

INVESTIGATION OF ALLEGATION OF ABUSE, NEGLECT, MISAPPROPRIATION OF PROPERTY OR INJURY OF UNKNOWN SOURCE

POLICY: Good Shepherd prohibits any acts of abuse, neglect and misappropriation of property. Residents must not be subjected to abuse by anyone, including, but not limited to, facility staff, other residents, consultants or volunteers, staff of other agencies serving the resident, family members, or legal guardians, friends, or other individuals. Good Shepherd shall investigate any allegations of abuse, neglect, misappropriation of property or injuries of an unknown source. It is the intent that Good Shepherd complies with Misconduct Definitions as addressed in the Federal Language 42 C.F.R. 488.301 and WI Caregiver Law Ch. DHS 13. **See Attached Misconduct Definitions.**

PROCEDURE:

1. Any person may report an incident when the person has information that leads the person to suspect or believe caregiver misconduct or an injury has occurred.
2. Allegations of abuse, neglect or misappropriation of property may be made orally or in writing to any Good Shepherd staff member.
3. It is the obligation of any staff member to report to their supervisor, the charge nurse, ADON, department head, Social Services Director, the Director of Nursing, or the Nursing Home Administrator/Executive Director any allegation of abuse, neglect, injury of unknown source or misappropriation of property.
4. Injuries of unknown origin need to be reported to the charge nurse upon discovery. According to the Federal definition, 42 C.F.R 488.301 an injury should be classified as an "injury of unknown source" when both of the following conditions are met: the source of the injury was not observed by any person or the source of the injury could not be explained by the resident **AND** the injury is suspicious because of the extent of the injury or the location of the injury (e.g., the injury is located in an area not generally vulnerable to trauma) or the number of injuries observed at one particular point in time or the incidence of injuries over time.
5. Good Shepherd shall immediately take steps to protect the resident involved and/or other susceptible care recipients from further possible misconduct or retaliation. See Protection Policy and Procedure.
6. Notification to the Administrator is to take place immediately, as soon as allegation is made, reported or discovered. Call Administrator on her cellular phone and if she does not answer, leave her a voicemail and call her home telephone. If she does not answer leave a voicemail on her home telephone also.
7. If the Administrator is not able to be reached and voicemails have been left, the Administrator Designee should be notified. The Director of Nursing will be notified. If the Director of Nursing is not available, the Social Worker will be notified. If the Social Worker is unavailable, the Assistant Director of Nursing will be notified.

8. Any employee who is the subject of a misconduct allegation or investigation shall be so advised.
9. All allegations of abuse, neglect, misappropriation of property and injury of unknown source must be sent to the DQA via the online reporting system, immediately which is defined as soon as possible but not to exceed 24 hours after discovery of the incident. The online reporting system is located at:
<http://4.selectsurvey.net/DHS/TakeSurvey.aspx?SurveyID=96MI3m14>
10. Good Shepherd will begin a thorough investigation, collecting information that corroborates or disproves the incident and document the findings for each incident. A thorough investigation may include:
 - a. Collecting and preserving physical and documentary evidence
 - b. Interviewing alleged victim(s) and witness(es);
 - c. Interview accused individual(s) (including staff, staff, visitors, resident's relatives, etc.) allegedly responsible for mistreatment, or suspected of causing an injury of unknown source;
 - d. Interviewing other residents to determine if they have been abused or mistreated
 - e. Interviewing staff who worked the same shift as the accused to determine if they have ever witnessed any mistreatment by the accused
 - f. Interviewing staff who worked previous shifts to determine if they were aware of any injury or incident
 - g. Involving other regulatory authorities who may assist, ie. Local law enforcement, elder abuse agency, Adult Protective Service agency
11. Additional elements must be included based on the type of misconduct:

PHYSICAL ABUSE

 - Written and signed statements by witnesses, which include a description of the amount of physical force used. This may include, but isn't limited to, the acceleration of force; the range of motion of the perpetrator; open hand or closed fist
 - A description of the victim's reaction to the physical force.

