

**Indiana State Department of Health  
Health Care Quality and Regulatory Commission**

**Implementation Checklist for Facilities**

**Reporting a Reasonable Suspicion of a Crime against a Resident**

Program Advisory Letter: Attachment C  
 Number: ISDH LTC-2011-01  
 Effective: August 31, 2011  
 Cancels: n/a  
 Reviewed: n/a  
 Revised: n/a

The following checklist is provided by the Indiana State Department of Health (ISDH) to health care facilities to assist facilities in compliance with regulations pertaining to the reporting of a reasonable suspicion of a crime. While the ISDH attempted to compile a comprehensive checklist, facilities should carefully review the Act and Federal guidance to determine all required facility actions. The recommended completion dates were developed by the ISDH as a suggested timeframe for complying with regulations. This checklist is subject to change based on further Federal guidance.

Requirement	Action Items	Date to Be Completed By
Facility determination of applicability	<p><b>Description:</b> The facility must determine whether the facility received at least \$10,000 in Federal funds under the Act during the preceding fiscal year. A facility that received at least \$10,000 must comply with provisions of the Act.</p> <p><b>Action Item:</b> Facilities potentially included within this regulation must have documentation showing that the facility determined the applicability of the Act to the facility.</p>	September 15, 2011
Coordinate with local law enforcement entity	<p><b>Description:</b> The facility must coordinate with the facility's local law enforcement entities to determine reporting process and what actions are considered crimes in their political subdivision.</p> <p><b>Action Items:</b> The facility should contact the local law enforcement entities to discuss the reporting process. The County Sheriff and local police entity (City Police Department or Town Marshal) are two primary local law enforcement entities. Facilities within a county may want to organize a joint meeting with facilities and the law enforcement entities. Goals for meetings with local law enforcement entities include:</p> <p>1. Determine contact information and process for reporting suspicions of crimes.</p>	September 30, 2011

Requirement	Action Items	Date to Be Completed By
	<p>2. Discuss actions that are crimes.</p> <p>3. Discuss training opportunities to increase crime awareness among facility covered individuals.</p>	
Post conspicuous notice	<p><b>Description:</b> The facility must conspicuously post, in an appropriate location, a notice for its employees specifying the employees' rights, including the right to file a complaint under this statute. The notice must include a statement that an employee may file a complaint with the ISDH against a long term care facility that retaliates against an employee as well as include information with respect to the manner of filing such a complaint.</p> <p><b>Action Items:</b> The facility must develop a notice that meets Federal requirements or use the ISDH template. The facility must post the notice in a "conspicuous" and "appropriate location".</p>	September 30, 2011
Notify covered individuals of reporting obligation	<p><b>Description:</b> The facility must annually notify each covered individual of that individual's reporting obligations described in Section 1150(B).</p> <p><b>Action Items:</b> The facility must do the following:</p> <ol style="list-style-type: none"> <li>1. Provide annual notice to each covered individual of that individual's reporting obligations.</li> <li>2. Develop policies and procedures for annual notice of covered individuals to include reporting requirements and process, what constitutes a crime, and prohibitions against retaliation for reporting.</li> <li>3. Develop procedures for training of additional covered individuals who begin providing care or services at the facility during the year.</li> </ol>	October 15, 2011
Covered individuals begin reporting	<p><b>Description:</b> Covered individuals must timely report any reasonable suspicion of a crime against a resident of, or who is receiving care from, a long term care facility.</p> <p><b>Action Items:</b> Once covered individuals have been provided notice and training on reporting requirements, covered individuals must begin reporting reasonable suspicions of a crime against a resident to a local law enforcement entity and the ISDH.</p>	No later than October 31, 2011
Review protocols and procedures	<p><b>Description:</b> The facility should review existing facility protocols and procedures to ensure adherence to existing CMS and State policies and procedures for reporting</p>	October 31, 2011

Requirement	Action Items	Date to Be Completed By
	<p>incidents and complaints.</p> <p><b>Action Items:</b> Develop protocols and procedures for the following:</p> <ol style="list-style-type: none"> <li>1. Review existing facility protocols and procedures for reporting and investigation of abuse, neglect, and misappropriate of resident property.</li> <li>2. Develop facility protocols and procedures for owners, operators, employees, managers, agents, and contractors for compliance with the Act.</li> </ol>	
Develop policies and procedures	<p><b>Description:</b> The facility must develop and maintain policies and procedures that ensure compliance with Section 1150B, including the prohibition of retaliation against any employee who makes a report, causes a lawful report to be made, or takes steps in furtherance of making a lawful report pursuant to the requirements of the statute.</p> <p><b>Action Items:</b> Develop, update, and implement policies and procedures as follows:</p> <ol style="list-style-type: none"> <li>i. A process for annually determining receipt of Federal funds in excess \$10,000</li> <li>ii. A process for providing annual notice to covered individuals</li> <li>iii. Evidence of a plan for training covered individuals</li> <li>iv. Steps that a covered individual must take to make a report to the ISDH and local law enforcement when the covered individual forms a reasonable suspicion of a crime (when to report, what to report, who to report to)</li> <li>v. Steps taken to coordinate with local law enforcement regarding reporting and determination of crimes</li> <li>vi. Information on where the posting of notice to employees regarding employee rights to be free from retaliation for complying with the reporting requirement</li> <li>vii. Prohibition of retaliation against an employee for making a report, causing a report to be made, or for taking steps in furtherance of making a report pursuant to the Act.</li> <li>viii. Employment of an individual who has been determined to be excluded participation in any Federal health care program.</li> </ol>	October 31, 2011