

This guidance is being provided to assist with self-reporting requirements and does not replace the statutes, state laws, rules, or regulations.

In accordance with LAC Tit. 48.I. §6871.B. Incident and Accident Reports, an ARCP shall report any incidents suspected of involving abuse, neglect, misappropriation of personal property, or injuries of unknown origin to the Louisiana Department of Health (LDH) Health Standards Section (HSS). Providers are to self-report incidents and accidents utilizing the ARCP Self-Report Form (HSS-AC-50). This form should be submitted to LDH/HSS via email to: HSS-ARCP-ADHCSurveyPackets@la.gov.

The initial report of the incident or accident is due within 24 hours of occurrence or discovery of the incident. After submission of the initial report, a final report shall be submitted within five (5) business days regardless of the outcome. **NOTE:** Discovery is when the **first staff member** becomes aware of the incident not when administration becomes aware. It should be noted that a facility's decision to self-report does not eliminate the possibility of an onsite investigation being conducted by LDH in response to allegations and/or relevant information received.

LAC Tit. 48.I. §6803. Definitions and Abbreviations defines the following:

1. Abuse:
 - a. The willful infliction of physical or mental injury, causing deterioration by means including, but not limited to:
 - i. sexual abuse
 - ii. exploitation; or
 - iii. extortion of funds or other things of value to such an extent that the resident's health, moral or emotional well-being is endangered; or
 - b. The willful infliction of injury, unreasonable confinement, intimidation or punishment that results in or that could reasonably be expected to result in physical or mental harm, pain or mental anguish. Lack of awareness or knowledge by the victim of the act that produced or that could have reasonably been expected to produce physical or mental injury or harm shall not be a defense to the charge of abuse.
2. Neglect: the failure to provide the proper or necessary medical care, nutrition, or other care necessary for a resident's well-being.

It is important to remember that use of the words "abuse" or "neglect" are not required to categorize a scenario as a potential allegation or occurrence of abuse/neglect.

NOTE: Incidents involving injuries where a cognitively intact resident is able to explain or describe how he/she received the injury or is able to identify that abuse/neglect was not a factor in the injury are not required to be reported. Although an injury may not be determined by the provider to be reportable to HSS, the ARCP is required to investigate all aspects of injury to a resident. Such situations must be reported to the director, or designated management staff, and thoroughly investigated and documented. The health, safety and welfare of the resident must be ensured.

The examples of reportable incidents provided below are not all inclusive. It is the ARCP's responsibility to determine whether an accident or incident is to be reported to the state agency and other appropriate authorities.

1. Abuse

- Physical
- Sexual
- Verbal
- Mental/Psychological
- Exploitation: taking advantage of a resident for personal gain through the use of manipulation, intimidation, threats, or coercion
- Extortion of funds or other things of value to such an extent that the resident's health, moral or emotional well-being is endangered

2. Neglect: to determine whether an allegation of neglect is reportable, the ARCP must conclude whether an injury, emotional harm, pain, or death of a resident was due to the ARCP's failure to provide goods or services, treatments, or care to a resident.

- Failure to provide adequate supervision
- Failure to intervene/safeguard a resident once a threat is identified
- Failure to provide timely and appropriate care
- Failure to follow the person centered service plan, resulting in harm or injury to the resident
- Elopements
- Suicide/attempted suicide
- Falls – repeated without interventions
- Willful or intentional withholding of medications or treatment
- Accidents/deaths from unnatural causes, such as drowning, choking, falls

3. Misappropriation of personal property regardless of monetary value

- Theft
- Unauthorized purchase with a resident's funds/credit card
- Staff taking monetary assistance from a resident
- Drug diversion

4. Injuries of unknown origin/source: the source of the injury was not observed by any person or the source of the injury could not be explained by the resident **OR** the injury is suspicious because of the extent of the injury or the location of the injury (e.g., the injury is located in an area not generally vulnerable to trauma).

- Injuries that are non-accidental or unexplained
- Fractures, sprains, or dislocations
- Burns, blisters or scalds
- Bite marks, lacerations, scratches - with or without bleeding

- Bruising in unusual locations (head, neck, inner thighs, torso/trunk, or bruises in shapes such as finger imprints)
- Facial injuries (broken or missing teeth, facial fractures, black eyes)
- *Falls with injury that cannot be explained by the resident*

NOTE: Witnessed and unwitnessed falls of a resident, no matter their cognition, should be reported ***if abuse or neglect is involved.***

NOTE: The ARCP shall report to HSS and other appropriate authorities when **an incident:**

- Results in the death of a resident;
- Involves abuse or neglect of a resident; or
- Entails any serious threat to the resident's health, safety or well-being.