

June 22, 2023

# LTC COVID-19 Update

Presented by:

**Lori Davenport, Director of Regulatory & Clinical Affairs**

**Indiana Department of Health Team**



# Today's Topics



- Leadership Conference – Suzanne Williams
- Top Citations SNF and Assisted Living – Tammy Alley
- What to expect in October – Complaints and Facility Reported Incidents, New time frames for intake and prioritization – Brenda Buroker
- Frequent Questions with Answers and miscellaneous announcements/Request - Lori Davenport
- Q&A

***Hints & Helps for Housekeeping***, a webinar on June 27, details [HERE](#)

***SNF DON Workshop***, an in-person workshop on June 28-29, details [HERE](#)

***IHCA/INCAL Convention & Expo – Spotlight on Quality***, July 31-Aug 1, details [HERE](#)



**Indiana**  
**Department**  
**of**  
**Health**

# TOP CITED TAGS AND REPORTING REQUIREMENTS

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LONG-TERM CARE DEPUTY DIRECTOR

**BRENDA BUROKER**

LONG-TERM CARE DIRECTOR

06/22/2023

## OUR MISSION:

To promote, protect, and improve the health and safety of all Hoosiers.

## OUR VISION:

Every Hoosier reaches optimal health regardless of where they live, learn, work, or play.



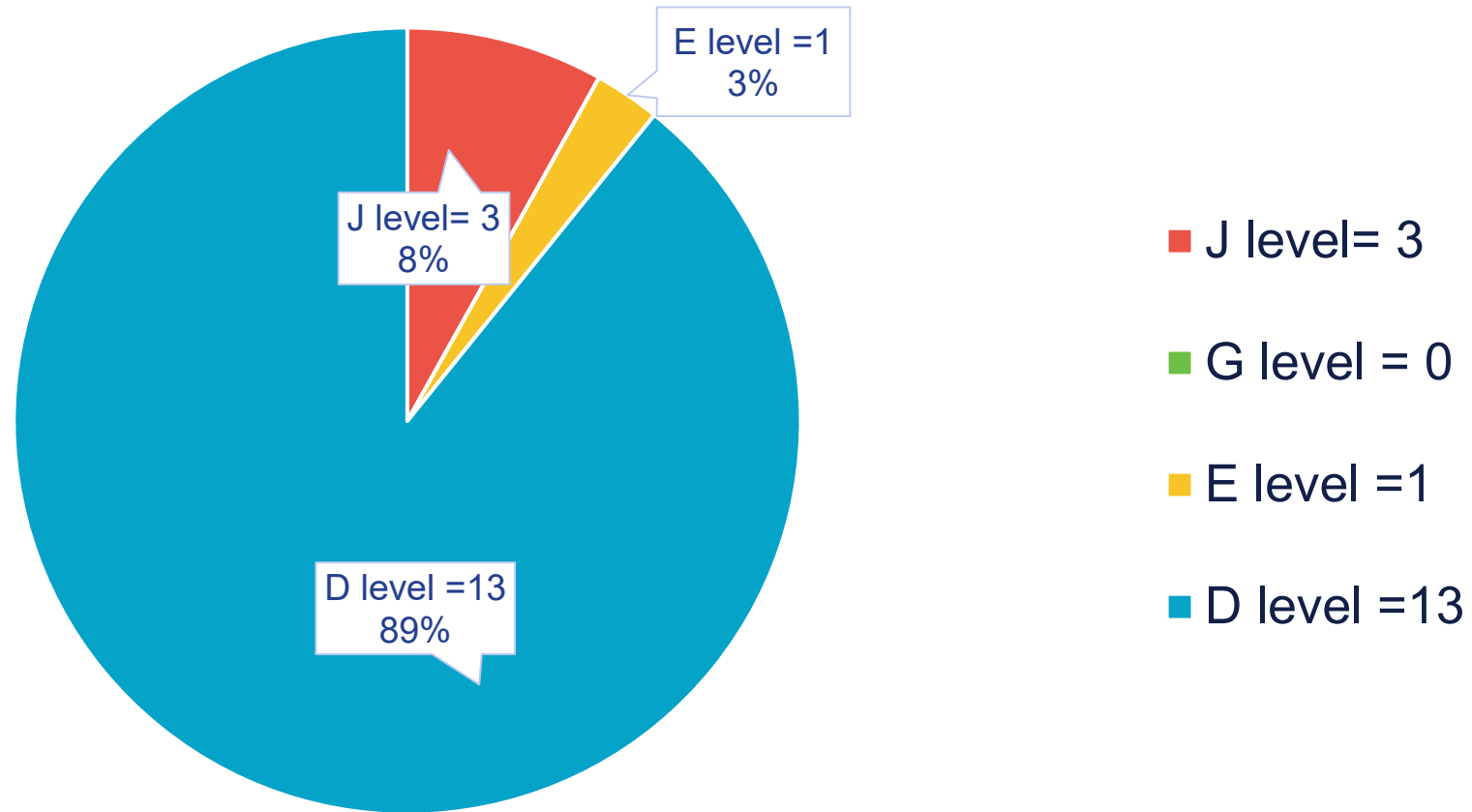
# Citation Rankings April 1-June 13, 2023

