

CMS Guidance on Reporting Requirements Found at 42 CFR 483.12 (December 2016)

The following chart may assist in differentiating the reporting requirements:

	42 CFR 483.12(b)(5) (Phase 2 Implementation)	42 CFR 483.12(c) (Phase 1 Implementation)
What	Any reasonable suspicion of a crime against a resident	1) All alleged violations of abuse, neglect, exploitation or mistreatment, including injuries of unknown source and misappropriation of resident property 2) The results of all investigations of alleged violations
Who is required to report	Any covered individual, including the owner, operator, employee, manager, agent or contractor of the facility	The facility
To whom	State Survey Agency (SA) and one or more law enforcement entities for the political subdivision in which the facility is located (i.e., police, sheriffs, detectives, public safety officers; corrections personnel; prosecutors; medical examiners; investigators; and coroners)	The facility administrator and to other officials in accordance with State law, including to the SA and the adult protective services where state law provides for jurisdiction in long-term care facilities
When	Serious bodily injury- Immediately but not later than 2 hours* after forming the suspicion No serious bodily injury- not later than 24* hours	All alleged violations-Immediately but not later than 1) 2 hours- if the alleged violation involves abuse <u>or</u> results in serious bodily injury 2) 24 hours- if the alleged violation does not involve abuse <u>and</u> does not result in serious bodily injury. The results of all investigations are reported within 5 working days of the incident.

In addition, the following information was provided in the Preamble to the Final Rule:

We [CMS] generally agree and have revised § 483.12(c)(1) to require that all allegations of abuse be reported immediately, but not later than 2 hours after allegation is made, and allegations of neglect or exploitation to be reported to the administrator of the facility immediately, but not later than 2 hours after forming the suspicion, if the events that cause the suspicion result in serious bodily injury, or not later than 24 hours if the events that cause the suspicion do not result in serious bodily injury. We note that all allegations of abuse, with or without injury, fall into the immediate reporting category, as we believe it is imprudent to allow delay reporting of any abuse. Furthermore, we note that the 2-hour and 24-hour time frames represent maximums and we would expect that most reports would occur more quickly. In all cases, we would expect prompt action to protect individuals and address concerns, and delays in reporting, even within the allowable time frames, must be reasonable and not be related to attempts to obscure events or evade responsibility.

In addition, further guidance will be provided in the revised Appendix PP of the State Operations Manual (Guidance to Surveyors for Long Term Care Facilities); this will be available in advance of the implementation of Phase 2.