

Frequently Asked Questions

Health Care Personnel Investigations Reporting Requirements and Reporting Forms

Reporting Requirements

1. Are resident to resident altercations required to be reported to Health Care Personnel Investigations?

You will need to give thoughtful consideration to these incidents to be in compliance with both State and Federal laws, depending on your facility type. There are situations where abuse or neglect by a health care personnel caused and/or resulted in the resident to resident altercation(s). If a staff member provokes a resident, and the resident in response becomes aggressive or retaliates against another resident, this could be considered abuse or neglect by the staff. Failure to intervene in any resident to resident altercation could be considered neglect or abuse by staff. Residents, who are able to engage in a physical or sexual altercation because of a lack of monitoring, could be considered neglect by staff.

The State General Statute (§131E-256) only requires health care facilities to notify Health Care Personnel Investigations of allegations against health care personnel.

Federal Requirements for Nursing Facilities (§483.12(c)(1)) indicate all alleged violations involving abuse, neglect, exploitation or mistreatment, including injuries of unknown source and misappropriation of resident property are required to be reported. A resident to resident altercation should be reviewed as a potential situation of abuse. It should not automatically be assumed that abuse did not occur for a resident identified as having a cognitive impairment or mental disorder, as it does not preclude the resident from deliberate (willful) or non-accidental actions. Resident to resident abuse may be physical, sexual, or psychological and is regarded as unwelcome with a high potential to cause physical harm or mental anguish in the recipient. “Willful” as used in the definition of “abuse,” “means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm.” Even though a resident may have a cognitive impairment, he/she could still commit a willful act. If it is determined that the resident’s action was not willful, then the act would not meet the definition of abuse and is not required to be reported to Health Care Personnel Investigations.

Federal Requirements for hospitals (§482.13(c)(3)) indicate the patient has the right to be free from all forms of abuse or harassment. The intent of this requirement is to prohibit all forms of abuse, neglect (as a form of abuse) and harassment whether from staff, other patients or visitors.

Federal Requirements for ICF/IIDs (§483.420(d)(2)) indicate the facility must ensure that all allegations of mistreatment, neglect or abuse, as well as injuries of unknown source, are reported immediately to the administrator or to other officials in accordance with State law through established procedures. The facility must immediately report any suspicious injuries of unknown source and all allegations of mistreatment, neglect or abuse to a client residing in the facility regardless of who is the alleged perpetrator (e.g., facility staff, parents, legal guardians, volunteer staff from outside agencies serving the client, neighbors, or other clients, etc.).

2. Are elopements required to be reported to Health Care Personnel Investigations?

Elopements are not required to be reported to Health Care Personnel Investigations, unless there is an allegation of abuse or neglect against a health care personnel, associated with the elopement.

3. Is the Initial Allegation Report still due within 24 hours?

Yes. If the incident occurred in a SNF, NF, ICF/IID or Hospice and involves a reasonable suspicion of a crime with resulting serious bodily injury, then the allegation must be reported within 2 hours.

Reporting Forms

1. Can I move back and forth between the tabs for these forms?

Yes, you can click on different tabs and not lose the information on the previous tab. You will need to save the information before closing the reporting forms.

2. Can I use the tab key to move between fields on the reporting forms?

Yes, you can use the tab key to move to each field.

3. What does “pre-populate” mean?

Pre-populate means the information you document on the Initial Allegation Report in certain fields is automatically documented on the Investigation Report in those same fields.

4. What do I do if I can’t fit all the information in the spaces provided on the forms?

If you find that you need more space than is available in the text boxes, you may include the information on separate documents/pages, and fax these documents/pages along with the completed reporting forms.

5. If there is more than one accused individual, can I only complete the Accused tab?

No, in addition to completing the Accused tab, you will need to complete a separate Initial Allegation Report and Investigation Report for each additional accused individual.

6. In Section E Resident Information, why does the form ask if the resident resided in a nursing home bed at the time of the incident?

This information, along with the accused individual’s job title, is needed to know if the accused individual should be considered a “nurse aide” or a “health care personnel” and to determine which Registries (Nurse Aide Registry and/or Health Care Personnel Registry) are involved.

7. Do I need to document witnesses for allegations involving injuries of unknown source on the forms?

No, the definition of an injury of unknown source indicates the source of the injury was not observed by any person, therefore there would be no witnesses to document for an injury of unknown source.

If there are witnesses to the source of the injury, then the facility should evaluate if the source of the injury meets the definitions of other allegations required to be reported such as abuse or neglect.

8. When should I use the Witness tab/page?

You should use the Witness tab if there was more than one witness to the allegation. There is only space to list one witness on the reporting forms. The Witness tab is to list additional witnesses.

9. How can I save the information I enter on the reporting forms that I would complete for every report such as the name of my facility, facility address, etc.?

You would complete the information which would be completed for all reporting forms, such as facility name, facility address, facility telephone number, etc; and save the reporting form to the your desired location on your computer with a generic file name.

10. Do I have to print and fax all the tabs/pages of these reports when I may not have put information on the witness, accused, or resident tabs/pages?

You only need to print the tabs/pages for which you entered information.

Investigation Report

1. Why am I unable to enter information in some of the areas on the Investigation Report?

Some of the areas on the Investigation Report are pre-populated from information that was entered at the time the Initial Allegation Report was completed by your facility. Changes or additions in these fields must be completed by going back to Initial Allegation Report, change or add information, and then return to the “Investigation Report”.

2. Why can't I change my “Original Allegation Details” in Section D on the Investigation Report?

If there are any additions, changes or updates to your initial information once you have conducted your investigation, they must be documented in the Section D in the field titled, “Additions/Changes/Updates to Description of Allegation Details”. For example, if you initially reported that staff discovered multiple new bruises on both wrists of a resident, but you learn through your facility investigation that a staff was observed holding the resident’s arms and yelling at them, you would add this information in the “Additions/Changes/Updates to Description of Allegation Details” field.

3. How can I change a pre-populated field on the Investigation Report?

You must click on Initial Allegation Report and make the change in the field on that form, if you want to change a pre-populated field on the Investigation Report.