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Attachment 4.40-B  
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OMB No.:

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: INDIANA

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Process for the Investigation of Allegations of Resident Neglect  
and Abuse and Misappropriation of Resident Property

The State has in effect the following process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide or a resident in a nursing facility or by another individual used by the facility in providing services to such a resident.

Investigation of Complaints

All investigations for complaints will be completed according to guidelines.

Complaints will be surveyed within two (2) days of receipt.

The supervisor assigns a complaint to the surveyor to be conducted within the time frame.

The surveyor does not announce the complaint survey.

The surveyor explains to facility administration the general nature of the complaint and avoids the impression that a predetermination has been made as to the validity of the allegation.

The surveyor does not divulge nor confirm complainant's identity.

A partial survey, to include a quick tour of the facility prior to focusing on the specific regulatory requirements related to the allegation is conducted.

Appropriate samples of residents, rooms, records, services, etc.... are reviewed.

Supervisor will advise the surveyor or team of unusual specific information to obtain, copies to make, and items to review within the facility.

During an investigation of a complaint, the surveyor may suspect or learn of information which may suggest that a much more serious or life threatening condition exists. The surveyor immediately notifies the supervisor by telephone of the concern and receives any special instructions which may ensue. If necessary, the special instructions may include a full survey.

When the surveyor is investigating a complaint, special assistance may be needed in the investigation. The assistance may be special investigation instructions, repeat visits, and/or manpower from the Office of Legal Affairs (OLA) Special Investigator, Attorney General, Adult Protective Services (APS) or Medical Director. The coordination of surveyors with additional personnel and scheduling of related meetings will be accomplished by the supervisor.

A form is used to document observations made, conditions observed, and investigative procedures followed. Additional findings are also summarized.

An exit conference is conducted to discuss with the facility representative the cited deficiencies. During the exit the confidentiality of the complainant and individuals contained within the complaint are maintained.

Findings which identify serious neglect or abuse of a resident, which were not previously referred to Office of Legal Affairs will be referred for further investigation and/or for a recommendation of a citation. The Office of Legal Affairs Investigator will investigate further upon the discretion of The Director, Office of Legal Affairs.

Findings which identify substantial non-compliance may result in remedial action. If no findings are cited, there is no action

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