“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

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

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.
Incident Reporting to the Bureau of Assisted Living (BAL)

Presented by:
William Gardner

Overview

Bureau of Assisted Living Vision
• Self-Reports

Requirements:
• WI Statutes Chapter 50
• WI Administrative Code DHS 83
• WI Administrative Code DHS 88

Self-Report Regulations
Self-Report Regulations

- CHS:
  - § 440.30(1)(b)
  - § 440.30(1)(c)
  - § 440.30(1)(d)
  - § 440.30(1)(e)

- CHS:
  - § 440.30(1)(f)
  - § 440.30(1)(g)
  - § 440.30(1)(h)

- CHS:
  - § 440.30(1)(i)
  - § 440.30(1)(j)

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

Presented by:
Kathleen Lyons

Self-Report Determination

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

Assisted Living Self-Reports Data

Presented by:
Michelle Crockett

2012-2014 Self-Reports

- Reviewed and Filed
- *Review at Next Visit
- Open for Investigation / Not Completed
- Open for Investigation / Completed

8775, 91%
193, 2%
49, 1%
590, 6%

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

2012-2014 Investigation Results

- 144, 24% NO FINDINGS / NO SOD
- 201, 34% REVIEWED—NO FURTHER ACTION TAKEN
- 12, 2% TECHNICAL ASSISTANCE
- 152, 26% NOTICE OF FINDING
- 34, 6% SOD ISSUED
- 144, 24% SOD WITH ENFORCEMENT ISSUED

2012 - 2014 Investigated Self-Report Reasons

Self-Reporting ABCs and Online Reporting

Presented by: Bill Gardner
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.”

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

What Do I Need to Know?

• Online Reporting
• BAL referrals to OCQ
• When in doubt…report
Office of Caregiver Quality (OCQ)

Presented by:
Laurie Arkens

Wisconsin Caregiver Law

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

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
What is Caregiver Misconduct?

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

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

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)
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

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

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
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

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

OCQ Referrals

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

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

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
We’re All In This Together!
Thank you…