

## Wisconsin Association of Homes and Services for the Aging, Inc.

---

204 South Hamilton Street • Madison, WI 53703 • 608-255-7060 • FAX 608-255-7064 • [www.wahsa.org](http://www.wahsa.org)

September 7, 2004

To: WAHSA Member Nursing Facilities

From: John Sauer, Executive Director

Subject: Nursing Facility Reporting and Investigations Related to Injuries of Unknown Source

The WAHSA Health Issues Committee has responded to members' request for additional guidance on nursing facility reporting and investigations related to injuries of unknown source. On June 29, 2004, the Committee's Task Force on Reporting Injuries of Unknown Source held an informative meeting with several representatives of the Department of Health and Family Services' (DHFS) Office of Legal Counsel and Bureau of Quality Assurance (BQA) on the requirements and expectations related to reporting incidents involving caregiver misconduct and injuries of an unknown source.

Subsequent to the Task Force's June meeting, WAHSA, the DHFS Office of Legal Counsel and BQA have worked in partnership to clarify the reporting and related requirements, and have agreed on the contents of the attached September 2, 2004 WAHSA memo. This memo clarifies many important issues including, what is not abuse or neglect; how quickly an incident must be reported to the administrator; investigation of minor injuries; good faith decisions made by facilities not to report an incident to BQA; investigation/reporting requirements related to "expected" injuries; and insights on BQA's expectations and citing policies with respect to caregiver misconduct and facility reporting.

In addition to following the guidance provided in the attached WAHSA memo, facility administrators and their key staff should refer to the Wisconsin Caregiver Program Manual for examples, definitions and other information to guide their decisions with respect to investigating, evaluating and reporting injuries of unknown origin and allegations of caregiver misconduct (See <http://dhfs.wisconsin.gov/caregiver/index.htm>.)

WAHSA extends its gratitude and thanks to members of the WAHSA Task Force on Reporting Injuries of Unknown Source, chaired by Barbara Beardsley, Director of Nursing, Ridgewood Care Center in Racine, for their leadership on this issue. Also, WAHSA's Legal Counsel, Burt Wagner and Meg Pekarske, with Reinhart, Boerner, Van Deuren in Madison, were especially helpful in addressing many

of the legal and regulatory issues involved in the investigation and reporting requirements. And finally, we would be remiss if we did not extend our public thanks to the representatives of DHFS including, BQA’s Michael Steinhauer, Bob Huncosky and Shari Bousse, and Linda Dawson with the Office of Legal Counsel. These state officials worked in partnership with the association to address the myriad of issues surrounding investigation and reporting of injuries of an unknown source, and supported reasonable interpretations of the applicable state and federal standards.

Members of the WAHSA Task Force on Reporting Injuries of Unknown Source include:

<u>Member</u>	<u>Organization</u>
Barb Beardsley, Chair, RN, DON	Ridgewood Care Center, Racine
Karen Boese, RN, DON	Tudor Oaks, Hales Corners
Elizabeth Leahy, CSW	Tudor Oaks, Hales Corners
Barbara Pulfrey, DON	Hillview Health Care Center, La Crosse
Julie L. Jolitz, Administrator	LindenGrove – Waukesha
<b>Legal Counsel:</b>	
Burt Wagner, Attorney	Reinhart, Boerner, Van Deuren, Madison
Meg Pekarske, Attorney	Reinhart, Boerner, Van Deuren, Madison
<b>DHFS Representatives:</b>	
Linda Dawson	Office of Legal Counsel, Madison
Michael Steinhauer	Bureau of Quality Assurance, Madison
Bob Huncosky	Bureau of Quality Assurance, Madison
Shari Bousse	Bureau of Quality Assurance, Madison
<b>Staff:</b>	
John Sauer, Executive Director	WAHSA
Brian Schoeneck, Fin. Ser. Dir.	WAHSA