VERBAL ABUSE/PSYCHOLOGICAL ABUSE

 - A statement of the exact words used to the best of the witnesses' or victim's recollection
 - The volume (loud or soft) and tone of voice of the accused, a description of the accused's body language or accompanying gestures
 - The effect of the words on the victim

SEXUAL ABUSE

 - The results of any physical assessment conducted by a medical professional including doctors or SANE nurses
 - The results of any psychological assessment conducted by a mental health professional or social worker
 - A copy of the police report
 - All medical information related to the incident

NEGLECT

 - Documentation of the treatment, service, care, goods or supervision required but not provided
 - Documentation verifying the caregiver's duty to provide care to the individual
 - Verification that the act or failure to act resulted in or could reasonably have resulted in

harm

MISAPPROPRIATION

- A description of any stolen items
- Copies of all financial records related to the incident including cancelled checks or credit card statements
- A copy of the police report
- Verification that the stolen items belonged to the victim
- Verification that the victim did not/could not give consent to the individual

RESIDENT-TO-RESIDENT ALTERCATIONS

- Documentation of each resident's cognitive abilities, diagnosis, etc.
- Analysis of the altercation to determine if the resident(s) had willful intent
- Consideration of the residents ability to form intent or to act knowingly
- Determination of a resident's ability to understand the possible outcome of his/her actions
- Documentation of the outcome to the victim

12. Within 5 working days (Monday-Friday, excluding legal holidays) of the incident or the date Good Shepherd became aware of the incident, or sooner if possible, the Misconduct Incident Report or form F-62447 must be faxed to the DQA (Division of Quality Assurance) with the results of the investigation with any relevant investigation documents attached. Form F-62447 must be completed when an online Alleged Nursing Home Resident Mistreatment Report was submitted; or when the conclusion was made that the incident did not meet federal definitions so an online Alleged Nursing Home Resident Mistreatment Report was not submitted, but upon further review the incident does meet state definitions. Form F-62447 can be found at: <http://www.dhs.wisconsin.gov/forms1/F6/F62447.doc>
13. As appropriate, for credentialed staff the Department of Regulation and Licensing shall be notified when there is reasonable cause to determine the action or inaction occurred.
14. If an act or failure to act does not meet the definition of abuse, neglect or misappropriations set forth in 42 C.F.R. 488.301 or Chapter DHS 13, decisions to implement disciplinary procedures are at the discretion of Good Shepherd Services. Violations of work rules may result in discipline up to and including termination as stated in Good Shepherd's Personnel Policies.
15. Good Shepherd shall not knowingly employ and shall terminate any employee when a finding of misconduct is substantiated as defined in Ch. DHS 12 of the Wisconsin Administrative Code.

SECTION VI – PROTECTION

POLICY: Good Shepherd shall take the necessary action, within the limits of the law and corporation, to protect residents, families and staff during an investigation into allegations of abuse, neglect or misappropriation of property.

PROCEDURE:

- 1) Upon learning of an allegation of abuse, misappropriation of property, neglect, or other misconduct, Good Shepherd Services shall immediately take action to prevent and protect those susceptible to further misconduct or retaliation.
- 2) If a GSS employee is the subject of an allegation, the Charge Nurse, Administrator, Social Service Director, Director of Nursing, or Assistant Director of Nursing shall determine the most appropriate action. This may include:
 - a) Removal of the accused caregiver from the resident care area
 - b) Suspension pending the outcome of the investigation
 - c) TerminationDecisions will be made considering the seriousness of the act and the nature of the offense.
- 3) The employee or other person under the control of the corporation shall be informed that an allegation has been made and an investigation is in process. Any retaliatory act made during or after an investigation either by or on the behalf of the caregiver shall be viewed as an act of misconduct.
- 4) If the allegation involves a contracted staff member, that individual will be sent home. The agency will be informed that an allegation has been made as well as the facility's findings. If necessary, the agency may be involved in the investigation.
- 5) In the event that another resident is the subject of the allegations increased supervision/monitoring will be implemented. The interdisciplinary team shall be involved. Law enforcement authorities may be contacted based on the seriousness of the act and cognitive status of the alleged offender. Care recipients whose behavior needs can no longer be met by GSS may need to be transferred to a more appropriate facility.
- 6) For those matters involving visitors; supervision, limitation or termination of visiting privileges may be necessary. Visitors will also be referred to law enforcement authorities as necessary for removal from the property or possible criminal prosecution.

