

Misconduct Investigation Protocol

1. Develop a written protocol in advance of any allegation of caregiver misconduct. (See the table below for a sample protocol.)
2. Identify a lead investigator and other supervisory/professional staff who will comprise the investigation team. Document a reporting hierarchy and timeline for team notification.
3. Share the protocol with all staff and ensure that caregivers, residents and family members know to whom they should report a concern.
4. Create an atmosphere that welcomes reporting of concerns.
5. Implement the protocol immediately when any of the following occurs:
 - Receiving a verbal or written statement of a resident, caregiver or anyone with knowledge of an incident
 - Discovery of an incident after it occurs
 - Hearing about an incident from others
 - Observing injuries (physical, emotional or mental) to a resident
 - Observing theft of a resident's property
 - Otherwise becoming aware of an incident
6. Treat all allegations as potential misconduct. Make no decisions until the investigation is complete.

STEPS	PROCEDURES
Step One: Protect the Resident	<ul style="list-style-type: none"> • Supervisor immediately assesses resident’s personal safety and potential of harm to other residents • If a caregiver is named, supervisor immediately removes the accused caregiver from the patient care area • Notify designated managers of the allegation
Step Two: Assess the Effect on the Resident	<ul style="list-style-type: none"> • Nursing supervisor immediately completes a body assessment and documents findings • Lead investigator/nursing supervisor must assess for psychosocial changes and document findings • Provide appropriate medical/psychosocial treatment and support to resident • Contact family members if resident wishes and is able to make his/her own decisions
Step Three: Investigate the Allegation	<ul style="list-style-type: none"> • Contact law enforcement if appropriate • Determine whether accused caregiver may continue working • Collect and protect evidence • Photograph injuries or other pertinent items • Obtain written, signed statements from all witnesses or persons with information • When possible, obtain a detailed account of the incident from the resident, including feelings, pain or discomfort • Obtain a written, signed statement from the accused caregiver • Determine if the resident or legal representative want to involve law enforcement • Document, document, document!
Step Four: Conclude the Investigation	<ul style="list-style-type: none"> • Review all components of the investigation • Determine whether the incident must be reported further

	<ul style="list-style-type: none"> • Submit required reports to other agencies, e.g. Division of Quality Assurance, DHFS; Adult Protective Services, etc. • Inform accused caregiver that a report to another agency has been submitted
<p>Step Five: Follow-Up</p>	<ul style="list-style-type: none"> • Contact the person who reported the incident. (Give no details of the investigation, only that administration is aware of the concern and is investigating) • Reassure the resident and family that the facility has zero tolerance for retaliation • Inform the resident and family if the caregiver will continue to be employed and make sure the resident is comfortable with the caregiver. If not, consider a re-assignment. • Stress to staff, residents, and family members your facility’s commitment to a safe environment for all residents • Examine facility policies and procedures to determine how to prevent caregiver misconduct, improve reporting, support residents, etc. Plan educational workshops, in-services.