CONDUCTING AN INVESTIGATION

By: Donna Henscheid & Gloria Keathley
Objectives

- Define accidents and incidents
- Define abuse, neglect, exploitation
- Understand the importance of reporting and investigating
- Identify injuries of an unknown origin
- Learn how to use the investigation module and tool
- Be able to conduct a thorough investigation
INVESTIGATE

Explore
STUDY
Scrutinize
Question
Probe
Examine
What is an Accident/Incident?

IDAPA 16.03.22.010.02 defines an accident as the unexpected, unintended event that can cause a resident injury, such as a fall or motor vehicle accident.

IDAPA 16.03.22.011.09 defines an incident as an event that can cause injury, such as an elopement, resident to resident altercation or medication error.
Roles and Responsibilities

IDAPA 16.03.22.215.08 – The administrator must assure the facility procedures for investigation of incidents, accidents and allegation of abuse, neglect or exploitation are implemented to assure resident safety.

350.01 – The administrator or person designated by the administrator must be notified of all accidents, incidents, reportable, or complaints according to the facility’s policies.

350.03 – Any resident involved must be protected during the course of the investigation.

625.03.h – All staff must be trained and aware of the process to report when a resident has an accident or incident.
Documenting Accident and Incidents

IDAPA 16.03.22.711.08.c - Care notes that are signed and dated by the person providing the care and services must include:...Unusual events such as incidents, reportable incidents, accidents, altercations and the facility’s response.

- Who was involved with the accident/incident?
- The date and time the accident/incident occurred.
- A description of the accident/incident.
- Who witnessed the accident/incident?
- A description of any injury or bruising and when first noted.
Reportable Incidents

The following are examples of reportable incidents: IDAPA 16.03.22.011.10.a-e

- Injuries that include severe bruising on the head, neck or trunk; Fingerprint bruises anywhere on the body; lacerations sprains or fractured bones.
- Injuries due to resident to resident altercations.
- Injuries of an unknown origin. This includes any injury, the source of which was not observed by any person or the source of the injury could not be explained by the resident.
Reportables Continued:

- Elopement of any duration. An elopement is when a resident, who is unable to make sound decisions, leaves the facility premises without the facility’s knowledge.
- Injuries resulting from an accident involving the facility sponsored transportation.
- Incidents that result in the resident’s need for hospitalization, need for treatment or result in death.
# Reporting Requirements for Residential Care or Assisted Living Facilities

Did the incident involve a resident-to-resident encounter?

- **Yes** ⇒ Use Resident to Resident Matrix: contact agencies indicated.
- **No** ⇒ Use Non Resident to Resident Matrix: contact agencies indicated.

**NOTE:** More than one (1) incident type may apply to a single incident. Be sure to read each incident type.

## Resident to Resident Incident with Injuries

<table>
<thead>
<tr>
<th>Report To:</th>
<th>Dept. of Health &amp; Welfare Licensing &amp; Certification</th>
<th>Commission on Aging Adult Protection</th>
<th>Local Law Enforcement 9-1-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident-to-resident contact involving sex abuse, death, or serious physical injury that jeopardizes the life, health, or safety of a vulnerable adult (IC 39-5303A).</td>
<td></td>
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</tr>
<tr>
<td>Repeated resident-to-resident physical or verbal altercations NOT resulting in observable physical or mental injury that constitute an ongoing pattern of resident behavior that a facility’s staff are unable to remedy through reasonable efforts (IC 39-5303A).</td>
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</tr>
<tr>
<td>Injuries that include severe bruising on the head, neck, or trunk; fingerprint bruises anywhere on the body; lacerations, sprains, or fractured bones.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Injuries due to resident-to-resident incidents.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Incident Description</td>
<td>Dept. of Health &amp; Welfare Licensing &amp; Certification</td>
<td>Commission on Aging Adult Protection</td>
<td>Local Law Enforcement 9-1-1</td>
</tr>
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<tr>
<td>Abuse or sexual assault that has resulted in death or serious physical injury jeopardizing the life, health, or safety of a resident (IC 39-5303).</td>
<td>![Checkmark]</td>
<td>![Checkmark]</td>
<td>![Checkmark]</td>
</tr>
<tr>
<td>Reported or suspected abuse, neglect, or exploitation of a resident (IC 39-5303)</td>
<td>![Checkmark]</td>
<td>![Checkmark]</td>
<td>![Checkmark]</td>
</tr>
<tr>
<td>Injuries that include severe bruising on the head, neck, or trunk; fingerprint bruises anywhere on the body; lacerations, sprains, or fractured bones.</td>
<td>![Checkmark]</td>
<td>![Checkmark]</td>
<td>![Checkmark]</td>
</tr>
<tr>
<td>Injuries of unknown origin.</td>
<td>![Checkmark]</td>
<td>![Checkmark]</td>
<td>![Checkmark]</td>
</tr>
<tr>
<td>Injuries resulting from accidents involving facility sponsored transportation.</td>
<td>![Checkmark]</td>
<td>![Checkmark]</td>
<td>![Checkmark]</td>
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<tr>
<td>Elopement.</td>
<td>![Checkmark]</td>
<td>![Checkmark]</td>
<td>![Checkmark]</td>
</tr>
<tr>
<td>Incidents that result in the resident’s need for hospitalization, need for treatment, or death.</td>
<td>![Checkmark]</td>
<td>![Checkmark]</td>
<td>![Checkmark]</td>
</tr>
</tbody>
</table>
Injuries of An Unknown Origin

