

 **Department of Health Services** 

“You Want Me to Report What?!?”

Division of Quality Assurance
 Focus 2015 Conference
 November 19, 2015
 Bureau of Assisted Living/
 Office of Caregiver Quality Panel

Protecting and promoting the health and safety of the people of Wisconsin

 **Department of Health Services** 

Panel Members

- William Gardner – Assisted Living Regional Director (ALRD), WRO
- Kathleen Lyons – ALRD, NERO
- Michelle Crockett –ALRD SERO
- Laurie Arkens – Director, Office of Caregiver Quality

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Objectives

Today You Will Learn:

- The roles of the Bureau of Assisted Living and the Office of Caregiver Quality;
- When a report should go to the Bureau of Assisted Living versus the Office of Caregiver Quality;
- The processes that take place once a report is submitted to either the Bureau of Assisted Living or the Office of Caregiver Quality.

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Incident Reporting to the Bureau of Assisted Living (BAL)

Presented by:
William Gardner

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Overview

Bureau of Assisted Living Vision

- Self-Reports

Requirements:

- WI Statutes Chapter 50
- WI Administrative Code DHS 83
- WI Administrative Code DHS 88

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Self-Report Regulations

Death Reporting	Resident Missing	Law Enforcement	Incident/Accident
<ul style="list-style-type: none">• DHS 83.12(1)(a)• DHS 83.12(1)(b)• DHS 83.12(1)(c)• DHS 88.03(5)(e)1• DHS 88.03(5)(e)2	<ul style="list-style-type: none">• DHS 83.12(4)(a)• DHS 88.03(5)(e)1	<ul style="list-style-type: none">• DHS 83.12(4)(b)	<ul style="list-style-type: none">• DHS 83.12(4)(c)• DHS 88.03(5)(e)1

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Self-Report Regulations

Catastrophe/Fire/ Evacuation	Facility Closing/CHOW	Change in Service	Change in Household Members	Pending Charge
<ul style="list-style-type: none">• DHS 83.12(4)(d)• DHS 83.12(4)(e)• DHS 83.12(4)(f)• DHS 88.03(5)(d)	<ul style="list-style-type: none">• DHS 83.11(1)• DHS 83.10(1)(a)• DHS 83.10(2)(a)• DHS 83.10(3)(b) 1-3• DHS 89.54	<ul style="list-style-type: none">• DHS 88.03(5)(a)• DHS 88.04(2)(c)	<ul style="list-style-type: none">• DHS 88.03(5)(b)	<ul style="list-style-type: none">• DHS 88.03(5)(c)

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What Happens When I Submit a Self-Report to BAL?

Presented by:
Kathleen Lyons

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Self-Report Determination

- Place in facility file as information only
- Call facility for additional information
- Schedule an unannounced visit to the facility

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BAL Onsite Investigation

- Serious harm or potential for harm to consumer(s)
- Negative impact on the consumer(s)
- Facility's compliance history
- Facility's investigation and reporting history
- Any trend in reports received

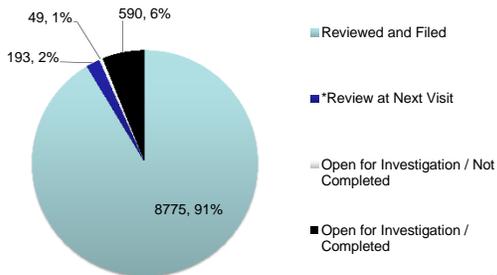
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Assisted Living Self-Reports Data

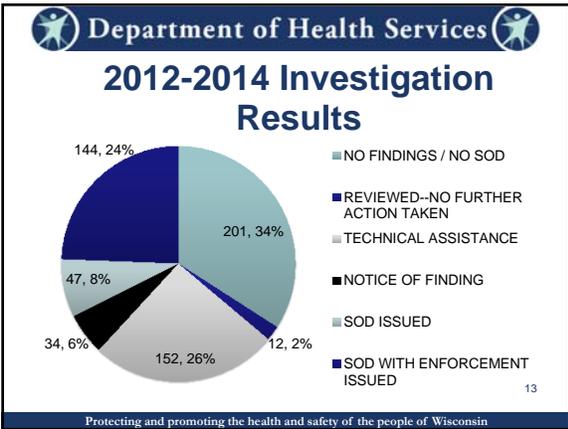
Presented by:
Michelle Crockett

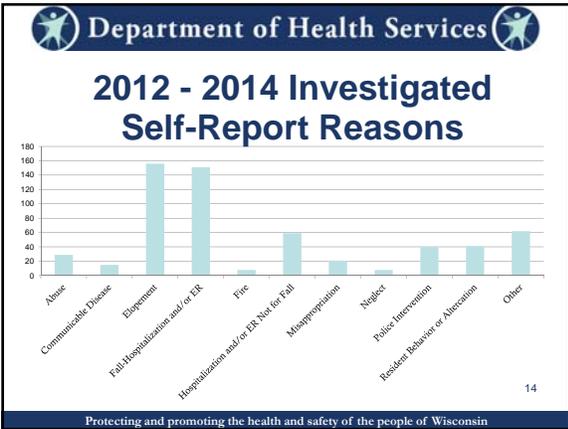
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2012-2014 Self-Reports



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Self-Reporting ABCs and Online Reporting

Presented by: Bill Gardner

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What Do I Send to BAL?

