

Code of Federal Regulations
Centers for Medicare and Medicaid Services

Appendix Q

Guidelines for Determining Immediate Jeopardy –
Seven Components to Abuse Prevention

GUIDELINES FOR DETERMINING IMMEDIATE JEOPARDY

**OVERVIEW
RECOMMENDED KEY COMPONENTS
OF SYSTEMIC APPROACH TO PREVENT ABUSE AND NEGLECT**

Examples--Key Components applied to the following provider types:

KEY COMPONENTS APPLICABLE TO ALL PROVIDERS		NURSING HOMES		ICFs/MR	
		Regulation Authority	Survey Guidance Surveyors determine if:	Regulation Authority	Survey Guidance Surveyors determine if:
1. PREVENT	The facility or system has the capacity to prevent the occurrence of abuse and neglect and reviews specific incidents for "lessons learned" which form a feedback loop for necessary policy changes.	483.13(b) 483.13(c) 483.13(c)(3)	The facility must develop and implement policies and procedures that include the seven key components: screening, training, prevention, identification, investigation, protection and reporting/response; the facility identifies, corrects and intervenes in situations in which abuse or neglect is more likely to occur, and the facility identifies characteristics of physical environment and deployment of staff and residents (e.g., those with aggressive behaviors) likely to precipitate abuse or neglect.	483.420(a)(5) 483.420(d)(1) 483.420(d)(1)(I)	The facility has and implements abuse prevention policies and procedures; and the facility organizes itself in such a manner that individuals are free from threat to their health and safety.

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2. SCREEN	The facility or system provides evidence and maintains efforts to determine if persons hired have records of abuse or neglect.	483.13(c)(1)(ii) (A)&(B)	The facility screens potential employees for a history of abuse, neglect, or mistreating residents as defined by the applicable requirements.	483.420(1)(iii)	The facility screens potential employees to prohibit the employment of individuals with a conviction or prior employment history of child or client abuse, neglect, or mistreatment.
3. IDENTIFY	The facility or system creates and maintains a proactive approach to identify events and occurrences that may constitute or contribute to abuse and neglect.	483.13(c)(2)	The facility identifies events such as suspicious bruising of residents, occurrences, patterns and trends that may constitute abuse; and determine the direction of the investigation.	483.420(a)(5)	The facility identifies patterns or isolated incidents of unexplained functional regression, or other evidence of physical, verbal, sexual or psychological abuse or punishment posing a serious and immediate threat to individuals.

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4. TRAIN	The facility or system, during its orientation program, and through an ongoing training program, provides all employees with information regarding abuse and neglect and related reporting requirements, including prevention, intervention and detection.	483.74(e)	The facility has procedures to train employees, through orientation and on-going sessions, on issues related to abuse prohibition practices.	483.420(d)(1) 483.430(e)(1)	Facility ensures that staff can define what constitutes abuse and punishment and actively promotes respect for individuals; and facility assures that staff have received training, both upon hiring and on an ongoing basis, which results in the competencies needed to do their job.
5. PROTECT	The facility or system must protect individuals from abuse and neglect during investigation of any allegations of abuse or neglect.	483.13(c)(3)	The facility has procedures to protect residents from harm during an investigation.	483.430(d)(3)	The facility prevents further potential abuse while the investigation is in progress.
6. INVESTIGATE	The facility or system ensures, in a timely and thorough manner, objective investigation of all allegations of abuse, neglect, or mistreatment.	483.13(c)(2)(3)&(4)	The facility has procedures to investigate different types of abuse; and identify staff member responsible for the initial reporting of results to the proper authorities.	483.420(d)(3)	The facility investigates all injuries of unknown origin and allegations of mistreatment, neglect, or abuse.

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7. REPORT/ RESPOND	The facility or system must assure that any incidents of substantiated abuse and neglect are reported and analyzed, and the appropriate corrective, remedial or disciplinary action occurs, in accordance with applicable local, State or Federal law.	483.13(c)(1)(iii) 483.13(c)(2) 483.13(c)(4)	The facility has procedures to report all alleged violations and substantiated incidents to the State agency and to all other agencies, as required, and to take all necessary corrective actions, depending on the results of the investigation; report to State nurse aide registry or licensing authorities any knowledge it has of any action by a court of law which would indicate an employee is unfit for service, and analyze the occurrences to determine what changes are needed, if any, to policies and procedures to prevent further occurrences.	483.420(1)(6) 483.420(d)(2) 483.420(d)(4)	The results of all investigations are reported to the administrator or designated representative or to other officials in accordance with State law within 5 working days of the incident and, if the alleged violation is verified, appropriate corrective action is taken.