:

- Registered Nurses (RNs)
- Licensed Practical Nurses (LPNs)
- Certified Nurse Aides (CNAs)
- Physicians or Physician Assistants
- Other independently licensed practitioners

Concerns involving **professional licensure, scope of practice, ethics, or individual conduct** may fall under the authority of the applicable licensing board rather than our office.

For concerns about individual practitioners, the following agencies may be more appropriate:

- **South Dakota Board of Nursing** – for nurses, certified medication assistants, and certified nursing assistants (CNAs)

Website: <https://sdbon.boardsofnursing.org/complaint>

- **South Dakota Board of Medical and Osteopathic Examiners (SDBMOE)** – for physicians, physician assistants, and certain other healthcare professionals

Website: <https://www.sdbmoe.gov/complaints/>

If your concern relates specifically to the actions or clinical decisions of a licensed individual rather than facility-wide compliance, you may wish to file a report directly with the appropriate licensing board.

6. How do I know if my concern falls under federal or state requirements?

Regulation of healthcare-related issues does not always fall under federal or state requirements. If the information submitted suggests possible non-compliance with federal or state health, safety, or quality-of-care requirements, we will review it. If it does not fall under our jurisdiction, we will direct you to the appropriate agency whenever possible.

7. What happens after I submit a concern?

Once submitted, your information will be:

- Documented and evaluated
- Reviewed to determine whether it relates to CMS or state regulations
- Assigned for follow-up if it falls within our jurisdiction

If it does not fall within our jurisdiction, when possible, we will provide guidance on next steps or other appropriate agencies.

8. Will I be contacted after submitting information?

You may be contacted if additional information is needed. However, due to confidentiality and federal and state requirements, we may be limited in what details we can share about completed reviews or follow-up actions based on the results of the review.

9. Can I submit information anonymously?

Yes. Individuals may choose to remain anonymous. However, providing contact information can help us obtain clarification if needed, which may improve our ability to conduct an effective review.

10. Are my personal details kept confidential?

Yes. All personal information is kept confidential to the extent allowed by federal and state laws.

11. What types of issues are *not* handled by this department?

Examples include:

- Billing disputes
- Personality conflicts
- Issues unrelated to federal health, safety, or quality-of-care standards
- Concerns strictly related to professional licensure or ethics (handled by licensing boards)