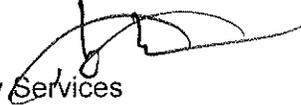


DIVISION OF CHILDREN AND FAMILY SERVICES
Administrative Memo #13-2012

To: Service Area Administrators and Child and Family Services Administrators

From: Chris M. Hanus, Child Welfare Administrator 
Division of Children and Family Services
Department of Health and Human Services

Vicki Maca, Deputy Director 
Division of Children and Family Services
Department of Health and Human Services

Signed by: Thomas D. Pristow, Director 
Division of Children and Family Services
Department of Health and Human Services

Date: June 5, 2012

Re: Training requirements for Administrative Memo issued 3/30/12 by DHHS CEO Kerry T. Winterer titled "Working Cooperatively with other Department Divisions in investigations of abuse and neglect".

Effective: Immediately

Duration: To be completed by June 30, 2012

Contact: Sherri Haber, Administrator, Child and Adult Protective Services, Children and Family Services Policy Section at 402-471-7989 or sherri.haber@nebraska.gov
Suzanne Schied, Program Specialist, Children and Family Services, Policy Section at 402-471-9245 or Suzanne.schied@nebraska.gov

Purpose: The purpose of this memo is to outline training and documentation requirements for the above referenced memo. The 2010-2012 Program Improvement Plan (PIP) requires that the Department develop a process to more consistently and cooperatively work across divisions when multiple division have responsibility to investigate or otherwise respond to situations of reported abuse or neglect. Completion of this training is required to satisfy the quarter eight PIP benchmark, and necessary for completion of the program improvement plan.

Action Required: All CFS Administrators, Supervisors and Specialists must complete staff training and discussion on the contents of CEO Winterer's memo and attached flow charts no later than 6/30/12. Said training and discussion can be provided:

- Individually;
- In supervisory or unit staff meetings; **or**
- Via conference call. Conference calls will be held Thursday 6/14/12 from 10:00am CDT until 11:00am CDT and Tuesday 6/19/12 from 2:00pm CDT until 3:00pm CDT. The call in number for participants is **888-820-1398 Code 5734537#**.

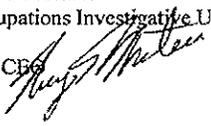
Each Service Area will:

- Submit a roster of participants with the date of training and the training facilitator; and
- Provide a list of staff excused from the training due to absences which will exceed the training period.

Rosters will be submitted to Suzanne Schied at Suzanne.schied@nebraska.gov.

Nebraska Department of Health & Human Services

To: All Children and Family Services Staff
Licensure Unit, Public Health
Professions & Occupations Investigative Unit

From: Kerry T. Winterer, CEO 

Date: March 30, 2012

RE: Working cooperatively with other Department Divisions in investigations of abuse and neglect.

Effective: Immediately

Duration: Until Revised

Purpose: The purpose of this memo is to understand the roles and responsibilities of the Licensure Unit, Professions and Occupations Investigative Unit, and Children and Family Services staff in investigation possible child and/or adult abuse or neglect in licensed and certified facilities, as outlined in the attached document.

Action Required:

While it is recognized that joint investigations into allegations of child or adult abuse or neglect in facilities may not always be practical or possible, it is important that involved entities work together cooperatively. Children and Family Services staff will make efforts to coordinate with other involved Department partners, and will share relevant information to assist in the completion of required assessments and investigations.

At the conclusion of the assessment or investigation, each Division will notify the alleged perpetrator as to the outcome of the assessment or investigation as required by their individual regulations and protocol. Each Division will also provide a letter to the facility director informing him or her of the outcome of the investigation, and any suggested improvement in practice or corrective action plan that may be deemed necessary to prevent a similar situation from occurring in the future. Letters to the facility director will clearly explain that the finding and recommended improvements represent only the opinion of the Division from whom the letter is received. It may be possible that the facility will receive additional findings and recommendations from other divisions who have also participated in the assessment or investigation process, because each Division has unique statutory and regulatory obligations and guidelines.

Administrators of each Division impacted will ensure that the processes identified in the attached documents are reviewed and discussed with current staff no later than June 30, 2012 and that the content and materials are shared with new staff as part of their training.