ABUSE PREVENTION

POLICY: Each resident of Good Shepherd has the right to be free from mistreatment, neglect, and misappropriation of property. Good Shepherd shall adopt and implement policies and procedures that shall include:

1. **Screening**

- a) Identification of residents whose personal histories render them at risk for abusing other residents.
- b) Pre-employment screening of potential hires for a history of abuse, neglect and mistreatment of residents.

2. **Training**

Staff shall receive appropriate training in interventions, reporting, detection and what constitutes abuse, neglect and misappropriation.

3. **Prevention**

- a) Provide residents, families and staff information on how and to whom they may report concerns and grievances without fear of retribution.
- b) Implement procedures that identify, correct and intervene in situations likely to result in abuse, neglect and misappropriation of resident property.

4. **Identification**

Good Shepherd shall have policies and procedures that facilitate discovery of events and occurrences that may constitute or contribute to abuse.

5. **Investigation**

Good Shepherd shall investigate different types of incidents and designate each employees responsibility to report such occurrences.

6. **Protection**

Good Shepherd shall protect residents, families and staff from harm during an investigation.

7. **Reporting Response**

- a) To assure that all alleged violations and substantiated incidents are reported to the state agency and to other agencies as required.
- b) Analyze the occurrences to determine what further changes are needed and to review policies and procedures to prevent further occurrences.

SECTION I – SCREENING

- 1) Good Shepherd will conduct a thorough investigation prior to extending an offer of employment.

See Section: DISCLOSURE BY EMPLOYEES AND APPLICANTS FOR EMPLOYMENT

Employee Handbook – Page 32

- Applicants for employment
- Current employees
- Employment of sanctioned individuals
- Qualifications of Health Care Professionals

FAMILIARITY AND COMPLIANCE WITH FEDERAL/STATE
REGULATIONS

Employee Handbook – Page 36

- 2) Good Shepherd shall assess service recipients and shall not knowingly admit individuals who are abusive to themselves or others or destructive of property.

See Section: ADMISSION POLICY STATEMENT

Admission Agreement – Page 1

Resident Handbook – Page 8

CAREGIVER CRIMINAL BACKGROUND CHECK POLICY

POLICY:

As required by law and in accordance with state regulations (Chapter HFS – 12), it is the policy of Good Shepherd Services to conduct criminal background checks of all applicants being offered employment, and periodic criminal checks of all employees. To the extent that this policy may vary from State or Federal Law, Good Shepherd will comply with applicable law. The information collected will not be used to make hiring or employment decisions, unless the criminal information is substantially related to the applicants/employees employment.

Good Shepherd Services shall provide residents and staff with an environment free from the potential risk of abuse, neglect or misappropriation posed by those individuals who have a history of substantially related criminal convictions.

Those individuals covered by HFS – 12 shall include any caregiver who has “access” to the residents/clients/tenants/children of Good Shepherd Services, including those who are contracted to perform work at Good Shepherd Services, such as physicians, temporary service employees, contracted services, etc.

PROCEDURE: Applicants/New Hires

1. At the time of offer, applicants will be required to complete the “Background Information Disclosure” (B.I.D.) form (see form A). If the applicant refuses they will be denied consideration for employment.
2. If the applicant indicates they have no convictions or pending charges for crimes that may be permanently bar them from employment, they may be offered employment.
3. For any qualified applicants who indicate they have a conviction/pending charges which may bar them from employment (see form B), the Human Resources Department will notify the applicant that their employment is pending until the final disposition of the conviction is received.
4. If the disposition for the qualified applicant is a permanent bar, the Human Resources Department will notify the applicant that they cannot be hired.
5. If the disposition is a bar-with-rehab crime, the applicant will be instructed to apply for and receive rehabilitation (see form C).
6. For other qualified applicants with conviction/charges that are “substantially related” the Human Resources Department will consider the following factors in determining whether the applicants may be considered for employment:
 - (a) If the crime(s) may be comparable to other crimes listed in either the “permanent bar” or “may bar” tables.
 - (b) How long ago the crime(s) occurred.
 - (c) If the applicant has a history or pattern or committing other substantially related crimes.

