

Misconduct Investigation Process

- ☐ Develop a written protocol in advance of any allegation of misconduct. Ensure that all staff understands what constitutes “misconduct.”¹ Define the reporting timelines and the mechanisms required for reporting.
- ☐ Identify a lead investigator and other supervisory/professional staff who will comprise the investigation team. Document a reporting hierarchy and timeline for team notification. Administrators must be notified immediately.
- ☐ Share the protocol with all staff and ensure that caregivers, clients and family members know to whom they should report a concern.
- ☐ Create an atmosphere that welcomes reporting of concerns.
- ☐ Implement the protocol immediately when any of the following occurs:
 - Receiving a verbal or written statement of a client, caregiver or anyone with knowledge of an incident
 - Discovery of an incident
 - Hearing about an incident from others
 - Observing injuries (physical, emotional or mental) to a client
 - Observing theft of a client’s property
 - Otherwise becoming aware of an incident
- ☐ Treat all allegations as potential misconduct. Make no decisions until the investigation is complete.

¹ “Misconduct” means mistreatment, abuse or neglect of a client; misappropriation of a client’s property; or client injuries of unknown source.

Sample Protocol

STEPS	PROCEDURES
Step One: Protect/Assess the Effect on the Client	<ul style="list-style-type: none">• Supervisor immediately assesses client's personal safety and potential of harm to other clients• If an alleged perpetrator is named, supervisor immediately removes the person from the patient care area• Nursing supervisor immediately completes a body assessment and documents findings• Lead investigator/nursing supervisor must assess for psychosocial changes and document findings• Provide appropriate medical/psychosocial treatment and support to client• Contact family members if client wishes and is able to make his/her own decisions
Step Two: Report the Incident	<ul style="list-style-type: none">• Report alleged violations within the deadlines specified for your entity type (nursing home or non-nursing home)• Nursing homes must report reasonable suspicion of a crime to law enforcement per federal regulations. Non-nursing home entities are strongly encouraged to report to law enforcement but not required.

Step Three: Investigate the Allegation	<ul style="list-style-type: none">• Determine whether an accused caregiver or another alleged perpetrator may continue to have contact with clients• Collect and protect evidence• Photograph injuries or other pertinent items• Obtain written, signed statements from all witnesses or persons with information• When possible, obtain a detailed account of the incident from the client, including feelings, pain or discomfort• Obtain a written, signed statement if the accused is a caregiver• Document, document, document!
Step Four: Conclude the Investigation	<ul style="list-style-type: none">• Review all components of the investigation• Determine whether the incident must be reported further• Submit investigation results to DQA within deadlines specified for your entity type (nursing home or non-nursing home)• Inform accused caregiver that a report to another agency has been submitted
Step Five: Follow-Up	<ul style="list-style-type: none">• Contact the person who reported the incident. (Give no details of the investigation, only that administration is aware of the concern and is investigating)• Reassure the client and family that the entity has zero tolerance for retaliation• Inform the client and family if the caregiver will continue to be employed and make sure the client is comfortable with the caregiver. If not, consider a re-assignment.• Stress to staff, clients, and family members your entity's commitment to a safe environment for all clients• Examine entity policies and procedures to determine how to prevent misconduct, improve reporting, support clients, etc. Plan educational workshops, in-services.