

Mandatory Reporting for Montana Nursing Facilities

You Can Prevent Elder Abuse

What is Elder Abuse?

Montana law defines abuse as the infliction of physical abuse, mental abuse or the deprivation of food, shelter, clothing or services necessary to maintain the physical or mental health of an older person or a person with a developmental disability without lawful authority.

The federal definition of abuse is the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. **Neglect** is the failure to provide goods or services necessary to avoid physical harm, mental anguish or mental illness.

Report the following in accordance with 42 CFR 483.13 (b) & (c):

- Injury of unknown source
 - Including **Falls** that are unwitnessed and from an unreliable source which results in injuries that are suspicious.
- Misappropriation of resident property (theft)
- Neglect
- **Eloperments**
- Mistreatment
- Verbal, sexual, physical, mental, corporal punishment and involuntary seclusion.
 - Including:
 - **Resident to Resident Abuse**
 - Staff to Resident Abuse
 - Volunteer to Resident Abuse

Resident to Staff abuse is not required to be reported to the Certification Bureau.
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As specified in 42 C.F.R. §§483.13(c)(2) and (4), the following alleged violations and the results of all investigations must be reported to the administrator of the facility, other officials in accordance with state law, and the state certification agency. These alleged violations are defined as follows:

- **Neglect** – Failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness.
- **Abuse** – The willful infliction of injury, unreasonable physical confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish.
- **Injuries of unknown source** – An injury should be classified as an “injury of unknown origin” when both of the following conditions are met:
 - The source of the injury was not observed by any person or the source of the injury could not be explained reliably by the resident; and

- The injury is suspicious because of the extent of the injury of the location of the injury or the number of injuries observed at one particular point in time or the incidence of injuries over time.
- **Misappropriation of resident property** – The deliberate misplacement, exploitation, or wrongful, temporary or use of resident’s belongings or money without the resident’s consent (42 C.F.R. §488.301).

CMS believes that “immediately” means as soon as possible but ought not to exceed **24 hours** after discovery of the incident.

***Note: There is a 2 hour reporting requirement for crimes resulting in serious bodily injury.**

Please provide the following information (report to mtssad@mt.gov or follow the link to the [Initial Report and Results](#)).

1. Your name
2. Name of the facility
3. The date of your report
4. The date of the incident
5. The time of the incident
6. The name of the resident(s),
7. The name of the staff person (if applicable),
8. The name of the victim,
9. The name of the aggressor/perpetrator,
10. The extent of any injuries; and
11. The prevention plan to stop further abuse during investigation.
12. The outcome of your investigation.
13. Your plan to prevent the same sort of incident of abuse/neglect in the future.
14. The action taken against the aggressor. (Staff or resident)
15. The name and date of the person who conducted and completed the investigation.

Investigation results are to be sent to the Certification Bureau within 5 working days of the receipt of the report of abuse.

Contacts for Reporting, Investigating and Preventing Abuse

Certification Bureau 406-444-2099, mtssad@mt.gov
www.dphhs.mt.gov/qad/certification

Certification Abuse Reporting 406-444-4193 or 1-800-762-4618 Fax 406-444-3456,
mtssad@mt.gov www.dphhs.mt.gov/qad/certification

Montana Licensee Lookup <https://app.mt.gov/lookup/>

State LTC Ombudsman 800-332-2272

Medicaid Fraud Control Unit 406-444-3875 or 1-800-376-1115

U.S. Department of Justice 406-657-6101

Inspector General 406-657-6298

Medicare/Medicaid Fraud 1-800-447-8477

Your Local law enforcement office

Montana ID Bureau 406-444-2956

Web Con cor.mt.gov