- (d) If reference information is available from probation/parole officers, social workers, or others qualified to comment on the applicant's effort to reform after the crime occurred.
- (e) How closely related the crimes may be to the work the individual may perform, if hired.
- (f) If the crime involved violence, threatened harm or was sexual in nature.

Good Shepherd Services reserves the right to bar individuals with substantially related convictions and/or pending charges from performing work on our premise until such time as the individual(s) is/are able to provide evidence of rehabilitation.

7. The Human Resources Department will submit a "Wisconsin Criminal History Multiple Name Record Request" (see form D) to the Wisconsin Department of Justice Crime Information Bureau requesting criminal record information on all new hires. For individuals employed in states other than Wisconsin in the prior 3 years of employment, the Human Resource Department will contact the other states and request criminal background information (see form E). All new hires after October 1, 1998, who have checked all responses "no" on the B.I.D. form will be allowed to work for up to 60 days pending receipt of the criminal record results.
8. If the Human Resources Department receives criminal conviction information inconsistent with the employee's B.I.D., the employee may be suspended pending an investigation of falsification. If the employee has falsified the form, the employee will be discharged. If the investigation finds the employee did not falsify the form, the employee may be reinstated.
9. When Good Shepherd drafts contracts with individuals or companies to perform services at Good Shepherd, the contracting agent(s) will comply with the requirements outlined in HFS - 12.
10. The Human Resource Department will keep a copy of the completed B.I.D. and Criminal Background Check form.
11. Employees are required to inform the Human Resources Coordinator of any arrests or convictions. Assignments may be adjusted if the act is deemed "substantially related" to the position. Employment will be terminated if the criminal offense falls into "bar with rehab" or "permanent bar" categories. The employee may reapply following successful rehab or being found "not guilty" in a court of law.

Current Employees:

All employees will repeat the process of completing the "Background Information Disclosure Form" as required by law every 4 years. All applicable laws will be followed and the process will be the same as with an applicant or newly hired employee. Employees will be suspended if rehabilitation is required, waiting for a final disposition or if the conviction/charges are "substantially" related and require further investigation. At any time during employment, employees must report all criminal arrests or convictions against them to the Human Resources Coordinator or representative.

SECTION IV – IDENTIFICATION

POLICY: It is the policy of Good Shepherd Services for staff to identify and immediately report events and occurrences that may constitute and contribute to abuse, neglect, injuries of unknown source or misappropriation of property.

PROCEDURE:

- 1) All employees are required to report any allegation of abuse, neglect, injuries of unknown origin, or misappropriation of property to their immediate supervisor, charge nurse, department head, Social Services Director, Director of Nursing, Assistant Director of Nursing or Nursing Home Administrator.
- 2) Notification to the Administrator is to take place immediately, as soon as allegation is made, reported or discovered. Call Administrator on her cellular phone and if she does not answer, leave her a voicemail and call her home telephone. If she does not answer leave a voicemail.
- 3) If the Administrator is not able to be reached and voicemails have been left, the Administrator Designee should be notified. The Director of Nursing will be notified. If the Director of Nursing is not available, the Social Worker will be notified if the Social Worker is unavailable, the Assistant Director of Nursing will be notified.
- 4) Employees are also urged to report situations to their supervisor, or, if appropriate, to the Social Services Director that may predispose and individual to abuse, neglect or misappropriation of property. This may include, but is not limited to:
 - residents with large sums of money or valuables kept on their person
 - requesting staff to assist with their finances
 - attempts to give away belongings
 - witnessing disruptive visitors or family members
 - visitors under the obvious influence of alcohol or other drugs
 - witnessing the attempted removal of property by unauthorized visitor/family member
 - resident to resident incompatibility
- 5) Employees are required to report when a care recipient has sustained an injury of unknown origin. Good Shepherd shall investigate injuries of unknown origin. See definition of injuries of unknown origin.
- 6) Upon discovery of an injury of unknown origin, the charge nurse or the department supervisor shall be notified.
- 7) Any employee, who knowingly withholds or fails to report actions that may constitute care giver misconduct, is subject to disciplinary action up to and including termination.
- 8) Good Shepherd Staff, volunteers or anyone else under the Good Shepherd control shall be trained regarding misconduct identification and reporting procedures and requirements. Additional training shall occur at least annually.