

Federal vs. State Immediate Jeopardy Definition and Implementation Comparison

State	Federal
<p>Immediate Jeopardy – A situation in which the licensee’s noncompliance with one or more requirements of licensure has caused, or is likely to cause, serious injury or death to the patient [Health & Safety Code Section 1280.1(c)]</p>	<p>Immediate Jeopardy – A situation in which the provider’s noncompliance with one or more requirements has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident or patient [42 C.F.R. Section 489.3]</p>
	<p>Components of an IJ:</p> <ul style="list-style-type: none"> ▪ Noncompliance ▪ Actual or likely serious harm ▪ Need for immediate action <p>(SOM Appendix Q)</p>
	<p>Upon recognizing a situation that may constitute an IJ, the investigative process must proceed until it confirms or rules out an IJ. The serious harm, injury, impairment or death may have occurred in the past, may be occurring at present, or may be likely to occur in the future as a result of the jeopardy situation. (SOM Appendix Q)</p>
<p>Based on violation of a state requirement (Title 22 or the Health and Safety Code).</p>	<p>Based on violation of a federal requirement</p>
<p>Use “State IJ guidance for Evaluation to Complete” for to determine if IJ exists (state surveyor tool).</p>	<p>Use “Federal Critical Path, Does IJ Exist” form (from SOM Appendix Q)</p>
<p>Surveyor does not call an IJ on site, but has a script to read to alert the hospital that the surveyor may have identified an IJ.</p>	<p>Surveyor calls an IJ on site. Threat must be present when surveyor is on-site. Otherwise, it is called “past compliance.”</p>