## IJ citations

- 1 at K-698 Dialysis (5 at D level)
- 3 at J-600 (next slide)
- 2 at J-684 Quality of Care (64 at G, E and D levels)
- 5 at J 689 Accident Hazards (35 at G, E and D levels)



# Abuse citations April 1-June 13, 2023



# Citations

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## Tag ranking (non IJ)

F884 NHSN reporting 92

F695 Respiratory 38

F880 Infection Control 34

F677 ADL's 30

F812: Kitchen 25

F761 Med storage 28

F686 Pressure Ulcers 20

F656 Development of Care Plans 20

F580 Notification of Changes 18

F657 Revise Care Plan 17

F921 Environment 17

F679 Activities 15



# Citations

F690 Bowel and Bladder 15

F692 Nutrition6/hydration 15

F697 Pain 15

F842 Resident Records 15

F554 Self Administration of Meds 14

F755 Pharmacy Services 14

F758 Unnecessary Psychotropic Meds 14

F757 Unnecessary Meds 13

F609 Reporting of Alleged Violation 12

F760 Significant Med Errors 8





# Residential Citations

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## **Residential Citations:**

R217 Evaluation 27

R73 Food and Nutritional Services 25

R216 Evaluation 17

R117 Personnel 17

R52 Resident Rights Offense 14

R246 Health Services 12

R90 Administration 13

R92 Administration 11

R349 Clinical Records 11

R120 Personnel 10

R410 Infection Control 9

## **Offenses**

R241 Health Services Offense 7

R406 Infection Control 4

R242 Health Services Offense 3

R245 Health Services Offense 1

# What to expect - October 2023

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- Complaints and facility-reported incidents
- New timeframes for intake and prioritization

# What must be reported

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- All allegations of abuse, neglect, exploitation, or mistreatment, including injuries of unknown source and misappropriation of resident property
- Allegation: An alleged violation is a situation or occurrence that is observed or reported by any person but has not yet been investigated, and if verified, could be noncompliance with requirements.

# Injury of Unknown Source

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Should include all:

- The source of the injury was not observed by any person, **and**
- The source of the injury could not be explained by the resident, **and**
- The injury is suspicious because of the
  1. Extent of the injury
  2. Location of the injury
  3. Number of injuries observed at one point of time
  4. Incidents of injuries over time

# Resident-to-Resident Behavior

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- Not every resident-to-resident altercation results in abuse
- It should not be assumed that all physical contact involving a resident would constitute abuse. There is no intent in the guidance for facilities to foster a “no contact of any type” policy between staff and residents and residents and other residents.
- Infrequent arguments or disagreements that occur in normal social interactions would not be abuse
- Determine whether the altercation is deliberate or willful

