

Introduction

Problem solving flowchart upon discovery of an incident/allegation:

1. Immediately treat ill effects to resident.
2. Determine if a report should be made... if yes you MUST report immediately to the State Agency.
3. Protect resident against further occurrences.
4. Institute other interventions as needed.
5. Begin investigation upon discovery of the incident.
6. Gather facts to answer who, what, when, where, how, and why.
7. Analyze information to rule out or establish the likelihood that abuse, neglect, financial exploitation has occurred, or may have contributed to the incident.

Record:

- (1) The details of the incident in the resident's medical record(s); and
- (2) The details of the investigation according to the requirements and facility protocol.

Note: Report suspected abuse, neglect, or financial exploitation immediately *MUST BE* reported within 2 hours of suspicion to local law enforcement. It is important to note that if you are ever in doubt if an incident is reportable to call and discuss it with your Regional State Agency Office or the Abuse and Neglect Hotline. A map of the Department of Health and Senior Services (DHSS) Division of Regulation and Licensure, Section for Long-Term Care Regulation Regional Office locations.

Regulatory References

Look for compliance with F323 Accidents and Supervision, F223 Abuse, F279 Comprehensive Care Plans, F281 Meet Professional Standards, and F309 Quality of Care. A copy of S&C 11-30-NH is available at http://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/downloads/scletter11_30.pdf

Note: These are not all inclusive and for reference only. For State Specific Reference refer to 19 CSR 30-88.010 (22), (23), (24), (25), http://www.nursinghomehelp.org/qtf/QTF_Abuse_0415.pdf.

Deciding of Need to Report & Document

Two different incident types (A& B) that will not need to be reported. You know what happened, the incident is directly related to diagnosis and predictable, the resident is able to explain what happened, an ACCIDENT occurred. If in doubt, call your regional office.

A: Substantial injury seems reasonably related to:

resident's condition, known & predictable interactions with surroundings, diagnoses, etc. OR a known sequence of prior events**

B. There was an unexpected, unusual, unintended event (an accident) which could not have been predicted, given prevailing circumstances.

C: You have reasonable cause. The incident is suspected abuse, neglect, exploitation, or misappropriation. You need to immediately take action. **This must be reported to the Abuse Hotline immediately and to Local Law Enforcement within 2 HOURS of SUSPICION.**

For example:

- (1) a resident tells you another resident hit them or sexually abused them; or
- (2) a family member or visitor hit them or sexually abused them; or
- (3) a staff member hit them or sexually abused them;
- (4) that someone is taking advantage of them financially or
- (5) money/property has been stolen or misappropriated.
- (6) visual physical abuse. In addition, an injury of unknown origin that is suspicious in nature i.e., excessive or large bruising, skin tear(s), or broken bones would require immediate reporting to the State Agency (hotline) and Local Law Enforcement.

D: Cause cannot be Determined. You are unable to determine how the incident occurred. Report Immediately!

E: Gather Additional Facts.** Continue with your investigation and analyze the facts for abuse/neglect/misappropriation.

F: Cause cannot be determined. For substantial injury, REPORT incident to State Agency (hotline). **If you are SUSPICIOUS a crime has occurred you must also report within 2 HOURS of Suspicion to Local Law Enforcement.**

