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DATE: March 23, 2005 DDES-BQA-05-004
Supersedes BQA 04-028 **only for** Nursing Homes

TO: Nursing Homes NH - 02

FROM: Jan Eakins, Chief
Provider Regulation and Quality Improvement Section

VIA: Cris Ros-Dukler, Director
Bureau of Quality Assurance

**Clarification of Nursing Home Reporting Requirements for Alleged Violations of
Mistreatment, Neglect, and Abuse, Including Injuries of Unknown Source, and
Misappropriation of Resident Property**

Effective Immediately: Center for Medicare and Medicaid Services (CMS) Survey and Certification (S&C) Memo 05-09 at www.cms.hhs.gov/medicaid/survey-cert/sc0509.pdf provides directions and mandatory nursing home requirements regarding alleged violations of mistreatment, neglect, and abuse, including injuries of unknown source, or misappropriation of resident property. BQA memo 05-004 supersedes BQA memo 04-028 for Nursing Homes and can be found in its entirety via http://dhfs.wisconsin.gov/rl_DSL/Publications/BQAnodMems.htm. **Please note** that memo 04-028 remains in effect for the other providers listed on that memo.

To comply with this S & C Memo:

- Nursing homes 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** BQA. Immediately means as soon as possible, but not to exceed 24 hours after discovery of the incident.
- Designated facility staff must complete the [attached form](#) titled “Alleged Nursing Home Resident Mistreatment, Neglect And Abuse Report ” (F62617) for all allegations, and **e-mail it to Caregiver_Intake@dhfs.state.wi.us or fax to 608-243-2020 within 24 hours of discovery of the incident.** This form is available on the website at <http://dhfs.wisconsin.gov/forms/index.htm>.

- Upon completion of the internal investigation, the facility must mail the following:
 - ▶ Completed “[Caregiver Misconduct Incident Report](#)” (F62447),
 - ▶ A copy of the “[Alleged Nursing Home Resident Mistreatment, Neglect And Abuse Report](#)” (F62617),
 - ▶ The incident report and any available documentation, and
 - ▶ The results of the investigation within 5 working days to:

Department of Health & Family Services
Division of Quality Assurance
Office of Caregiver Quality
P. O. Box 2969
Madison, WI 53701-2969

These requirements are based on federal rules and are different from guidance previously provided in [BQA memo 04-028](#), which was based on Wisconsin’s Caregiver Law. If you have any questions, please contact your Regional Field Operations Director.

[Enclosure](#)