# Substantiated/unsubstantiated

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- Change in terminology
  - The role of the surveyor is not to validate whether the events contained in the allegation had occurred, but it is to determine whether the facility is in compliance with the federal requirements for Medicare/Medicaid-certified providers/suppliers.
  - The words **substantiated** and **unsubstantiated** are no longer used in a complaint investigation.
- Investigation
  - The state must review all complaint allegations and conduct a standard or abbreviated standard survey to investigate complaints of violation of requirements if review of the allegation concludes:
    - A deficiency may have occurred; and
    - Only a survey can determine whether a deficiency exists or not

# Policy and Procedure

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- Develop and implement written procedures for a timely review and investigation of allegations of resident abuse and neglect, and misappropriation of resident property for both complaints and facility reported incidents
- Facilities send all alleged violations of abuse, neglect, exploitation or mistreatment, including injuries of unknown source and misappropriation of resident property
- The results of all facility investigations
- Reasonable suspicions of crimes against a resident
  - If a state receives information that a suspected crime may have occurred in a facility and there is indication that it has not been reported to law enforcement, the state must forward the information to law enforcement.



# Initial report of the incident

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- Facility must provide sufficient information to describe the alleged violation and indicate how residents are being protected
  - It is important to provide as much information as possible so the state can take necessary action
  - The goal is to protect other residents
- A follow-up report must be made within five working days
  - Describe the results of the investigation
  - Corrective actions taken
  - Was the allegation verified?

# Examples to provide in the report

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- Monitoring of the alleged victim
- Provision of social service
- Immediate assessment and treatment of the victim
- Immediate notification of physician and resident representative
- Removal of the alleged perpetrator
- Notification to other agencies or law enforcement

# Reporting abuse to law enforcement

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- When verifying the allegation has been reported to law enforcement, include the following information:
  - Who submitted the report
  - What was reported
  - Date and time
  - Police report number
- When the state finds deficient practice with abuse, the state must report the findings to local law enforcement and Medicaid fraud

# Immediate Jeopardy Priority

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- If (1) the alleged noncompliance may have caused, or may likely cause, serious injury, harm, impairment or death to a resident; and (2) the facility has not implemented adequate protection for all residents or the state has not received sufficient evidence to conclude that residents are adequately protected, this investigation must be completed **within three business days**.
- If the facility reports the alleged compliance may have risen to an immediate jeopardy, but the facility has potentially implemented adequate protection for the residents, this investigation must be completed **within seven business days**.

# Immediate jeopardy (IJ) complaints

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Examples of intakes that must be assigned this priority:

- All intakes alleging abuse of a resident and it is uncertain they are adequately protected
- All intakes alleging eviction of a resident to an unsafe location
- Fires resulting in serious injury or death

# No further action necessary

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- Facility-reported incidents that are not to be reported under federal law or regulation
- Facility-reported incidents involving injuries where the resident was able to explain or describe how it happened as long as there is no indication of abuse or neglect
- Facility-reported incidents involving lost items which are found, and no theft is suspected
- The alleged noncompliance occurred before the last annual survey and there is sufficient evidence there is no continuing noncompliance.

## **Administrative review**

- Assigned this priority if no onsite investigation is required.

# Questions?

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# Minimum Staffing Update

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Nothing official as of to date – Pending



# Rapid Tests for COVID-19

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If you are a facility that is getting too many test kits shipped and you would like to see them stop – Please email [ldavenport@ihca.org](mailto:ldavenport@ihca.org)

If you are a facility (AL or SNF) and would like to get COVID-19 test kits – Please email [ldavenport@ihca.org](mailto:ldavenport@ihca.org)



# Limited Criminal History – Minors

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Minors cannot have a Limited Criminal History; they will need to do a state of Indiana fingerprint-based background check called a Criminal Record Review Challenge. Once the results are completed then they will be mailed to the minor's home address. To make an appointment for this please call Identogo at 877-472-6917





# Q&A

# Contact Information

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