
PROMISING PRACTICES IN STATE SURVEY AGENCIES

Strategies for Quality Management of Abuse and Neglect Complaints

Wisconsin: Sexual Assault Response Training and Suggested Protocols

Summary

The Division of Quality Assurance (DQA) at the Wisconsin Department of Health and Family Services (DHFS) collaborated with other DHFS staff and external experts in sexual assault, elder abuse, and legal issues, to coordinate a four-phase training program designed to increase surveyor and provider knowledge and awareness of sexual assault and abuse in later life. The training program emphasizes surveyor preparedness to effectively investigate allegations of sexual assault in facilities and includes detailed review of a suggested surveyor protocol to guide such an investigation.

Introduction

This report describes the Responding to Sexual Assault in Facility Settings training program and suggested protocol implemented by the Division of Quality Assurance, Wisconsin's State Survey Agency (SA) in collaboration with other DHFS staff and external parties. The content, development, and implementation of the training program and protocol, their impact, and lessons learned that might benefit others are discussed. The information in the report is based on interviews with agency management staff and review of selected materials, and includes information drawn from the DQA document entitled *Responding to Sexual Assault in Facility Settings* submitted to the 2006 Association of Health Facility Survey Agencies (AHFSA) Promising Practices Contest.

Background

A DHFS elder abuse/sexual assault workgroup initiated the Responding to Sexual Assault in Facility Settings training program and development of the suggested surveyor protocol in 2004, in response to a lack of awareness of sexual assault and domestic violence in later life among survey staff and regulated providers. The training program was designed with an emphasis on strengthening surveyor knowledge and skills to help surveyors effectively identify, investigate, document, and support survey findings related to sexual assault in facilities.

Intervention

The Responding to Sexual Assault in Facility Settings training program was initiated in 2004 to strengthen surveyor and provider knowledge regarding domestic violence and sexual assault in later life. The training program has been implemented over several years and includes four phases to date: two staff training phases, a one-day pre-conference, and a series of three Web casts.

Phase 1 of the training program is entitled *Domestic Violence and Sexual Assault Occurring in Regulated Entities* and was conducted via Web cast in 2004. The session was designed to increase surveyors' general knowledge and awareness related to domestic violence and sexual assault in later life and was mandatory for all survey staff and supervisors for all regulated entities. The two-hour session focused on defining domestic violence and sexual assault in later life, discussing possible perpetrators of such acts against a resident, and providing surveyors with tools and resources for effectively responding to such incidents. The session was developed collaboratively by Division of Long Term Care staff and DQA staff and was presented by a Division of Long Term Care staff member. The session is now available via Web cast on-demand.

Phase 2 of the program is entitled *Promoting Safety: Identifying, Investigating, and*

Preventing Elder Sexual Assault and Domestic Violence. This four-hour training session was conducted in-person between October 2005 and April 2006 at each of the regional offices by a team of trainers consisting of an attorney from the DHFS Office of Legal Counsel, a Division of Long Term Care staff member, and training consultants from DQA. The training focused on investigation, interview, and intervention strategies to use when responding to alleged domestic violence or sexual assault of a resident, and included detailed review of both the Provider Sexual Abuse Response Protocol and the Sexual Assault Survey/Investigation Protocol for surveyors. The session included a hands-on case study activity to reinforce surveyor understanding and effective use of the surveyor protocol in a facility setting. This session currently is presented by DQA trainers as part of New Employee Orientation.

The training program's Phase 3 was an all-day pre-conference on elder abuse and sexual assault presented in August 2006 in conjunction with the DQA annual joint Surveyor/Health Care Provider Conference. Geared toward a multidisciplinary audience, the pre-conference was required training for surveyors and supervisors and also was attended by regulated health care providers, Adult Protective Service workers, law enforcement, sexual assault and domestic violence advocates, and county elder abuse staff. At the pre-conference, elder abuse researchers presented preliminary data from a five-state study on sexual abuse of vulnerable adults living in institutional settings, in which the Wisconsin SA participated. The study examined the number and type of allegations that occurred in long-term care facilities in the five participating states over a six-month time frame, characteristics of victims and perpetrators, impact on the victim, processes and criteria used by facilities to determine when an incident should be investigated, investigative processes, and intervention methods and services offered to victims, including collaboration with entities outside of the facility (e.g., law enforcement). The presenters highlighted how their findings will be used to help identify strategies to prevent sexual abuse of residents, promote effective investigation of resident sexual

abuse allegations, and support residents who experience sexual abuse. DQA sponsored the pre-conference as an effort to disseminate current information and raise awareness of the reality of sexual assault and abuse that elders may experience.

