

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Pennsylvania

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Survey and Certification Education Program

The State has in effect the following survey and certification periodic educational program for the staff and residents (and their representatives) of nursing facilities in order to present current regulations, procedures, and policies.

Periodically statewide programs on regulations and survey protocols are jointly sponsored by the survey agency (Department of Health, Division of Long Term Care) and the various provider groups (profit, non-profit or county home associations). The survey agency assumes the primary responsibility for presentation of information. The programs are attended by facility administrators, directors of nursing and other staff members.

The survey agency also provides presenters or panel members for local, regional and/or statewide meetings of provider associations and organized groups such as directors of nursing, activity directors, dietary managers, etc.

Speakers are provided from the Division of Long Term Care Headquarters or local Long Term Care Field Offices for meetings of resident/family councils or facility staff to discuss general or specific topics relative to regulations or the survey process.

During annual certification surveys, a member of the survey team meets with the resident councilor a representative group of residents where the purpose of the survey is reviewed and questions are addressed.

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Process for the Investigation of Allegations of Resident Neglect
and Abuse and Misappropriation of Resident Property

The State has in effect the following process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide or a resident in a nursing facility or by another individual used by the facility in providing services to such a resident.

The Division of Nursing Care Facilities has developed separate procedures for the investigation of general complaints and for the investigation of allegations of abuse, neglect and/ or misappropriation of resident's personal property by nurse aides.

Allegations by telephone or correspondence are received at the Division of Nursing Care Facilities Field Office or Headquarters. Allegations received at Headquarters level, including referrals from other agencies or government representatives, are forwarded to the respective field office within 24--48 hours. A cover memo is used by Headquarters when forwarding any allegations.

A standardized intake form is used by both Headquarters and Field Offices for all allegations made by telephone. The Field Office supervisor reviews the correspondence or intake form, determines the priority level of the allegation(s) and initiates the investigation in accordance with established complaint procedures. The complainant is notified by letter that an investigation will be forthcoming.

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A facility is required to report in writing to the Division of Nursing Care Facilities any complaint of abuse whether or not confirmed; to conduct an investigation and submit a written report to the Division through the local Field Office. Facilities are also encouraged to notify their Field Offices by telephone when physical abuse occurs or is alleged. Upon receipt of a telephone call or facility's investigation report, the Field Office supervisor makes a determination as to how to proceed with the investigation based on the nature of the allegation and established priorities.

Allegations of neglect, abuse and/or misappropriation of resident personal property by a nurse aide are investigated in accordance with established procedures. A facility that has a suspected incident of abuse, neglect and/or misappropriation of resident property by a nurse aide, is required to submit a report to the local Nursing Care Facilities Field Office. The report must be on the Division of Nursing Care Facilities specified form. Upon receipt in the Field Office an administrative review of the report is made to ensure that necessary information is available and to determine if an on site visit is necessary.

If upon on site investigation or review of the report filed by the facility it is determined that there is no signed statement from the accused aide, the Field Office will contact the aide by telephone and/or letter for an interview.

The Division of Nursing Care Facilities makes every attempt to meet with the accused nurse aide at the time of the initial investigation. In all cases the nurse aide is provided due process at a formal hearing which the nurse aide may request when he/she responds to an order-to-show cause.

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At interview, a signed statement is obtained. If no interview is conducted, the accused aide may submit written statement if desired. Refusal to interview is documented and report is forwarded with or without statement to the Nurse Aide Registry for action.

Allegations of abuse, neglect or misappropriation of personal property by persons other than a nurse aide are investigated in accordance with established procedures. A substantiated finding of abuse, neglect or misappropriation of resident property against a licensed person is reported to the appropriate state licensing board so the board can take appropriate action. The State Board of Licensing hearing process does afford all required due process rights.

A substantiated allegation of abuse or misappropriation of resident property against an individual who is not a licensed person or a nurse aide on the Pennsylvania Nurse Aide Registry is reported to the local police department. Due process in these cases is provided by the state court system.