

Skilled Nursing Home/ Nursing Home Reporting Requirements

This notification is intended to provide clarification to nursing homes on the reporting requirements under Federal (42 CFR 483.13 (c) (2)-(4) and State (NAC 449.74491) regulations. These sections address the facility's obligations to report allegations and the results of the investigations of these alleged violations involving mistreatment, neglect, or abuse, including injuries of unknown sources, and misappropriation of resident property.

42 CFR 483.13 (c) (2)-(4)

(2)The facility must ensure that all alleged violations involving mistreatment, neglect, or abuse, including injuries of unknown source, and misappropriation of resident property are reported immediately to the administrator of the facility and to other officials in accordance with State law through established procedures (including to the State survey and certification agency). (3) The facility must have evidence that all alleged violations are thoroughly investigated, and must prevent further potential abuse while the investigation is in progress. (4) The results of all investigations must be reported to the administrator or his designated representative and to other officials in accordance with State law (including to the State survey and certification agency) within 5 working days of the incident, and if the alleged violation is verified appropriate corrective action must be taken.

These alleged violations are defined as follows under the interpretive guidelines:

- *Mistreatment* - (A definition is not provided at this time.)
- *Neglect* - Failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness (42 C.F.R. §488.301).
- *Abuse* - The willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish (42 C.F.R. §488.301).
- *Injuries of unknown source* - 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.
- *Misappropriation of resident property* - The deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money without the resident's consent (42 C.F.R. §488.301).

NAC 449.74491 Prohibition of certain practices regarding patients; investigation of certain violations and injuries to patients; unfit employees. (NRS 449.037)

1. A facility for skilled nursing shall adopt and carry out written policies and procedures that prohibit:

- (a) The mistreatment and neglect of the patients in the facility;
- (b) The verbal, sexual, physical and mental abuse of the patients in the facility;
- (c) Corporal punishment and involuntary seclusion; and
- (d) The misappropriation of the property of the patients in the facility.

2. A facility for skilled nursing shall adopt procedures which ensure that all alleged violations of the policies adopted pursuant to subsection 1 and injuries to patients of unknown origin are reported immediately to the administrator of the facility, to the Bureau and to other officials in accordance with state law, and are thoroughly investigated. The procedures must ensure that further violations are prevented while the investigation is being conducted.

3. The results of any investigation must be reported:

- (a) To the administrator of the facility or his designated representative and to the Bureau **within 5 working days** after the alleged violation is reported.
- (b) In the manner prescribed in NRS 200.5093 and 432B.220 and chapter 433 of NRS. The administrator of the facility shall take appropriate action to correct any violation.

- Note that reporting requirements of the Aging and Disability Services Division to comply with NRS 200.5091-200.50995 may differ. **Please note, reporting is not required for falls without injuries.**

If you have any questions, please contact:
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Carson City office (775) 684-1030
Las Vegas office (702) 486-6515