



*NC Department of Health and Human Services*

# **Health Care Personnel Investigations (HCPI) Reporting Requirements**

## **Complaint Intake and Health Care Personnel Investigations Section**

**December 1, 2018**

# **Which Health Care Facilities Are Required To Report?**

- **Adult Care Homes**
- **Community-Based Providers of Services not required to be licensed by DHSR (provides services to individuals with mental illness, intellectual disability, or substance abuse)**
- **Family Care Homes**
- **Home Care Agencies**

- **Home Health Agencies**
- **Hospices**
- **Hospitals**
- **ICF/IID (Intermediate Care Facility for Individuals with Intellectual Disability)**
- **In-Home Aide Services funded through the Home and Community Care Block Grant Program (under the Division of Aging)**

- **Multiunit Assisted Housing with Services (assisted living facility with hands-on personal care & nursing services arranged by the facility with a licensed home care or hospice agency)**
- **Nursing Facilities/Skilled Nursing Facilities**
- **Nursing Pool Agencies**
- **Psychiatric Hospitals**

- **Psychiatric Residential Treatment Facilities**
- **Residential Facilities, 24-Hour Facilities and Licensable Facilities (includes group homes & day treatment facilities that provide services to individuals with mental illness, intellectual disability or substance abuse)**
- **State-Operated Facilities**

# Who Should Be Reported?

- **Any accused unlicensed staff of a health care facility that has direct access to patients, clients, or their property.**
- **For Nursing Facilities/Skilled Nursing Facilities – any accused individuals.**

# What is Direct Access?

- **Direct access includes any unlicensed staff that during the course of employment at a health care facility has the opportunity for direct contact with an individual or an individual's property, when that individual is a resident or person to whom services are provided.**



# What Allegations Should Be Reported?

- **Resident Abuse**
- **Resident Neglect**
- **Diversion of Resident or Facility Drugs**
- **Fraud Against Resident or Facility**
- **Misappropriation of Resident or Facility Property**
- **Injuries of Unknown Source**

# ALLEGATION DEFINITIONS

# Abuse

- The willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish.
- Willful, as used in this definition of abuse, means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm.

## **Abuse (continued)**

- **Abuse also includes the deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being.**
- **Abuse includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or enabled through the use of technology.**

# Abuse (continued)

- **Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain or mental anguish.**

# Neglect

The failure of the facility, its employees or service providers to provide goods and services to a resident that are necessary to avoid physical harm, pain, mental anguish or emotional distress.

# **Diversion of Resident/Facility Drugs**

**The unauthorized taking or use of any drug belonging to a resident or any drug belonging to a facility.**

# Fraud Against Resident/Facility

The intentional misrepresentation or deception made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person.



# Misappropriation - Resident/Facility Property

The deliberate misplacement, exploitation or wrongful temporary or permanent use of a resident's/facility's belongings or money without the resident's/facility's consent.

# Injury of Unknown Source

- The source of the injury was not observed by any person or could not be explained by the resident;

and

- The injury is suspicious because of:
  - the extent or location of the injury or
  - the number of injuries observed at one particular point in time or
  - the incidence of injuries over time.

# When to Report the Initial Allegation

- If the incident occurred in a SNF/NF and involves abuse or results in serious bodily injury, then the allegation must be reported to HCPI within 2 hours after the allegation is made.
- If the incident occurred in an ICF/IID or Hospice and involves a suspicion of a crime resulting in serious bodily injury, then the allegation must be reported to HCPI within 2 hours after the allegation is made.

# When to Report the Initial Allegation

- **Otherwise, the allegation must be reported to HCPI within 24 hours after the allegation is made.**

# Facility Investigation Requirements

- **Facilities must have evidence that all alleged acts are thoroughly investigated by the facility**
- and**
- **Facilities must make every effort to protect residents from harm while the investigation is in progress.**

# Facility Investigation Activities

- **Observe Incident Site**
- **Interview:**
  - **Resident(s)**
  - **Accused Individual(s)**
  - **Witnesses (including other residents)**
  - **Facility Staff**
  - **Others With Knowledge**
- **Review:**
  - **Resident's Medical Record**
  - **Accused Individual's Personnel File**
  - **Policies & Procedures**
  - **Training Records**
  - **Pictures/Video/Social Media (need to maintain a copy)**
  - **Other Applicable Documentation**

# When to Submit the Investigation Report

- If the incident occurred in a SNF/NF, ICF/IID or Hospice, according to Federal requirements, the facility's Investigation Report should be reported to HCPI within 5 working days of the incident.
- Otherwise, according to State Statutes, the facility's Investigation Report should be reported to HCPI within 5 working days of the Initial Allegation Report.

# State and Federal Reporting Requirements

Click on the appropriate title below to access the specific requirement(s) for your agency or facility:

- [All Facilities – NC State General Statute \(§131E-256\)](#)
- [All Facilities – NC Administrative Code \(§130.0101\)](#)



# State and Federal Reporting Requirements

- Home Health Agencies – Federal Requirements  
(§484.50(e)(2))
- Hospitals – Federal Requirements  
(§482.13(c)(3))
- ICF/IID – Federal Requirements  
(§483.420(d))
- Nursing Facilities/Skilled Nursing Facilities – Federal Requirements (§483.12)