

MDS Alert

RAI Manual Updates: Don't Get Snagged By Noncompliance: New Appendix PP

"Minor" changes urge surveyors to focus on resident rights.

Though the new Appendix PP, effective Nov. 28, 2017, offers corrections to "minor, technical inaccuracies," you should be familiar with the new language. Surveyors are especially encouraged to prioritize residents' well-being.

The changes may be minor, but expanded definitions can help you reevaluate your facility's protocols concerning resident rights and facility responsibility in maintaining resident dignity. These official definitions are directly from the new CMS Appendix PP update, and will help you better formulate policies, protocols, and care:

- **"Abuse"** is the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Abuse also includes the deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain, or mental anguish. It includes verbal abuse, sexual abuse, physical abuse, and mental abuse, including abuse facilitated or enabled through the use of technology. Willful, as used in this definition of abuse, means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm.
- **Exploitation** means taking advantage of a resident for personal gain through the use of manipulation, intimidation, threats, or coercion.
- **Misappropriation** of resident property means the deliberate misplacement, exploitation, or wrongful, temporary, or permanent use of a resident's belongings or money without the resident's consent.
- **Mistreatment** means inappropriate treatment or exploitation of a resident.
- **Neglect** is the failure of the facility, its employees, or service providers to provide goods and services to a resident that are necessary to avoid physical harm, pain, mental anguish, or emotional distress.
- **Person-centered care** means to focus on the resident as the locus of control and support the resident in making their own choices and having control over their daily lives.
- **Resident representative.** For purposes of this subpart, the term resident representative means any of the following:

(1) An individual chosen by the resident to act on behalf of the resident in order to support the resident in decision-making; access medical, social or other personal information of the resident; manage financial matters; or receive notifications;

(2) A person authorized by State or Federal law (including but not limited to agents under power of attorney, representative payees, and other fiduciaries) to act on behalf of the resident in order to support the resident in decision-making; access medical, social or other personal information of the resident; manage financial matters; or receive notifications; or

(3) Legal representative, as used in section 712 of the Older Americans Act; or

(4) The court-appointed guardian or conservator of a resident.

(5) Nothing in this rule is intended to expand the scope of authority of any resident representative beyond that authority specifically authorized by the resident, State or Federal law, or a court of competent jurisdiction. Sexual abuse is non-consensual sexual contact of any type with a resident. Transfer and discharge includes movement of a resident to a bed outside of the certified facility whether that bed is in the same physical plant or not. Transfer and discharge does not refer to movement of a resident to a bed within the same certified facility."

Read more:

<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/GuidanceforLawsAndRegulations/Downloads/Advance-Appendix-PP-Including-Phase-2-.pdf>