Per 83.12 (6) Documentation: "All written reports required under this section shall include, at a minimum, the time, date, place, individuals involved, details of the occurrence, and the action taken by the provider to ensure resident's health, safety and well being."

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Where Do I Send BAL Self-Reports?

- Self-Reports can be faxed, emailed or scanned to your regional office

<https://www.dhs.wisconsin.gov/dqa/bal-regionalmap.htm>

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What Do I Need to Know?

- Online Reporting
- BAL referrals to OCQ
- When in doubt...report

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**Office of Caregiver Quality
(OCQ)**

Presented by:
Laurie Arkens

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Wisconsin Caregiver Law

- Caregiver background checks
- Review for arrests, convictions or findings of misconduct
- Employment and licensing limitations

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OCQ Roles and Responsibilities

- Conduct entity background checks
- Receive and screen allegations of misconduct
- Investigate allegations of misconduct
- Track caregivers with findings of misconduct
- Approve Nurse Aide Training Programs

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What is Caregiver Misconduct?

- Abuse
- Neglect
- Misappropriation of a client's property
- Injury of unknown source (possibly)

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Investigating and Reporting Requirements

- DHS 83.12(2) – Investigating and Reporting Abuse, Neglect or Misappropriation of Property
- DHS 83.12(3) – Investigating Injuries of Unknown Source
- DHS 13.05 – Reporting and Investigation of Caregiver Misconduct
- DHS 146.40(4r)(am) – Instructional Programs for Nurse Aides, Reporting Client Abuse

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Incident Reporting

An entity can learn of an incident from:

- Verbal or written statement from a resident
- Verbal or written statement from someone in a position to have knowledge of the incident
- Discovering an incident after it occurred
- Hearing about an incident from others
- Observing injuries (physical, emotional or mental)

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Written Procedures

- How and to whom staff are to report incidents
- How internal investigations will be completed
- How staff will be trained on the procedures related to allegations of caregiver misconduct
- How residents will be informed of those procedures

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Discovery of Caregiver Misconduct

- Immediately protect residents
- Investigate all allegations of misconduct
- Document the results of the investigation
- Report allegations/incidents to DQA as appropriate

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Investigations of Misconduct

- Know the who, what, where, when, why and how
- Preserve evidence
- Document the effect on the resident
- Document the investigation
- Report to law enforcement

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Not Required to Report...

Incidents that:

- The entity does not have, or another regulatory authority could get, sufficient evidence to show the incident actually occurred; or
- The entity does not believe the incident meets the definition of abuse, neglect or misappropriation; or
- The entity is reasonably certain the incident does not meet the definition of Injury of Unknown Source

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Entity Investigating and Reporting Requirements

- Caregiver Misconduct Reporting Requirements Worksheet (F-00161)
- Flowchart of entity Investigation and Reporting Requirements (F-00161A)
- Misconduct Incident Report F-62447 to OCQ
– 7 Business Days

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OCQ Referrals

- Department of Safety and Professional Services
- County Adult-at-Risk Agencies
- Department of Justice
- Office of Inspector General
- Other

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In Summary....

- Report all required incidents to your BAL Regional Office
- Document all investigations of alleged caregiver misconduct
- Report required allegations of caregiver misconduct to OCQ
- Some incidents may result in a report to both BAL and OCQ
- When in doubt...report it

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Where to Get More Information

- Bureau of Assisted Living Regional Office Contacts
<https://www.dhs.wisconsin.gov/dqa/bal-regionalmap.htm>
- Assisted Living Resources
<https://www.dhs.wisconsin.gov/regulations/assisted-living/resources.htm>

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Other Important Information

- Chapters 50.065 and 146, Wis. Stats.
- Wisconsin Administrative Codes
 - Chapter 12 – Caregiver Background Check Requirements
 - Chapter 13 – Investigating and Reporting Requirements
- <https://www.dhs.wisconsin.gov/caregiver/index.htm>
 - Wisconsin Caregiver Manual
 - Background Check Forms
 - Reporting Forms

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We're All In This Together!
Thank you...



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