

COURT QUESTIONS

The Central Complaint Registry (CCR) has multiple functions, one of which is to receive allegations of nursing homes that are not in compliance with state and federal requirements. The registry is guided by multiple laws, policies, procedures and guidelines. One of these involves a number of questions which must be asked of the individual who is registering the complaint. P & A v. Lumpkin 90 CO 318 requires that hotline staff ask the following of complainants:

1. Existence of other witnesses and how to contact them
2. If employees / witnesses exist, a physical description of them
3. What other witnesses might know about the allegations

A specific list of questions was developed in 1993 to address these issues. Because there have been several state and federal regulatory and program changes, and in an effort to establish consistency, additional questions have been added to the original 1993 list, and the revised list is as follows: (Court Ordered Questions.

1. What are you calling to report?
2. When did the incident, problem occur?
3. When did you become aware of the incident / problem?
4. What did you personally see with regard to the problem?
5. What were you told with regard to the problem, and who did you talk to?
6. Has the resident had any similar problems/injuries during the last 3 months?
7. Do you know if any other residents have had the same problem or similar injury in the last 3 months? (if yes, how do you know, how many residents involved, who, when, where, etc.)
8. What is the resident's physical condition?)is he confined to bed or wheelchair, can he communicate, etc.)
9. Have you observed any differences in the resident's condition or behavior since this problem, incident occurred? (If yes, what, when, where, etc.)
10. Was any medical attention given to the resident as a result of this problem, incident? (if so, what, when, where, etc.)
11. What did the facility do after this injury or problem happened?

If there is an allegation of injury, harm or deterioration involving a resident, the following questions must be asked in order to determine if an allegation of "NEGLECT" is warranted. These questions will further define whether or not an allegation of neglect should be added to the complaint.

1. Please specifically describe the injury or the deterioration of the resident's condition.
2. What did the facility fail to do that caused the injury or permitted it to continue or be repeated more than once?
3. Is the injury or deterioration continuing, or has it happened more than one time?
4. What is the nature of the medical treatment the resident received?
5. Was the change in the resident's health due to the facility's failure and how long has this been happening?

6. What specific change in the residents behavior has occurred and how long has this been happening?

If the information obtained as a result of these questions indicates that the criteria for adding neglect to an allegation is met, then code number for a "NEGLECT" allegation (104) should be added to the complaint.