

GUIDANCE TO SURVEYORS - LONG TERM CARE FACILITIES

TAG NUMBER	REGULATION	GUIDANCE TO SURVEYORS
F223 (Cont.)		<p>c. Manipulate the resident’s environment?</p> <p>3. Can the cause(s) be removed?</p> <p>4. If the cause(s) cannot be removed, has the facility attempted to use alternatives short of separation?</p> <p>5. If these alternatives have been tried and found ineffective, does the facility use separation for the least amount of time?</p> <p>6. To what extent has the resident, surrogate or representative (if any) participated in care planning and made an informed choice about separation?</p> <p>7. Does the facility monitor and adjust care to reduce negative outcomes, while continually trying to find and use less restrictive alternatives?</p> <p>If, during the course of the survey, you identify the possibility of abuse according to the definitions above, investigate through interviews, observations, and record review. (For investigative options, refer to the Guidelines for Complaint Investigation which outlines the steps of investigations for various types of suspected abuse and misappropriation of property.) Report and record any instances where the survey team observes an abusive incident. Completely document who committed the abusive act, the nature of the abuse and where and when it occurred. Ensure that the facility addresses the incident immediately.</p>
F224* F226**	<p>(c) <u>Staff treatment of residents.</u></p> <p>The facility must develop and implement written policies and procedures that prohibit mistreatment, neglect, and abuse of residents and misappropriation of resident property.</p> <ul style="list-style-type: none"> • Use tag F224 for deficiencies concerning mistreatment, neglect or misappropriation of resident property. • 	<p><u>Intent: §483.13(c), F224</u> Each resident has the right to be free from mistreatment, neglect and misappropriation of property. This includes the facility’s identification of residents whose personal histories render them at risk for abusing other residents, and development of intervention strategies to prevent occurrences, monitoring for changes that would trigger abusive behavior, and reassessment of the interventions on a regular basis.</p> <p><u>Intent: §483.13(c), F226</u> The facility must develop and operationalize policies and procedures for screening and training employees, protection of residents and for the prevention, identification, investigation, and reporting of abuse, neglect, mistreatment, and misappropriation of property. The purpose is to assure that the facility is doing all that is within its control to prevent occurrences.</p>

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<p>F224* F226** (Cont.)</p>	<p>** Use tag F226 for deficiencies concerning the facility's development and implementation of policies and procedures</p>	<p><u>Guidelines:§483.13(c), F224</u> Neglect” means failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness. (42 CFR 488.301)</p> <p>“Misappropriation of resident property” means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident’s belongings or money without the resident’s consent. (42 CFR 488.301)</p> <p><u>483.13 (c), F226</u> The facility must develop and implement policies and procedures that include the seven components: screening, training, prevention, identification, investigation, protection and reporting/response. The items under each component listed below are examples of ways in which the facility could operationalize each component.</p> <p>I. Screening (483.13(c)(1)(ii)(A)&(B): Have procedures to:</p> <ul style="list-style-type: none"> o Screen potential employees for a history of abuse, neglect or mistreating residents as defined by the applicable requirements at 483.13(c)(1)(ii)(A) and (B). This includes attempting to obtain information from previous employers and/or current employers, and checking with the appropriate licensing boards and registries. <p>II. Training (42 CFR 483.74(e): Have procedures to:</p> <ul style="list-style-type: none"> o Train employees, through orientation and on-going sessions on issues related to abuse prohibition practices such as: <ul style="list-style-type: none"> - Appropriate interventions to deal with aggressive and/or catastrophic reactions of residents; - How staff should report their knowledge related to allegations without fear of reprisal; - How to recognize signs of burnout, frustration and stress that may lead to abuse; and - What constitutes abuse, neglect and misappropriation of resident property.

