



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

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Governor

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Lt. Governor

MARY E. O'DOWD, M.P.H.
Commissioner

TO: Administrators for Assisted Living Residences, Comprehensive Personal Care Homes, Assisted Living Programs, Long Term Care Facilities, Residential Health Care Facilities attached to another facility type licensed by the Department and Adult and Pediatric Day Health Services Facilities

FROM: Alison Gibson, RN, MA, MPA
Acting Assistant Commissioner
Health Facilities Evaluation & Licensing

DATE: May 30, 2012

SUBJECT: Reportable Events

The Department of Health and Senior Services (Department) licensing standards for health care facilities require that facilities notify the Department's Assessment and Survey Unit of reportable events in accordance with all applicable State and federal regulations.

In our letter, dated May 29, 2009, to the long term care industry, we provided a reference guide that delineated, by facility type, the State and federal regulations for facility reporting of specific events to the Department. Since that time, the Department has received feedback from facilities and the New Jersey Hospital Association, the New Jersey Health Care Association and LeadingAge New Jersey.

Based on this input and changes to regulations, we have attached an updated reference guide to reflect the current reportable event requirements. Please note:

- Facilities are *no longer required* to report resident/participant falls.
- The Department will continue to require facilities to report elopements. For purposes of reporting, an elopement is whenever facility staff is not aware of a resident's whereabouts outside of the building.
- The Department will continue to require facilities to report a resident suicide.

Additionally, although there are telephone numbers which appear in the specific facility-type regulations, the Department should be notified of reportable events only at (609) 633-8991, or at (800) 792-9770 during non-business hours. Written notification of reportable events should be faxed to the Department at (609) 633-9060.

The attached table should be used for reference only. Facilities are responsible for complying with the full text of their applicable State and federal regulations regarding current reportable event requirements.

If you have any questions regarding reportable events, you may contact Susan Kelley, Program Manager, Long Term Care Complaints, at (609) 633-8991.

Attachment

REPORTABLE EVENTS

<p>The facility shall notify the Department of Health immediately by telephone at (609) 633-8991, or (800) 792-9770 after business hours, followed by written confirmation within 72 hours for the following:</p>	Regulation	LTC	AL ALP CPCH	RHC	Adult MDC	Ped MDC	Comments
<p><i>Examples of reportable events in the nature of physical plant and operational interruptions include, but are not limited to, the following:</i></p> <ol style="list-style-type: none"> 1. Loss of heat or air conditioning; 2. Loss or significant reduction of water, electrical power, or any other essential utilities necessary to the operation of the facility; 3. Fires, disasters, or accidents that result in injury or death of patients, residents or employees, or in evacuation of patients or residents from all or part of the facility; <i>(See Comments Section)</i> 4. A labor stoppage or staffing shortage sufficient to require the temporary closure of a service; and 5. Notices of a potential strike that a facility receives from an employee bargaining unit. <i>(See full text of regulation)</i> 	<p>8:43E-10.11(c) 1-5(i,ii,iii)</p>	<p align="center">X</p>	<p align="center">X</p>	<p align="center">X</p>	<p align="center">X</p>	<p align="center">X</p>	<p><u>AMDC:</u> <i>See 8:43F-3.4(a)5 for additional mandatory notification requirements.</i></p>
<p>Unanticipated interruption or cessation of program services for 3 hours or more (excluding closure for inclement weather).</p>	<p>8:43F-3.4(a)1</p>				<p align="center">X</p>		
<p>A health care facility shall immediately report to the appropriate police authorities all criminal acts or potentially criminal acts that occur within a facility and pose a danger to the life or safety of patients or residents, employees, medical staff or members of the public present in the facility.</p>	<p>8:43E-10.11(a)</p>	<p align="center">X</p>	<p align="center">X</p>	<p align="center">X</p>	<p align="center">X</p>	<p align="center">X</p>	
<p><i>Examples of reportable events in the nature of potentially criminal acts include, but are not limited to, the following:</i></p> <ol style="list-style-type: none"> 1. Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed health care provider; 2. Abduction of a patient or resident of any age; 3. Sexual assault on a patient or resident, staff member, or visitor within or on the grounds of a facility; and 4. Death or significant injury of a patient or resident, staff member, or visitor resulting from a physical assault that occurs within or on the grounds of the facility. 	<p>8:43E-10.11(d) 1-4</p>	<p align="center">X</p>	<p align="center">X</p>	<p align="center">X</p>	<p align="center">X</p>	<p align="center">X</p>	
<p>All alleged or suspected crimes committed by or against participants, which shall also be reported at the time of occurrence to the local police department.</p>	<p>8:43F-3.4(a)6</p>				<p align="center">X</p>		
<p>The facility shall notify the State Office of the Ombudsman for the Institutionalized Elderly [OIE] at (800) 792-8820 immediately of any suspected or reported resident abuse, neglect, or exploitation of residents aged 60 or older, pursuant to P.L. 1983 c. 43, N.J.S.A. 52:27G-7.1, and shall notify the Department immediately by telephone with respect to residents under the age of 60.</p> <p>LTC: Federal reporting requirement [42C.F.R. 483.13(c)(2)&(4)]. <i>See Comments Section.</i></p> <p>LTC: See Federal regulations 483.13(b) [F223] and 483.13(c) [F224] for pertinent definitions.</p>	<p>8:39-9.4(f)</p>	<p align="center">X</p>					<p><i>Per Federal S&C-05-09 letter, dated 12/16/04, nursing homes must immediately report mistreatment, neglect, abuse, injuries of unknown source and misappropriation of resident property to the State survey & certification (S&C) agency. Nursing homes must also report the results of their investigation of these violations to the State S&C agency.</i></p>

