

CBC Survey “Tips” series

Abuse Reporting and Investigation

Learning Objectives

- At the conclusion of this presentation you will be able to:
 - Understand what incidents need to be reported immediately to APS;
 - Understand what is meant by “investigate” as it is stated in the OAR;
 - Understand what needs to be documented by the facility.

Common Deficiencies

- There seem to be three areas where facilities fail to meet the rule:
 - The facility failed to report an incident of abuse or suspected abuse.
 - The facility did not investigate an injury of unknown cause nor did they report it.
 - If the facility investigated an IUC, it failed to adequately document how it ruled out abuse/neglect.

The Rule: 411-054-0028

- There are basically three parts to the rule:
 - Reporting of abuse or suspected abuse;
 - Responding with an injury of unknown cause;
 - “Investigating” an incident of abuse or suspected abuse.
- The use of the term “investigation” in the rule is a source of confusion for many facilities.

Memory Care Communities

- Please note that the rules do not make any distinction between incidents occurring in an ALF or RCF versus an MCC.
- The definitions of abuse and neglect are the same.
- The reporting and investigation requirements are the same.
- MCCs must follow all reporting & investigation rules.

Resources

- Definitions of abuse and neglect can be found in OAR 411-020-0002.
- An *excellent* resource is the Oregon Residential Care and Assisted Living Facilities Abuse Reporting and Investigation Guide for Providers. (search “Abuse Reporting and Investigation Guide”)

1) Reporting Abuse

- The first part of the rule is pretty clear:
 - If an incident occurs that meets the definition of abuse or neglect or *suspected* abuse or neglect, the facility must immediately report the incident to APS.
 - Though the facility will need to gather and document information about the incident (“investigate”), it must report the incident immediately.

What Survey Sees:

- A common deficiency survey sees is that a facility did not report an incident that should have been reported.
- Often, the facility documented “abuse and neglect ruled out” – the facility believed it could investigate the incident and then determine whether or not to report to APS. **This is incorrect!**

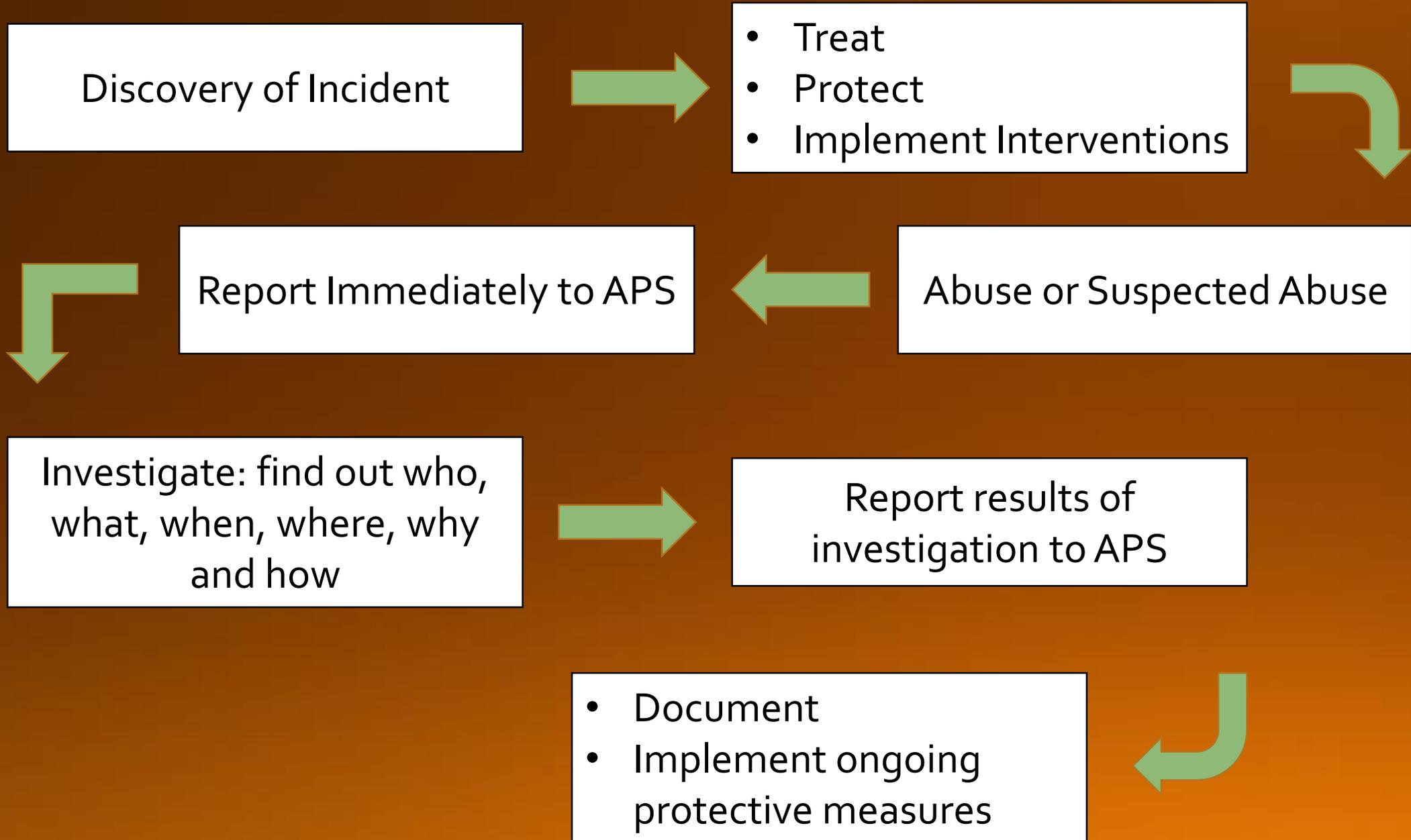
2) Investigation: 411-054-0028(3)

