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** (§13O.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)