Investigations in Licensed and Certified Facilities By Entities Having Overlapping Responsibilities

A. Division of Public Health –

1. Licensure Unit

The Nebraska Department of Health and Human Services, Division of Public Health, the Licensure Unit (licensing) has the legal responsibility to license facilities which provide varying levels of health care services. These include:

- a. Child Care Facilities
- b. Health Care Facilities
 - Adult Day Care
 - Acute Care
 - Assisted Living Facility
 - Home Health
 - Hospice Care
 - Hospitals
 - Intermediate Care Facilities for the Mentally Retarded
 - Long-term care (nursing home)
 - Skilled Nursing Facility means a facility where medical care, skilled nursing care, rehabilitation or related services and associated treatment are provided for a period of more than 24 consecutive hours to persons residing at such facility who are ill, injured or disabled.
 - Nursing Facility means a facility where medical care, nursing care, rehabilitation or related services and associated treatment are provided for a period of more than 24 consecutive hours to persons residing at such facility who are ill, injured or disabled.
 - Intermediate Care Facility means a facility where shelter, food and nursing care or related services are provided for a period of more than 24 consecutive hours to persons residing at such facility who are ill, injured or disabled and do not require hospital or skilled nursing facility care.
 - Substance Abuse Treatment Centers

The Division of Public Health, through its Licensure Unit, has the duty to also ensure that these facilities comply with the State's minimum standards for safety and quality of services and that the needs of residents are appropriate for the level of care being provided. Due to the nature of their responsibilities, for such facilities surveyors will be in contact with children and adults who are vulnerable and may be in need of protective services.

The Department of Public Health, Licensure Unit, scope of services includes the following:

- Licensure means: The Department has issued a license to operate a facility in the State of Nebraska to an individual, governmental unit, corporation, partnership, limited liability company, or other form of business operation that is legally responsible for the facility's operation.
- Certification means: The facility is in compliance with the federal requirements ([42 CFR Part 483.1 – 483.335](#)) and is eligible to receive payment under the

Medicare/Medicaid programs. The facility must have a license prior to being certified for Medicaid/Medicare programs.

- The Division of Public Health, Licensure Unit reviews all allegations of resident neglect and abuse, and misappropriation of resident property by nurse aides and medication aides. If there is reason to believe, either through oral or written evidence that an individual used by a facility to provide services to residents could have abused or neglected a resident or misappropriated a resident's property, the State investigates the allegation.
- The State reviews all allegations regardless of their source. Contact the Licensure unit for issues/complaints about Nurse Aides 402-471-0537 and Medication Aides 402-471-4910.

2. Professions and Occupations Investigative Unit

Professions and Occupations Investigative Unit is charged with investigation of licensed, registered or certified health care professionals and professionals in healthcare-related fields; as well as investigations into unlicensed healthcare practice; pre-licensure investigations; and determines compliance with provisions of the Uniform Credentialing Act. Rules and regulations governing professional practice, and the Uniform Controlled Substances Act can be found at <http://www.dhhs.ne.gov/reg/INVEST-P.HTM>.

B. Division of Children and Family Services

1. Child and Adult Protective Services

The Nebraska Adult Protective Services Act mandates the Department of Health Human Services to provide Adult Protective Services. The law requires that Adult Protective Services staff receive and investigate reports of abuse, neglect, or exploitation of adults. If the alleged abuse/neglect incident meets APS statutory guidelines for investigation, regardless of the setting, APS will be responsible for investigating, reaching a finding, and carrying out the work of an APS investigation. Similarly, the Family Policy Act requires investigation and service provision in situations where children are alleged to be victims of abuse or neglect.

The investigation and provision of services to children and adults in facilities include:

- Notifying law enforcement and licensing authorities upon receipt of the referral;
- Making a timely response;
- Interviewing the alleged child or adult victim and others with knowledge about the situation;
- Performing investigative tasks necessary for determining the validity of the report of abuse, neglect, or exploitation of the child or vulnerable adult;
- Determining the safety and risk status of the alleged victim;
- Assessing and providing appropriate intervention and services;
- Notifying appropriate agencies and divisions of the investigative findings; and
- Maintaining confidential records.

