
42 C.F.R. § 488.452

State and Federal disagreements involving findings not in agreement in non-State operated NFs and dually participating facilities when there is no immediate jeopardy.

The following rules apply when CMS and the State disagree over findings of noncompliance or application of remedies in a non-State operated NF or dually participating facility:

- (a) *Disagreement over whether facility has met requirements.* (1) The State's finding of noncompliance takes precedence when—
 - (i) CMS finds that a NF or a dually participating facility is in substantial compliance with the participation requirements; and
 - (ii) The State finds that a NF or dually participating facility has not achieved substantial compliance.
- (2) CMS's findings of noncompliance take precedence when—
 - (i) CMS finds that a NF or a dually participating facility has not achieved substantial compliance; and

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