

Risk Management for Senior Living Communities

Benjamin W. Pearce
www.planetbenja.com

Resident Related Risk Management

- Common Causes of Loss and the Underlying Concerns they Create
 - Slips and Falls
 - Abuse and Molestation
 - Wandering Residents
 - Resident Rights Issues
 - Negligent Security in Community
 - Premises Characteristics
 - Access Control
 - Key Control
 - Security Services

Resident Related Risk Management

- Chauffeur Services
- Negligent Care by Independent Contractors
- Shared Risk

Reporting Incidents

- Incident Investigations
 - Immediate measures
 - Liability Incident Reporting Checklist
 - What to report
 - When to report
 - How to report
 - Claim Reporting Answer Sheet
 - Objective Versus Subjective Documentation

Liability Incident Reporting Checklist Specific Accident Information

"Fact finding not Fault finding"

- ✓ Name, age and sex of victim
- ✓ Date and time of incident/accident
- ✓ Exactly where the incident occurred
- ✓ Who was present, who witnessed it
- ✓ Exact circumstances of the incident
- ✓ If slip/fall - note contributory factors if any
- ✓ If medication problem - note med. orders, patient reaction, behavioral changes

Injuries

- ✓ Describe obvious injuries as well as complaints.
- ✓ Describe immediate care given.
- ✓ Was the victim transported, where?
- ✓ Was the family notified? What was their immediate reaction?

Follow-up

- ✓ If resident hospitalized, what was their condition upon return?
- ✓ Have there been any inquiries, complaints, overtures by the family or legal representative?
- ✓ Has an internal investigation been completed?
- ✓ Establish contact person for information requests.

Objective Vs. Subjective

- | | |
|--|-------------------------------------|
| ● Eyes closed respirations regular | ● Slept all night |
| ● Half of diet consumed | ● Diet taken fair |
| ● Thrashing about in bed | ● Appears restless |
| ● Less vocal than yesterday | ● Quiet and cooperative |
| ● Requested pain medication for temporal stabbing headache | ● Usual night medicated 1x for pain |
| ● No complaints of pain or discomfort | ● Had a good day |

Legal Risk Management

- Discovery Issues
 - Commonly Asked Questions Concerning Depositions
- How to respond to requests for records
 - What documents should be included and excluded in the production of records
- What to do when you receive a Summons and Complaint

Employee Related Risk Management

- Workers' Compensation
- Safety
- OSHA
- Hepatitis B Virus and Hepatitis B Vaccine

Duties of an Insured in the event of a Loss

- Notify the police if a law has been broken
- Notify insurance company promptly
 - Investigation (what, when, where, how, who)
- Protect from further damage
- Inventory of damaged and undamaged property (costs, value, amount of loss)
- Permit Insurance company to inspect
- Send Insurance company proof of loss form