C. Cooperative Referral

1. Division of Public Health -- Licensure Unit

- a. Upon receipt of any complaint that alleges abuse, neglect and/or exploitation of a child or vulnerable adult alleged victim, the Division of Public Health, Licensure Unit will immediately make a report to the Adult and Child Abuse and Neglect Hotline at 1-800-652-1999.
 - b. When abuse, neglect or exploitation is not identified in an initial complaint, but is confirmed during the course of a licensing investigation, the licensing staff will report this information to the Adult and Child Abuse and Neglect Hotline.
2. Division of Children and Family Services
- a. Upon receipt of a report that alleges abuse, neglect, or misappropriation of resident's property of a resident of a facility, Adult and Child Abuse and Neglect Hotline staff will enter the information into the Department's Computer Information System so that the Division of Public Health, Licensure Unit can access the report. Hotline staff will indicate whether or not the report is accepted for safety assessment or investigation.
 - b. The Division of Public Health, Licensure and NE Medicaid Units are responsible to access the Division of Children and Family Services Computer Information System to receive reports of abuse, neglect, or exploitation in a licensed facility and/or a Medicaid facility.
 - c. Licensing will inform Child and Family Services staff of the anticipated response to the intake and the priority assigned based on Licensure regulations and protocols.
 - d. While conducting a CPS assessment or an APS investigation, the CFS Specialist staff may become aware of some general complaints regarding the operation of, or the care provided within, the facility, such as poor care or poor conditions, which may be in violation of licensing standards. In these cases, a call will be made to the Licensure Unit Complaint intake line (402) 471-0316 or by Faxing the complaint to (402) 471-1679.
<http://www.hhs.state.ne.us/crl/invest/invest.htm#Ways>

D. Investigations

In the case where both licensure staff and CFS staff have accepted the intake alleging abuse, neglect, or exploitation for an assessment or investigation, staff from each division will make efforts to coordinate their response whenever possible, and to share relevant information to assist in the completion of the investigations.

Relevant information may be found in the following types of documentation:

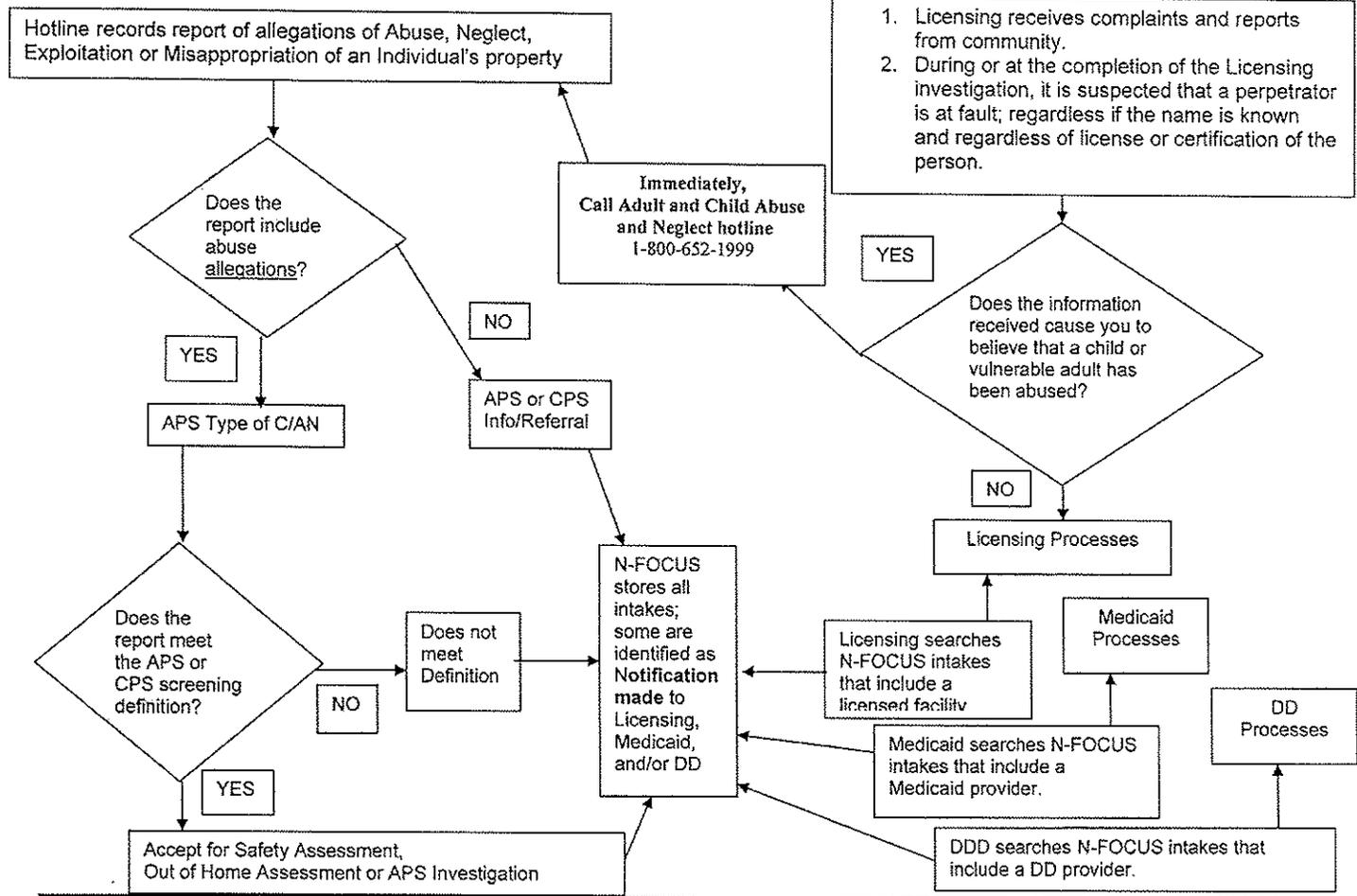
Licensing	Adult and Child Protective Services
Facility internal investigation reports	CPS and APS initial contact narratives
Licensing investigation report	Child and Adult Protective Services Investigation
Nurse Aide and Med Aide Registry	Case Status Determination
	Recommendation to the Organization/Facility

