

Facility Reported Incident Alert  
Issued January 13, 2005

The Centers for Medicare and Medicaid Services issued S & C 05-09 on December 16, 2004. This is a clarification of nursing home reporting requirements for alleged violations of mistreatment, neglect and abuse, including injuries of unknown source and misappropriation of resident property.

The clarification indicates that a 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, including the State survey and certification agency, through established procedures.

"Immediately" means as soon as possible but ought not to exceed 24 hours after discovery of the incident.

CMS further reminds that the facility must have evidence that all alleged violations are thoroughly investigated and must prevent further potential abuse while the investigation is in progress.

The results of all investigations must be reported to the administrator or his designated representative and to other officials, including the state survey and certification agency, in accordance with State law within 5 working days of the incident. If the alleged violation is verified, appropriate corrective action must be taken.

S & C 05-09 provides this clarification on "injuries of unknown source". An injury should be classified as an injury of unknown source when both 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.

In summary, the facility must ensure that all alleged violations of mistreatment, neglect, abuse, or misappropriation of resident property or injuries of unknown source are reported immediately to the facility administrator AND TO THE STATE SURVEY AGENCY. Immediately means as soon as possible, but not more than 24 hours after the incident. The results of all investigations of allegations of mistreatment, neglect, abuse, or misappropriation of resident property or injuries of unknown source must be reported to the facility administrator AND THE STATE SURVEY AGENCY WITHIN 5 WORKING DAYS OF THE INCIDENT. These reports should be transmitted to the Complaint Investigation Unit by fax at (517) 241-0093 or called in to 1-800-882-6006.

These requirements are not new. This CMS clarification supersedes all previous direction from the Bureau of Health Systems on the reporting of alleged violations and findings related to mistreatment, neglect, abuse, misappropriation of resident property or injuries of unknown source, including Program Clarification 01-01 dated May 14, 2001.

The Bureau's Complaint and Facility Reported Incident Manual has been revised to be consistent with this CMS clarification. The manual, with latest revisions, will be available on the Bureau's website <http://www.michigan.gov/bhs> and may be downloaded February 1, 2005.

Comments regarding the Complaint and Facility Reported Incident Manual may be forwarded to Sue Jones, Manager, Data Management Unit, Bureau of Health Systems, P.O. Box 30664, Lansing, MI 48909.

The Facility Incident Report (BHS-OPS-362) has been updated to reflect these clarifications and is available now. A process for electronic transmission of reports of allegations and findings will be instituted at a later date.