VERMONT

AGENCY OF HUMAN SERVICES
DEPARTMENT OF DISABILITIES, AGING AND INDEPENDENT LIVING

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Memorandum

To: Residential Care Homes and Assisted Living Residences

From: Frances Keeler, RN, MSN, DBA FK
State Survey Agency Director

Date: January 10, 2013

Subject: Reporting Requirements

This memorandum is intended to provide clarification to Residential Care Homes (RCHs) and Assisted Living Residences (ALRs) on the reporting requirements under Vermont state regulations pertaining to RCHs and ALRs. These requirements apply to both types of facilities. This memorandum does NOT include specific guidance about Adult Protective Services reporting requirements.

(1) When a fire occurs in the home, regardless of size or damage, the licensing agency and the Department of Labor and Industry [now Division of Fire Safety] must be notified within twenty-four (24) hours. A written report must be submitted to both departments within seventy-two (72) hours. A copy of the report shall be kept on file. [5.12.c(1)]

(2) Any untimely deaths shall be reported and a record kept on file. When a resident dies unexpectedly **or** within 48 hours of a fall or injury, in addition to notifying the medical examiner, the licensee shall send a report to the licensing agency with the following information:

(a) Name of resident;
(b) Circumstances of the death;
(c) Circumstances of any recent injuries or falls; and
(d) A list of all medications and treatments received by the resident during the two (2) weeks prior to the death. [5.17.c(1-4)]

(3) A report of any unexplained absence of a resident from a home for more than 12 hours shall be reported to the police, legal representative and family, if any. The incident shall be reported to the licensing agency within twenty-four (24) hours of disappearance followed by a written report within seventy-two (72) hours, a copy of which shall be maintained. [5.12.c(3)]

(4) A written report of any breakdown or cessation to the home's physical plant's major services (plumbing, heat, water supply, etc.) or supplied service, which disrupts the normal course of operation. The licensee shall notify the licensing agency immediately whenever such an incident occurs. A copy of the report shall be sent to the licensing agency within seventy-two (72) hours. [5.12.c(4)] ***Note**: this would also include essential equipment failures such as elevators, stair chair lifts, hoyer lifts (if no back up equipment available to provide the same function), etc.

(5) A written report of any reports or incidents of abuse, neglect or exploitation must be reported to the licensing agency. [5.12.c(5)]

(5) a. The licensee and staff shall report any case of suspected or reported incidents of abuse, neglect or exploitation to the Adult Protective Services (APS) as required by 33 V.S.A. §6903. APS may be contacted by calling toll-free 1-800-564-1612. Reports must be made to APS within 48 hours of learning of the suspected, reported or alleged incident. [5.18.a]

(5) b. The licensee and staff are required to report suspected or reported incidents of abuse, neglect or exploitation. It is not the licensee's or staff's responsibility to determine if the alleged incident did occur or not; that is the responsibility of the licensing agency. A home may, and should, conduct its own investigation. However, that must not delay reporting of the alleged or suspected incident to Adult Protective Services. [5.18.b]

(5) c. Incidents involving resident-to-resident abuse must be reported to the licensing agency if a resident alleges abuse, sexual abuse, if an injury requiring physician intervention results, or if there is a pattern of abusive behavior. All resident-to-resident incidents, even minor ones, must be recorded in the resident's record. Families or legal representatives must be notified and a plan must be developed to deal with the behaviors. [5.18.c]

(6) A written report of resident injury or death following the use of mechanical or chemical restraint. [5.12.c(6)]

(7) The home shall notify the licensing agency and the resident representative within 24 hours when a restraint is used. [5.14.d]

(8) In the event that a resident does challenge the use of a restraint, the home operator shall inform the licensing agency at the time the challenge is raised.