

**§483.95(b) Resident's rights and facility responsibilities.**

**A facility must ensure that staff members are educated on the rights of the resident and the responsibilities of a facility to properly care for its residents as set forth at §483.10, respectively.**

**INTENT**

To ensure all facility staff understand and foster the rights of every nursing home resident. For the purposes of this training requirement, staff includes all facility staff, (direct and indirect care functions), contracted staff, and volunteers (training topics as appropriate to role).

**GUIDANCE §483.95(b)**

Facilities must develop and implement an ongoing education program on all resident rights and facility responsibilities for caring of residents as outlined in §483.10.

The education program should support current scope and standards of practice through curricula which incorporate learning objectives, performance standards, and evaluation criteria. Staff performance assessments should evaluate the ability to integrate knowledge and skills specific to the requirements at §483.10.

There should be a process in place to validate that training was completed, whether in a group setting or on an individual basis.

If concerns with staff knowledge and understanding of resident rights and facility responsibilities are identified by the survey team, the following probes should be utilized in interview, observation and record review to help determine compliance with F942:

- Interview staff to determine if they've received training regarding the rights of residents and facility responsibilities.
- Observe staff interactions with residents.
- Review training documentation provided by the facility related to resident rights and facility responsibilities.
- Interview staff from various departments and disciplines about their knowledge of resident rights and facility responsibilities.

**F943**

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**§483.95(c) Abuse, neglect, and exploitation.**

**In addition to the freedom from abuse, neglect, and exploitation requirements in § 483.12, facilities must also provide training to their staff that at a minimum educates staff on—**

**§483.95(c)(1) Activities that constitute abuse, neglect, exploitation, and misappropriation of resident property as set forth at § 483.12.**

**§483.95(c)(2) Procedures for reporting incidents of abuse, neglect, exploitation, or the misappropriation of resident property.**

**§483.95(c)(3) Dementia management and resident abuse prevention.**

**DEFINITION §483.95(c)**

Staff includes for the purposes of the training guidance, all facility staff, (direct and indirect care and auxiliary functions) contractors, and volunteers.

**GUIDANCE §483.95(c)**

All facilities must develop, implement and permanently maintain an effective training program for all staff, which includes, at a minimum, training on abuse, neglect, exploitation, misappropriation of resident property, and dementia management, that is appropriate and effective, as determined by staff need and the facility assessment (as specified at §483.71).

Changes to the facility's resident population, staff turnover, the facility's physical environment, and modifications to the facility assessment may necessitate ongoing revisions to the facility's training program.

There are a variety of methods that could be used to provide training. For example, staff training may be facilitated through any combination of in-person instruction, webinars and/or supervised practical training hours.

Supervised practical training means training in a setting in which instruction and oversight are provided by a person who has relevant education and/or experience specific to the subject of the training being provided.

All training should support current scope and standards of practice through curricula which detail learning objectives, performance standards and evaluation criteria, and addresses potential risks to residents, staff and volunteers if procedures are not followed. There should be a process in place to track staff participation in the required trainings.

The facility must provide staff orientation and training on the prohibition of all forms of abuse, neglect, and exploitation prohibition. The training must address forms of abuse, neglect, misappropriation of resident property, exploitation and dementia management. Such training would include, but is not limited to:

- Identifying how person-centered thinking, planning, and practice skills contribute to a facility culture of prevention and identification of abuse, neglect, and exploitation
- Identifying and preventing behavior constituting abuse (including injuries from an unknown source), neglect, exploitation, and misappropriation of resident

- property;
- Identifying physical or psychosocial indicators of abuse (including injuries from an unknown source), neglect, exploitation, and misappropriation of resident property from situations which include, but are not limited to:
    - Verbal, mental, sexual or physical abuse;
    - Taking or using photographs or recordings of residents in a demeaning or humiliating manner and sharing them in any manner, including through the use of technology or social media;
    - Theft of a resident's personal belongings;
    - Involuntary seclusion of a resident;
    - Exploitation of a resident; and
    - Neglect of a resident as demonstrated by a pattern of willfully failing to provide care to a resident(s).
  
  - Facility procedures and Federal and State requirements for reporting abuse, neglect, exploitation, and misappropriation of resident property, including injuries of unknown sources, timeframes for reporting, and to whom staff and others must report their knowledge related to any alleged violation without fear of retaliation;
  - Reporting reasonable suspicion of a crime against a resident;
  - Educating staff on factors related to dementia care and abuse prevention, such as understanding that expressions or indications of distress of residents with dementia are often attempts to communicate an unmet need, discomfort or thoughts that they can no longer articulate with words. However, they may be perceived as challenging behaviors to staff and could increase the risk of resident abuse and neglect. Expressions or indications of distress can include, but are not limited to:
    - Aggressiveness;
    - Wandering or elopement;
    - Agitation;
    - Yelling out; or
    - Delusions.
  
  - Conflict resolution and anger management skills, including resolving conflicts between staff and residents, visitor and resident, and resident-to-resident conflicts; and
  
  - Identifying and addressing factors that may precipitate abuse/neglect/exploitation, including, but not limited to:
    - Signs of staff burnout, frustration, and stress;
    - Staff prejudices to age, culture, race, religion, and sexual orientation;
    - Gender differences; and
    - Negative attitudes toward working with individuals with disabilities.

While not required, sources of training materials that facilities may want to consider include:

- National Center on Elder Abuse. [On-Line]. Available: <https://ncea.acl.gov>
- University of Southern California. Training Resources on Elder Abuse. Available: <http://trea.usc.edu/>

References to non-CMS, non-governmental sources do not constitute or imply endorsement of these organizations or their programs by CMS or the U.S. Department of Health and Human Services and were current as of the date of this publication.

### **PROBES §483.95(c)**

If there is a concern that a resident was abused, neglected, or exploited, interview staff and review training records to determine the following:

- Was staff observed working with residents in a manner that indicates a training need?
- Did interviews with residents and/or resident representatives indicate any areas where training was needed?
- What type of training do the staff report receiving about the concern identified by the surveyor?
- What process does the facility have to encourage staff to express concerns and request training in challenging situations? How does the facility respond to staff's concerns and requests?
- Review the training coursework to determine if the content meets professional standards/guidelines and covers relevant facility policy and procedures.
- How does the facility's abuse, neglect, and exploitation training program ensure staff are instructed to meet the requirements of §483.12(b) Develop/Implement Abuse/Neglect, etc. Policies, tag F607?
- How does the facility's policies reflect staff training is in compliance with §483.12 and §483.12(a)(1) Freedom from abuse, neglect, and exploitation, tag F600?
- Verify that the facility has a mandatory requirement that all facility staff participate in an abuse, neglect, and exploitation prevention and dementia management training program, with a process in place to track attendance.
- How does the facility determine when training content requires updating to be consistent with current professional standards and Federal and State regulations?
- How does the facility assess staff to determine if the training has been effective?

### **POTENTIAL ADDITIONAL TAGS FOR INVESTIGATION**

For concerns related to the development and implementation of written policies and procedures, that includes training related to abuse, neglect, exploitation, and misappropriation of resident property, see 42 CFR §483.12(b)(3) Develop/Implement Abuse/Neglect, etc. Policies, tag F607.