The facility shall notify the Department of Health immediately by telephone at (609) 633-8991, or (800) 792-9770 after business hours, followed by written confirmation within 72 hours for the following:	Regulation	LTC	AL ALP CPCH	RHC	Adult MDC	Ped MDC	Comments
Any suspected cases of resident abuse or exploitation, which have been reported to the State of New Jersey OIE.	8:36- 5.10(a)3		X				
All suspected cases of resident abuse or exploitation that have been reported to the State of NJ OIE and/or to the county welfare agencies.	8:43- 4.9(a)3			X			
Notification of any suspected case of participant abuse or exploitation that occurs during the participant's participation in adult day health services to OIE, pursuant to N.J.S.A. 52:27G-7.1 et seq., if the participant is 60 years of age or older, and if less than 60 years of age, to the Assessment & Survey Unit in the Division of Health Facilities Evaluation and Licensing of the Department.	8:43F- 3.3(d)8(i)				X		
Notification of any suspected case of participant abuse or exploitation that occurs outside of the participant's participation in adult day health services that is discovered by the facility staff to Adult Protective Services, pursuant to N.J.S.A. 52:27D-46 et seq., if the participant is 60 years of age or older.	8:43F- 3.3(d)8(ii)				X		
Notification of any suspected case of abuse or exploitation of a participant who is 16 or 17 years of age to the NJ Department of Children and Families, Division of Youth and Family Services.	8:43F- 3.3(d)8(iii)				X		
The notification of any suspected case of child abuse or exploitation to the NJ Department of Children and Families, Division of Youth and Family Services.	8:43J- 3.4(e)17(i)					X	
Termination of employment of the Administrator or the Director of Nursing, and the name and qualifications of the proposed replacement.	8:39- 9.4(e)	X					
Termination of employment of the Administrator, and the name and qualifications of his or her replacement.	8:36- 5.10(a)1 8:43- 4.9(a)1		X	X			
Termination of employment of the Administrator and the Director of Nursing and the name and qualifications of the Administrator's or Director of Nursing's replacement. <i>(See full text of regulations for additional mandatory notification requirements.)</i>	8:43F- 3.4(a)2&3 8:43J- 3.6(a)1 (i,ii) and 3.6(a)2 (i,ii)				X	X	
A health facility shall report incidents of infectious and communicable diseases to the Department pursuant to N.J.A.C. 8:57.	8:43E- 10.11(e)	X	X	X	X	X	
The facility shall have a system for investigating, evaluating, and reporting the occurrence of all reportable infections and diseases as specified in Chapter II of the State Sanitary Code (N.J.A.C. 8:57-1).	8:39- 19.4(f)	X					

The facility shall notify the Department of Health immediately by telephone at (609) 633-8991, or (800) 792-9770 after business hours, followed by written confirmation within 72 hours for the following:	Regulation	LTC	AL ALP CPCH	RHC	Adult MDC	Ped MDC	Comments
In accordance with Chapter II, NJ State Sanitary Code, Communicable Diseases, N.J.A.C. 8:57, a system for investigating, reporting, and evaluating the occurrence of all infections or diseases which are reportable or conditions which may be related to activities and procedures of the facility, and maintaining records for all residents [participants in Adult MDC, children in Pediatric MDC] or personnel having these infections, diseases, or conditions.	8:36-18.3(a)1 8:43-16.3(a)1 8:43F-16.2(i)1 8:43J-15.3(b)1		X	X	X	X	
Occurrence of epidemic disease in the facility.	8:43F-3.4(a)4				X		
A facility shall notify the Department immediately in writing at such time as it becomes financially insolvent and upon the filing of a voluntary or involuntary petition for bankruptcy under Title 11 of the United States Code.	8:39-9.4(d)	X					
Any elopements.	8:36-5.10(a)2		X				
The facility shall notify the Department of the admission of any resident under 18 years of age.	8:39-9.4(g)	X					
All residents who are missing for 24 hours.	8:43-4.9(a)2			X			

ADDITIONAL INFORMATION:

- Facilities are *no longer required* to report resident/participant falls.
- The Department will continue to require facilities to report elopements. For purposes of reporting, an elopement is whenever facility staff is not aware of a resident's whereabouts outside of the building.
- The Department will continue to require facilities to report a resident suicide.

Tom Dorner

Subject: FW: FW: Reportable events

From: Alison.Gibson@doh.state.nj.us [mailto:Alison.Gibson@doh.state.nj.us]

Sent: Friday, May 25, 2012 2:47 PM

To: Michele Kent; Paul Langevin Jr.; Theresa Edelstein

Subject: Re: FW: Reportable events

Hello, all. This has been a frequent query.

A fall does not have to be reported, even if it results in an injury. However, if a fall occurs as a result of suspected abuse or mistreatment, then it is reportable under 483.13(c)2, and 4 and State 8:39-9.4(f).

Let me know if anything else comes up.

Alison

Alison Gibson

Acting Assistant Commissioner

Division of Health Facilities Evaluation & Licensing

New Jersey State Department of Health and Senior Services

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