- “In addition to immediately reporting abuse or suspected abuse to SPD, AAA, or the law enforcement agency, the facility must promptly investigate all reports of abuse and suspected abuse and take measures necessary to protect residents and prevent the reoccurrence of abuse.”

Confusion About “Investigation”

- The investigation of an incident of abuse referenced in the rule is best understood as the “follow-up.”
- The intent is to gather and document information that will help the facility “determine whether the incident was foreseeable and preventable as well as determine causal factors to prevent recurrence.”

We investigate so that we can act to prevent another incident.



Report, then investigate

- Note that in the previous slide, where there is an incident of abuse or suspected abuse, the process is to report the incident to APS, then investigate the circumstances surrounding the event.
- The facility should then report the findings of its investigation to APS. This should include interventions the facility implemented to keep all residents safe.

Examples

- A staff person sees a resident slap another resident.
- A staff person hears another staff threaten to harm a resident.
- A resident tells a caregiver that another resident slapped him/her.
- A resident tells a caregiver that another staff stole money from his/her room.

Examples

- A resident tells a caregiver staff haven't helped change his/her undergarment for several hours and the caregiver observes the resident's clothes to be soaked with urine.
- One staff person transfers a resident and has a fall. The service plan indicated the resident requires 2-person transfers.
- A caregiver enters a resident room and observes a resident exposing him/herself to another resident.

Report

- Each of the previous examples represent either an incident of abuse/neglect or suspected abuse/neglect.
- Each of the previous examples should be reported and then investigated.
- Remember: Protect, Report, Investigate, Implement interventions

3) An Injury of Unknown Cause

- When a staff person identifies an injury of unknown cause, the facility is allowed to investigate the incident prior to reporting to APS.
- The facility must conduct a thorough investigation and document the findings.
- If the facility determines the injury was not the result of abuse or neglect, and documents how it arrived at its determination, the facility does not have to report the injury to APS.

Physical injury of unknown cause

Investigate immediately: find out who, what, where, when, why and how

Abuse not ruled out
Report immediately to
APS

- Document
- Implement ongoing preventive measures

Abuse ruled out
No APS report required

- Document
- Implement ongoing preventive measures

Investigating an IUC

- Every incident will be different and will demand its own investigation.
- For example, the facility may be able to rule out abuse/neglect simply by asking the resident what happened.
- However, some investigations may require interviews with staff and review of records.

Investigating an IUC

- A basic investigation might include:
 - An evaluation of the resident
 - Review of the service plan
 - Review of any documented interventions
 - Interviews with staff
 - Observations of the space where the injury may have happened
 - Inspection of any DME used

Documenting the Findings

- Survey expects to see documentation of the investigation including a summary of the findings that explains how the facility determined there was no abuse or neglect.
- It is not acceptable to simply write “Investigated and ruled out abuse.”
- If the documentation is lacking, the facility will be cited under C231.

Reviewing Your Systems

As part of your facility's Quality Improvement Program, consider the following questions:

- Does the facility have a functional process for identifying, responding to, documenting and communicating around instances of abuse and injuries of unknown cause?
- Do all your staff understand their responsibilities as mandated reporters? Do staff know what kinds of incidents need to be reported to management? Do they know what must be documented?

Reviewing Your Systems (Continued)

- How does the facility handle incidents that occur on the weekend? Who will leave a report with APS, if needed? Who will investigate an injury of unknown cause?
- Who in the facility is qualified to conduct an investigation of an incident?
- Who reviews the documentation to ensure the process was followed and meets the rule?

Reviewing Your Systems (Continued)

Hopefully, answering these questions for your facility will help you meet the rule requirements for responding to incidents of abuse, suspected abuse and injuries of unknown cause.

Remember...

- If it was abuse or suspected abuse – report it, follow up with an investigation, and then put interventions in place to prevent further occurrences.
- If you discover an injury of unknown cause – either investigate it immediately, document your findings and, if you cannot rule out abuse/neglect – report it – or just report it from the start as possible abuse/neglect.
- Document your investigation and findings!!!

Thanks for your attention and
participation!

CBC Survey Team
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