

Statement of Deficiencies	(X1) Provider/Supplier/CLIA Identification Number 33D2005337	(X3) Date Survey Completed 08/15/2022
Name of Provider or Supplier Bay Ob-Gyn Pc	Street Address, City, State 2736 Ocean Avenue Suite 1a, Brooklyn, NY	
For information on the provider's plan to correct this deficiency, please contact the provider or the state survey agency.		

(X4) ID Prefix Tag	Summary Statement of Deficiencies
D2016	<p>SUCCESSFUL PARTICIPATION CFR(s): 493.803(a)(b)(c)</p> <p>(a) Each laboratory performing nonwaived testing must successfully participate in a proficiency testing program approved by CMS, if applicable, as described in subpart I of this part for each specialty, subspecialty, and analyte or test in which the laboratory is certified under CLIA. (b) Except as specified in paragraph (c) of this section, if a laboratory fails to participate successfully in proficiency testing for a given specialty, subspecialty, analyte or test, as defined in this section, or fails to take remedial action when an individual fails gynecologic cytology, CMS imposes sanctions, as specified in subpart R of this part. (c) If a laboratory fails to perform successfully in a CMS-approved proficiency testing program, for the initial unsuccessful performance, CMS may direct the laboratory to undertake training of its personnel or to obtain technical assistance, or both, rather than imposing alternative or principle sanctions except when one or more of the following conditions exists: (1) There is immediate jeopardy to patient health and safety. (2) The laboratory fails to provide CMS or a CMS agent with satisfactory evidence that it has taken steps to correct the problem identified by the unsuccessful proficiency testing performance. (3) The laboratory has a poor compliance history.</p> <p>This CONDITION is not met as evidenced by: Based on Proficiency Test (PT) desk review of the Center for Medicaid & Medicare Services (CMS) PT data reports and PT summary reports from American Proficiency Institute (API) PT program, the laboratory failed to participate successfully in CMS approved proficiency testing program, for the test analyte Thyroid Stimulating Hormone (TSH). The following scores were assigned: 2021 third event= 60% 2022 first event = 100% 2022 second event = 0% (failure to participate) This is considered unsuccessful PT performance. Refer to D2107</p>
D2075	GENERAL IMMUNOLOGY

	<p>CFR(s): 493.837(a)</p> <p>Failure to attain a score of at least 80 percent of acceptable responses for each analyte in each testing event is unsatisfactory analyte performance for the testing event.</p> <p>This STANDARD is not met as evidenced by: Based on PT desk review of the CMS PT data reports and PT summary reports from API PT program, the laboratory failed to participate successfully in CMS approved proficiency testing program, for the test analyte Alpha Fetal Protein (AFP). The following scores were assigned: 2022 second event = 0% (failure to participate) This is considered an unsatisfactory PT performance.</p>
<p>D2076</p>	<p>GENERAL IMMUNOLOGY CFR(s): 493.837(b)</p> <p>Failure to attain an overall testing event score of at least 80 percent is unsatisfactory performance.</p> <p>This STANDARD is not met as evidenced by: Based on PT desk review of the CMS PT data reports and PT summary reports from API PT program, the laboratory failed to participate successfully in CMS approved proficiency testing program, for the speciality General Immunology. The following scores was assigned: 2022 second event = 0% (failure to participate) This is considered an unsatisfactory PT performance.</p>
<p>D2098</p>	<p>ENDOCRINOLOGY CFR(s): 493.843(a)</p> <p>Failure to attain a score of at least 80 percent of acceptable responses for each analyte in each testing event is unsatisfactory analyte performance for the testing event.</p> <p>This STANDARD is not met as evidenced by: Based on PT desk review of the CMS PT data reports and PT summary reports from API PT program, the laboratory failed to participate successfully in CMS approved proficiency testing program, for the test analyte's Cortisol, Free Thyroxine (F TY), Human Chorionic Gonadotropin (hCG) and Cortisol. The following scores were assigned: 2022 second event = 0% (failure to participate) This is considered an unsatisfactory PT performance.</p>
<p>D2099</p>	<p>ENDOCRINOLOGY CFR(s): 493.843(b)</p> <p>Failure to attain an overall testing event score of at least 80 percent is unsatisfactory performance.</p> <p>This STANDARD is not met as evidenced by: Based on PT desk review of the CMS PT data reports and PT summary reports from API PT program, the laboratory failed to participate successfully in CMS approved proficiency testing program, for the speciality Endocrinology. The following scores</p>

	<p>was assigned: 2022 second event = 0% (failure to participate) This is considered an unsatisfactory PT performance.</p>
<p>D2107</p>	<p>ENDOCRINOLOGY CFR(s): 493.843(f)</p> <p>Failure to achieve satisfactory performance for the same analyte or test in two consecutive testing events or two out of three consecutive testing events is unsuccessful performance.</p> <p>This STANDARD is not met as evidenced by: Based on PT desk review of the CMS PT data reports and PT summary reports from API PT program, the laboratory failed to participate successfully in CMS approved proficiency testing program, for the test analyte TSH. The following scores were assigned: 2021 third event= 60% 2022 first event = 100% 2022 second event = 0% (failure to participate) This is considered unsuccessful PT performance</p>
<p>D6000</p>	<p>MODERATE COMPLEXITY LABORATORY DIRECTOR CFR(s): 493.1403</p> <p>The laboratory must have a director who meets the qualification requirements of 493.1405 of this subpart and provides overall management and direction in accordance with 493.1407 of this subpart.</p> <p>This CONDITION is not met as evidenced by: Based on PT desk review of the CMS PT data reports and the API PT summary reports, the laboratory director failed to fulfill the laboratory director's responsibilities to ensure that the laboratory achieved a satisfactory performance and successfully participate in a PT program, approved by CMS, for the specialites General Immunology, Endocrinology and the test analytes TSH, FTy, Hcg, Cortisol. Refer to D6016.</p>
<p>D6016</p>	<p>LABORATORY DIRECTOR RESPONSIBILITIES CFR(s): 493.1407(e)(4)(i)</p> <p>The laboratory director is responsible for the overall operation and administration of the laboratory, including the employment of personnel who are competent to perform test procedures, and record and report test results promptly, accurate, and proficiently and for assuring compliance with the applicable regulations. (e) The laboratory director must-- (e)(4)(i) Ensure that the proficiency testing samples are tested as required under Subpart H of this part;</p> <p>This STANDARD is not met as evidenced by: Based on PT desk review of the CMS PT data reports and the API PT summary reports, the laboratory director failed to fulfill the laboratory director's responsibilities to ensure that the laboratory achieved a satisfactory performance and successfully participate in a PT program, approved by CMS, for the specialites General Immunology, Endocrinology and the test analyte's TSH, FTy, Hcg, Cortisol. The following scores were assigned: 2021 third event= 60% 2022 first event = 100% 2022 second event = 0% (failure to participate) This is considered unsuccessful PT</p>

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