

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: VERMONT

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.

The Survey and Certification Agency maintains the following process for investigation of allegations of neglect, abuse, or exploitation of nursing facility residents. Under Vermont law, such allegations must be investigated within 72 hours of receipt of the report.

1. An incident report, including the following information is completed, logged, and assigned a number:
 - * facility data
 - * information related to the complainant if he/the is willing to reveal it
 - * name, position, and shift of alleged perpetrator
 - * name, room number or location of alleged victim
 - * names, addresses of any witnesses or others who may have direct knowledge of the incident
 - * summary of incident
2. Case is assigned to surveyor for investigation including:
 - * visit to the facility where the alleged incident occurred unless convincing evidence exists without such a visit
 - * interview of the involved resident if possible
 - * review of all pertinent records
 - * interviews of involved staff or witnesses
3. If a finding of abuse, neglect, or exploitation is made, the perpetrator is notified by certified mail and advised of his/her right to appeal the finding to the Human Services Board.
4. Any finding of abuse, neglect, or exploitation against a nurse aid is documented in the Nurse Assistant Registry within 10 days of the finding, and remains there permanently unless the finding was made in error, or the individual is found not guilty in a court of law. Additionally, the nurse aid is advised that he/she has a right to enter a statement into the Registry disputing the finding.

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