Any injury not witnessed and the resident does not know or cannot explain the cause of the injury.
Definitions of Abuse, Neglect and Exploitation

- **Abuse**: The non-accidental act of sexual, physical or mental mistreatment or injury of a resident through the action or inaction of another individual. IDAPA 16.03.22.010.01

- **Neglect**: Failure to provide food, clothing, shelter or medical care necessary to sustain the life and health of a resident. IDAPA 16.03.22.011.24

- **Exploitation**: The misuse of a resident’s funds, property, resources, identity or person for profit or advantage, for example:
  
  a. Charging a resident for services or supplies not provided; or
  
  b. Charging a resident for services or supplies not disclosed in the written admission agreement between the resident and the facility. IDAPA 16.03.010.30
physical
emotional abuse
financial exploitation
neglect
Allegations of Abuse, Neglect & Exploitation

What to do???

- Protect the resident.
- Immediately report to Adult Protection.
- Report to law enforcement within 4 hours if abuse or sexual assault has resulted in death or serious physical injury.
- Begin internal investigation.
What is an Investigation?

- An investigation is the systematic collection of facts for the purpose of describing and explaining a series of events.
Three Critical Values of an Investigation

- **Speed**
  A. All forms of evidence becomes lost with time
  B. Must begin and continue without any delay

- **Thoroughness**
  A. Collection of all facts that help resolve the investigation
  B. Serves as a safety net to protect residents or change systems

- **Objectivity**
  A. Allows investigation to be completed without putting self-interest ahead of the safety of the residents.
EXERCISE
Who Should Conduct the Investigation?

- Someone with experience and expertise.
- Someone skilled at setting people at ease.
- Someone who has the ability to draw out information in order to gather all the facts.
- Someone who is not biased or prejudiced.
- Someone who is able to put personal feelings and beliefs aside to complete investigation without forming opinions or conclusions based on how they feel or think.

See IDAPA 16.03.22.215 and 350 for administrator’s responsibilities
Conducting an Investigation
PART I

• Write a brief description of the allegation/incident

• Contact Adult Protective Services – date/time

• Contact Police if crime has been committed – date/time

• Put plan in place to protect the resident
PART II – Diagram of Environment, Location of injuries, etc.

• Make diagrams of the room where the incident occurred.

• Take photographs or diagram the injuries and attach them.

• Take photographs of the environment and attach them.

• Is there video footage that will help determine possible witnesses? Write here where this is located and how to access.
Conducting an Investigation – PART III

Use this form to help you to organize the following:

• Make a list of people to interview based on the schedule and allegation. (Residents, caregivers, family, etc.)

• Take time to lay out as many details as possible prior to beginning interviews.

• Review resident care notes to see what was documented that day/time

• Make a list of questions to ask each interviewee.
Interviewing Techniques – PART IV

Suggested Order of interviews:

A. Reporter

B. Eye Witnesses

C. Victim/Resident

D. Any other additional

E. Perpetrator
Interviewing Techniques

PART IV

Things to consider

• Provide a quiet private area with no distractions.
• Do not hurry through process.
• Try to put the interviewee at ease.
• Be respectful and patient.
• Avoid making interpretations, feelings, assumptions or frustrations.
• State clearly the purpose of the interview.
• Always speak with calm voice, avoid sarcasm/anger
• Reassure interviewees that all discussions will be kept confidential (unless it goes to court).
Interviewing the Resident/Victim

- Be respectful, patient and sensitive.
- Speak slowly and clearly.
- Keep questions simple.
- Repeat question if needed.
- Use open ended questions.
- Avoid combining two or more issues.
- Do not put words into the resident’s mouth.
- Look for changes in behavior, mood or daily activities.
- Document diagnoses or any other physical limitations they might have.
Beginning The Questioning
PART IV

• What were you doing at the time of the incident?
• Who were you with?
• Who else did you see at the time?
• What did you hear?
Written Statements - PART V

• Ask each interviewee to write a statement about the incident.

• Be present when they are writing.

• Never edit the statement.

• Ask interviewee to read their statement and make any corrections.

• Have them initial and date any alterations.

• Have them sign and date completed statement.
Assessing Credibility – Part VI

• Make notes immediately after interviewee leaves the room.
• Pay attention to demeanor.
• Look for logic and consistency of story.
• Did statements conflict with other people’s version or written information collected?
• Did the alleged perpetrator make any admissions or deny anything?
• Has the alleged perpetrator said or done anything previously which makes it likely the incident actually occurred.
Making a decision - Part VII

1. Make sure residents are protected and kept safe.
2. Corrective actions must be taken immediately.
3. Is there anything the facility can do differently?
4. Do policies need to be changed?
5. Are there any steps the facility can take to increase likelihood of abuse/neglect is identified.

If you fail to report, protect and investigate you are in violation of IDAPA rules 16.03.22.510, 515, 525 and 550.03.iii
Safeguard the Report

Any and all documentation becomes a part of a thorough investigation. The information must be maintained and safe-guarded by the facility for no less than 3 years. IDAPA 16.93.22.330.02
Questions???