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<p>F224* F226** (Cont.)</p>		<p>III. Prevention (483.13(b) and 483.13(c)): Have procedures to:</p> <ul style="list-style-type: none"> o Provide residents, families and staff information on how and to whom they may report concerns, incidents and grievances without the fear of retribution; and provide feedback regarding the concerns that have been expressed. (See 483.10(f) for further information regarding grievances.) o Identify, correct and intervene in situations in which abuse, neglect and/or misappropriation of resident property is more likely to occur. <p style="padding-left: 40px;">This includes an analysis of:</p> <ul style="list-style-type: none"> - Features of the physical environment that may make abuse and/or neglect more likely to occur, such as secluded areas of the facility; - The deployment of staff on each shift in sufficient numbers to meet the needs of the residents, and assure that the staff assigned have knowledge of the individual residents' care needs; - The supervision of staff to identify inappropriate behaviors, such as using derogatory language, rough handling, ignoring residents while giving care, directing residents who need toileting assistance to urinate or defecate in their beds; and - The assessment, care planning, and monitoring of residents with needs and behaviors which might lead to conflict or neglect, such as residents with a history of aggressive behaviors, residents who have behaviors such as entering other residents' rooms, residents with self-injurious behaviors, residents with communication disorders, those that require heavy nursing care and/or are totally dependent on staff. <p>IV. Identification (483.13(c)(2)): Have procedures to:</p> <ul style="list-style-type: none"> o Identify events, such as suspicious bruising of residents, occurrences, patterns, and trends that may constitute abuse; and to determine the direction of the investigation. <p>V. Investigation (483.13(c)(3)): Have procedures to:</p> <ul style="list-style-type: none"> o Investigate different types of incidents; and o Identify the staff member responsible for the initial reporting, investigation of alleged violations and reporting of results to the proper authorities. (See 483.13 (c)(2), (3), and (4).)

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F224* F226** (Cont.)		<p>VI. Protection (483.13(c)(3): Have procedures to:</p> <ul style="list-style-type: none"> o Protect residents from harm during an investigation. <p>VII. Reporting/Response (483.13(c)(1)(iii), 483.13(c)(2) and 483.13(c)(4): Have procedures to:</p> <ul style="list-style-type: none"> o Report all alleged violations and all substantiated incidents to the state agency and to all other agencies as required, and take all necessary corrective actions depending on the results of the investigation; o Report to the State nurse aide registry or licensing authorities any knowledge it has of any actions by a court of law which would indicate an employee is unfit for service; and o Analyze the occurrences to determine what changes are needed, if any, to policies and procedures to prevent further occurrences.
Refer to F223	(1) The facility must-- (i) Not use verbal, mental, sexual, or physical abuse, corporal punishment, or involuntary seclusion;	
F225	<p>(ii) Not employ individuals who have been--</p> <p>(A) Found guilty of abusing, neglecting, or mistreating residents by a court of law; or</p> <p>(B) Have had a finding entered into the State nurse aide registry concerning abuse, neglect, mistreatment of residents or misappropriation of their property; and</p> <p>(iii) Report any knowledge it has of actions by a court of law against an employee, which would indicate unfitness for service as a nurse aide or other facility staff to the State nurse aide registry or licensing authorities.</p>	<p><u>Intent: §483.13(c)(1)(ii) and (iii)</u> The facility must not hire a potential employee with a history of abuse, if that information is known to the facility. The facility must report knowledge of actions by a court of law against an employee that indicates the employee is unfit for duty. The facility must report alleged violations, conduct an investigation of all alleged violations, report the results to proper authorities, and take necessary corrective actions.</p> <p>Facilities must be thorough in their investigations of the past histories of individuals they are considering hiring. In addition to inquiry of the State nurse aide registry or licensing authorities, the facility should check information from previous and/or current employers and make reasonable efforts to uncover information about any past criminal prosecutions.</p> <p><u>Guidelines: §483.13(c)(1)(ii) and (iii)</u> “Found guilty. . .by a court of law” applies to situations where the defendant pleads guilty, is found guilty, or pleads nolo contendere.</p> <p>“Finding” is defined as a determination made by the State that validates allegations of abuse, neglect, mistreatment of residents, or misappropriation of their property.</p>