

Abuse/Neglect/Suspicion of a Crime/Photo-Video Reporting and Policy Requirements

Provider Meeting 2016

Should I call the state?

- ▶ Section 198.070, RSMo
 - When any...has reasonable cause to believe that a resident of a facility has been abused or neglected, he or she shall immediately report or cause a report to be made to the department
- ▶ F225
 - 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 and to other officials in accordance with state law through established procedures (including to the State survey and certification agency).

The “HOW” of the Policy

- ▶ F226
 - The facility must develop and implement policies and procedures that include the seven components: screening, training, prevention, identification, investigation, protection and reporting/response
 - How are going to screen
 - How are you going to train
 - How are you going to investigate
 - How are you going to protect
 - How are you going to

Reasonable Suspicion of a Crime Reporting/Policy Requirements

- ▶ If a crime is **suspected** or committed, the facility must report to the state agency (DHSS) and to the local law enforcement **within 24 hours**
- ▶ If serious bodily injury occurred, it must be reported immediately (**no later than two hours**) to DHSS and to local law enforcement
- ▶ The facility must start an immediate investigation regardless of bodily injury
- ▶ Tip* Coordinate with local law enforcement to determine what actions are considered crimes

Do I need a separate policy?

- ▶ No– These requirements can be addressed in your established policies addressing Abuse and Neglect
- ▶ If your policy does not address these requirements.....it effects a WIDESPREAD number of residents

What is Reasonable ?

- ▶ Are these examples of reasonable suspicion of a crime?
 - resident/resident altercation
 - resident report staff stole \$2.00 from his/her room
 - staff to resident physical abuse
 - resident reports stolen lap top
 - resident reports favorite sweater stolen
 - resident reports staff took NFL team coat
 - resident has broken arm of unknown origin?

Photograph/Video requirements and things you should know

Background

Media reports have highlighted occurrences of nursing home staff taking unauthorized photographs or video recordings of residents, sometimes in compromised positions. The photographs are then posted on social media networks or sent through multimedia messages.

Each resident has the right to be free from all types of abuse including mental abuse. Mental abuse includes; staff taking or using photographs or recordings in any manner that would demean or humiliate a resident(s).

If a photograph or recording of a resident, or the manner that it is used, demeans or humiliates a resident, regardless of whether the resident provided consent, and regardless of the resident's cognitive status, federal requirements related to abuse at F223 are reviewed.

Right to personal Privacy

- ▶ Taking pictures or recordings of a resident and/or his/her private space without consent is a violation of the resident's right to privacy
- ▶ Examples:
 - staff taking unauthorized photographs of a resident's room or furnishings (which may or may not include the resident),
 - resident eating in the dining room
 - resident participating in an activity in the common area

Policy to Prohibit

- ▶ Policies must include; prohibiting staff from taking keeping, and/or distributing photographs and recordings that demean or humiliate a resident(s). This would include using any type of equipment (e.g., cameras, smart phones, and other electronic devices) to take, keep or distribute photographs and recordings on social media.
- ▶ Training for all staff who provide care and services to residents and the ongoing oversight to ensure policy is implemented

Questions?