Division staff will share relevant information with staff from other divisions throughout the course of the investigation/assessment as appropriate. Investigative protocols will be followed as required by statute and regulations.

E. Concluding the Investigation/Assessment

At the conclusion of the investigation/assessment, each division will notify the alleged perpetrator as to the outcome of the investigation/assessment as required by their individual regulations and protocol. Each division will also provide a letter to the facility director informing him/her of the outcome of the investigation, and any suggested improvements in practice or corrective action plan that may be deemed necessary to prevent a similar situation from occurring in the future. Letters to the facility director will clearly explain that the finding and recommended improvements represent only the opinion of the division from whom the letter is received. It may be possible that the facility will receive additional findings and recommendations from other divisions who have also participated in the investigation/assessment process, because each division has unique statutory and regulatory obligations and guidelines.

Cooperative Referral between Licensing, Medicaid, and the Division of Developmental Disabilities and Vulnerable Adult and Child Abuse and Neglect Hotline



1. Licensing receives complaints and reports from community.
 2. During or at the completion of the Licensing investigation, it is suspected that a perpetrator is at fault; regardless if the name is known and regardless of license or certification of the person.

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
Facility adult and child abuse/neglect reporting instructions

An Abuse/Neglect Related Reportable Incident

There is reason to suspect or believe
abuse has occurred,
an allegation has been made,
or conditions are present that could
result in abuse/neglect?

- Take steps to protect resident
- Notify Administration

**Immediately report to:
Adult and Child Abuse and Neglect
hotline
1-800-652-1999**

Is there a
reasonable
suspicion of a
crime?

NO

Is there a
serious physical
injury?

