



Oregon

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Provider Alerts

Nursing Facility Providers

IM-17-09-NF

Date: April 18, 2017
From: Nursing Facility Licensing Unit
Subject: Nursing Facility Safety Check Visits

Summary:

The Department of Human Services (DHS) has recently initiated an on-site inspection process called “safety checks” in nursing facilities. This state process is being initiated pursuant to:

441.685 Monitors; designation; duties; peer review of facilities.

(1) Upon receipt of a report under ORS 441.645 to 441.680 or upon receipt of a complaint by a resident or legal guardian of a resident, or other public or private official, as defined in ORS 441.630 by the Department of Human Services, the Director of Human Services may designate monitors who shall observe the activities of the facility and report to the director.”

The purpose of the safety check is to enhance DHS’s ability to support the provisions of state policy for seniors and people with disabilities as outlined in Oregon Revised Statutes 441.650 and 441.676, as well as applicable Oregon Administrative Rules. As part of this initiative, the Safety, Oversight, and Quality (SOQ) Unit has tasked and trained Department of Human Services (hereinafter referred to as “Department”) staff to respond to and monitor, if applicable, safety concerns in nursing facilities. As always, SOQ appreciates the cooperation of nursing facility providers with Department staff conducting safety checks.

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The following Q & A may answer some questions you have related to the safety check process:

What triggers a safety check?

Safety checks may be triggered for a number of reasons. Safety checks are directed by SOQ and are triggered when the Department has a concern about resident safety that has been raised by the public or other state/local partner (i.e. APD/DHS staff; LTC Ombudsman's Office; hospital; local AAA/APD Office; legislator; etc.). Triggers for a safety visit may include (but are not limited to):

- Receipt of a report under ORS 441.645 to 441.680.
- Receipt of a complaint by a resident or legal guardian of a resident, or other public official or private party.
- Concerns that a facility has/is violating a licensing requirement that creates a risk to resident safety.
- A pattern of non-compliance determined by facility history of substantiated abuse/neglect allegations or licensing violations.
- A situation that has required a safety plan and SOQ determines someone needs to go on-site to assure the facility is following their safety plan.

Will facilities be informed about the reason for the safety check?

Department staff will inform facility staff that they are in the facility to conduct a safety check. They will ask for a list of residents and ask for specific resident records, but will not offer specific reason(s) for the safety check visit. This is to help maintain the integrity of any subsequent investigation that may occur following the safety check visit.

Are safety checks related to complaint investigations?

Safety visits can be related to past complaint investigations or newly received concerns. Safety visits will be conducted in such cases when APD determines that someone needs to be on-site to review and determine that residents are not in unsafe scenarios.

How are safety checks different from APS investigations or NFSU complaint investigations?

Safety checks qualify as an “inspection” under OAR 411-085-0005(31), but are not considered formal surveys or abuse investigations and are not comprehensive reviews. As defined in that rule, “inspection” means any on-site visit to the facility by anyone designated by the Secretary of the US Department of Health and Human Services, the Department, or a (Type B) Area Agency on Aging and includes, but is not limited to:

- A licensing inspection
- Certification inspection,
- Financial audit,
- Medicaid Fraud Unit review,
- Monitoring visit, or
- Complaint investigation

Information gathered through the safety check process may be considered in future surveys or abuse investigations.

How will safety checks be conducted?

Department staff conducting safety checks may enter a facility at any time and identify themselves. The safety check may involve observations, interviews with residents, family members, visitors, and/or staff, and resident and facility record reviews. Facility staff shall make available all requested information. Please note that pursuant to ORS 441.685(2), as Department staff, individuals performing safety checks shall have access to the facilities to the extent necessary to carry out their duties, and shall have access to all records pertaining to resident care and services and facility operations.

How will these safety checks/inspections be documented?

Department staff conducting safety checks will take notes and provide a summary of their visit to the appropriate DHS authority. If safety concerns are noted by the Department staff conducting the safety check, a referral will be made to the appropriate authority.

Are results of safety checks part of the public record?

Information from safety checks will not be part of the public record to the extent that confidentiality protections afforded under ORS 441.671 would apply. Information gathered through a safety check may be considered in future surveys, investigations, or actions that are part of a public record.

Contacts:

For general information contact the DHS, Safety, Oversight, Quality Unit or visit the DHS Web site at www.oregon.gov/DHS/

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