



## Long Term Care Reportable Incidents - Regulatory Requirements Overview

State and Federal regulations help protect vulnerable adults from abuse, neglect, misappropriation and other reportable incidents. Facility personnel are responsible to know what is considered a reportable incident, the agencies they are required to report the incidents, and the timeframes in which the incidents are to be reported. Below is a regulatory overview for nursing facilities/skilled nursing facilities.

**NOTE:** When a facility is reporting the below incidents, they must consider the potential for abuse, neglect and/or misappropriation and report accordingly. If abuse, neglect or misappropriation is suspected, the incident would also need to be reported to Adult Protective Services (APS) according to the regulations at Title 43A.

The regulations marked with a solid black box below must be reported, those marked with a dotted box should be reviewed closely to determine the need to report to APS.

If you have questions related to what is reportable, who to report the incidents and/or the timeframes to report, please contact Long Term Care Service at 405.426.8200 or [LTC@health.ok.gov](mailto:LTC@health.ok.gov). (**NOTE:** Questions submitted to Long Term Care does not preclude the regulatory requirement to report an incident in the required timeframes.)

### Chapter 675

Title 310, Chapter 675, Subchapter 7, Section 5.1 - Reports to State and Federal Agencies  
(The information below has been edited, see full text at <https://rules.ok.gov/code> )

#### **310:675-7-5.1. Reports to state and federal agencies** (Content edited for quick reference.)

(a) **Timeline for reporting.** All reports to the Department shall be made within twenty-four (24) hours of the reportable incident unless otherwise noted. A follow-up report of the incident shall be submitted to the Department within five (5) Department business days after the incident. The final report shall be filed with the Department within ten (10) Department business days after the incident.

(b) Reporting abuse, neglect or misappropriation. The facility shall report to the Department allegations and incidents of resident abuse, neglect or misappropriation of residents' property [63 O.S. §1-1939(A)(1)(e)]. This requirement does not supersede reporting requirements in Title 43A of the Oklahoma Statutes (relating to the Protective Services for the Elderly and for Incapacitated Adults Act).

**NOTE: MUST BE REPORTED to APS** and potentially other agencies – See ODH Form 283 for details.

**(c) Reporting to licensing boards.** The facility shall also report allegations and incidents of resident abuse, neglect, or misappropriation of residents' property by licensed personnel to the appropriate licensing board.

**NOTE: MUST BE REPORTED to APS** and potentially other agencies – See ODH Form 283 for details.

**(d) Reporting communicable diseases.** The facility shall report *communicable diseases* [63 O.S. §1-1939(A)(1)(a)] and injuries as specified by the Department in OAC 310:515 (relating to communicable disease and injury reporting).

**(e) Reporting certain deaths.** The facility shall report deaths by unusual occurrence, such as accidental deaths or deaths other than by natural causes, and deaths that may be attributed to a medical device, [63 O.S. §1-1939(A)(1)(b)] according to applicable state and federal laws. The facility shall also report such deaths to the Department.

**NOTE:** In some instances, it would be reported to APS – example: if abuse or neglect was suspected.

**(f) Reporting missing residents.** The facility shall report *missing residents* to the Department after a search of the facility and facility grounds and a determination by the facility that the resident is missing. *In addition, the facility shall make a report to local law enforcement agencies within two (2) hours if the resident is still missing* [63 O.S. §1-1939(A)(1)(c)].

**NOTE:** In some instances, it would be reported to APS – example: if neglect was suspected.

**(g) Reporting criminal acts.** The facility shall report *situations arising where a criminal intent is suspected. Such situations shall also be reported to local law enforcement* [63 O.S. §1-1939(A)(1)(d)]. Where physical harm has occurred to a resident as a result of a suspected criminal act, a report shall immediately be made to the municipal police department or to the sheriff's office in the county in which the harm occurred. A facility that is not clear whether the incident should be reported to local law enforcement should consult with local law enforcement.

**NOTE:** In most instances, it would be reported to APS.

**(h) Reporting utility failures.** The facility shall report to the Department utility failures of more than eight (8) hours.

(i) Reporting certain injuries. The facility shall report to the Department incidents that result in: fractures, injury requiring treatment at a hospital, a physician's diagnosis of closed head injury or concussion, or head injuries that require more than first aid.

NOTE: In some instances, it would be reported to APS – example: if the injuries were the result of suspected abuse.

(j) **Reporting storm damage.** The facility shall report to the Department storm damage resulting in relocation of a resident from a currently assigned room.

(k) **Reporting fires.** The facility shall report to the Department all accidental fires and fires not planned or supervised by facility staff occurring on the licensed real estate.

(l) **Reports made following local emergency response.** In lieu of making incident reports during an emergency response to a natural or man-made disaster, the facility may coordinate its communications, status reports and assistance requests through the local emergency response coordinator, and file a final report with the Department within ten (10) days after conclusion of the emergency response.

(m) **Reporting nurse aides.** The facility shall report to the Department allegations and incidents of abuse, neglect, or misappropriation of resident property by a nurse aide by submitting a completed Nurse Aide Abuse, Neglect, Misappropriation of Resident Property Form (ODH Form 718).

**NOTE: MUST BE REPORTED to APS** and potentially other agencies – See ODH Form 283 for details.

(o) **Form for incident reports to the Department.** Facilities shall use the Incident Report Form, ODH Form 283, to report incidents required to be reported to the Department under OAC 310:675-7-5.1. (See regulation for details to be included on the report.)

## CMS State Operation Manuel

### Appendix PP

#### Federal Regulations Related to Reporting Abuse or Neglect

Per federal regulations, allegations that result in serious bodily injury must be reported within two (2) hours after the allegation is made. This timeframe is more stringent than the state requirement and must be met (see details below).

[https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap\\_pp\\_guidelines\\_ltcf.pdf](https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_pp_guidelines_ltcf.pdf)

#### F609

§483.12(c) In response to allegations of abuse, neglect, exploitation, or mistreatment, the facility must:

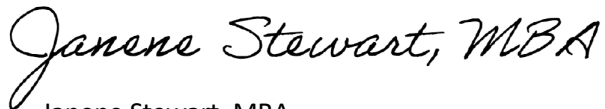
§483.12(c)(1) Ensure that all alleged violations involving abuse, neglect, exploitation or mistreatment, including injuries of unknown source and misappropriation of resident property, are reported immediately, but not later than 2 hours after the allegation is made, if the events that cause the allegation involve abuse or result in serious bodily injury, or not later than 24 hours if the events that cause the allegation do not involve abuse and do not result in serious bodily injury, to the administrator of the facility and to other officials (including to the State Survey Agency and adult protective services where state law provides for jurisdiction in long-term care facilities) in accordance with State law through established procedures.

§483.12(c)(4) Report the results of all investigations to the administrator or his or her designated representative and to other officials in accordance with State law, including to the State Survey Agency, within 5 working days of the incident, and if the alleged violation is verified appropriate corrective action must be taken.

**NOTE:** Reports of abuse, neglect and misappropriation are taken seriously and investigated fully by multiple state and local agencies. It is important to understand the regulations related to abuse, neglect and misappropriation, and to follow all processes related to reporting, investigating and follow up.

If you have questions, please contact:

Long Term Care Service  
405.426.8200  
[LTC@health.ok.gov](mailto:LTC@health.ok.gov)



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