NO

Report to
local law
enforcement
within two
hours of
forming suspicion

Report to local law
enforcement within 24 hours
of forming suspicion

Conduct Internal Investigation

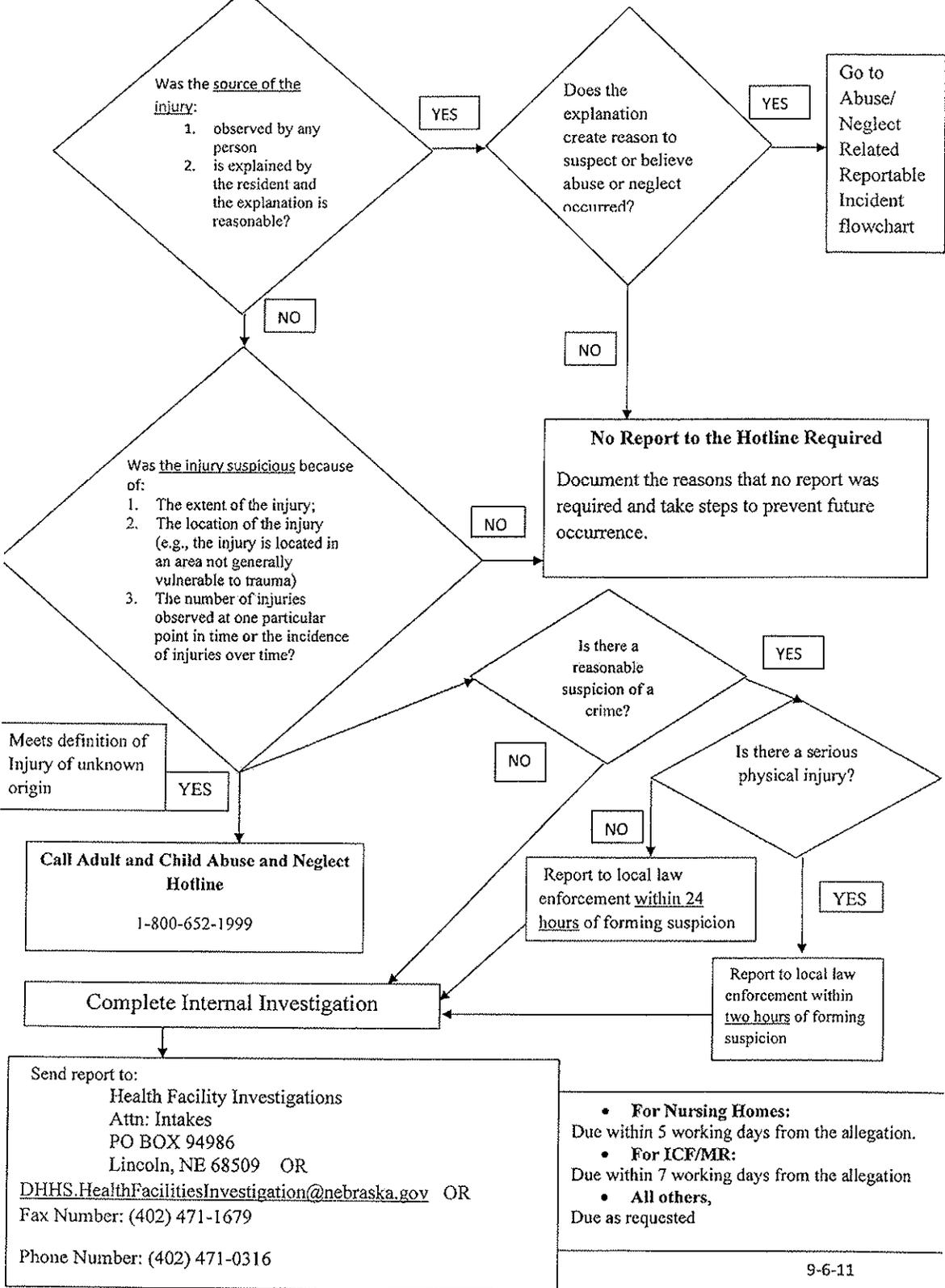
Send report to:
Health Facility Investigations
Attn: Intakes
PO BOX 94986
Lincoln, NE 68509 OR
DHHS.HealthFacilitiesInvestigation@nebraska.gov OR
Fax Number: (402) 471-1679
Phone Number: (402) 471-0316

- **For Nursing Homes:**
Due within 5 working days from the allegation.
- **For ICF/MR:**
Due within 7 working days from the allegation
- **All others,**
Due as requested

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
Facility Adult and Child Abuse/Neglect Reporting Instructions

Individual is injured

- Take steps to protect individual
 - Notify Administration
 - Begin internal investigation



NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
Facility adult and child abuse/neglect reporting instructions