Phase 4 of the training program is a series of three Web casts, each approximately one hour in length, designed to help increase surveyor and provider awareness and preparedness for preventing and responding to resident-to-resident abuse. DQA staff collaborated with local attorneys and a state ombudsman to develop and present the Web cast series, which is entitled *Identifying and Responding Appropriately to Resident to Resident Abuse, Including Sexual Assault, in Regulated Facilities.* The introduction and first session of the three-part series defines resident-to-resident abuse (e.g., types of abuse, involvement of incompetent individuals, consensual vs. nonconsensual encounters) and discusses examples of incidents that have occurred in Wisconsin. The second session focuses on developing resident assessment and care plans, intervention techniques, prevention strategies, and victim-centered services. The third Web cast in the series discusses legal ramifications such as when an incident is considered a crime and the need to involve law enforcement; facility responsibility to act and thoroughly investigate an allegation; DQA policies and procedures; and reporting requirements. The Web casts were made available to survey staff (for whom they are mandatory training), regulated providers, CMS, and others in early 2008.

Implementation

The training program was initially coordinated by the DHFS elder abuse/sexual assault workgroup, first established in 2004 and composed of staff from the DQA, the Division of Long Term Care and the Office of Legal Counsel. The workgroup assembled multiple presenters from within DHFS and external organizations to conduct the various training sessions. DHFS presenters included staff from the DQA Education Services Section and the Office of Caregiver Quality (which

oversees investigation of complaints alleging caregiver misconduct), the Elder Abuse Specialist from the Division of Long Term Care, and Office of Legal Counsel attorneys. Presenters from external organizations included a local private attorney, an attorney from the Coalition of Wisconsin Aging Groups, and noted elder abuse researchers.

To launch the training program and determine its goals and general content, the workgroup initially held frequent in-person meetings. Subsequent workgroup discussion and review of training plans relied largely on e-mail, with fewer in-person meetings. The most substantial time commitment associated with implementing the program, as with any training efforts, is that of individual presenters as they develop and present their training sessions. Phase 2 of the training program required presenters to travel to the five regional offices to conduct in-person training to surveyors across the state. One Phase 4 presenter from an organization outside of DHFS received a small honorarium. The researchers who presented at the Phase 3 pre-conference participated without payment because the SA was participating in their research project.

The elder abuse/sexual assault workgroup adapted the Sexual Abuse Response Protocol developed for providers by a DHFS Sexual Assault/Domestic Violence Industry Training Advisory Group to create the surveyor-specific protocol, updated in January 2006.

Impact

Agency management staff believe that the training program has strengthened surveyor and provider knowledge of elder abuse and sexual assault and increased awareness that such incidents can and do occur in facility settings. The various training sessions also provided surveyors and providers with tools and resources to use when incidents are encountered, increasing preparedness and confidence to respond effectively. Staff from provider organizations and survey staff have provided positive feedback on evaluations completed after training sessions, with surveyors in particular indicating that the session increased their knowledge of elder abuse

and sexual assault. One surveyor who used the suggested surveyor protocol when she encountered a sexual assault incident while on survey found the protocol to be extremely useful in guiding her investigation.

Agency management staff note that provider staff are now more likely to follow the suggested provider protocols for identifying and responding to sexual assault because they know that surveyors are assessing whether the provider is effectively responding to an incident, including implementation of particular elements important to thorough investigation.

Lessons Learned

Agency management staff note the importance of involving the right players in creating and presenting a training program on sexual assault and elder abuse. In addition to involving internal SA staff with training expertise, it is key to include individuals with expertise in sexual assault and/or elder abuse and attorneys, given the many legal ramifications of such incidents. In designing the initial training session, it is useful to provide a clear conceptual overview and define terminology to ensure that all trainees have a solid understanding of the basics—even if it is a refresher for some trainees—before presenting more detailed information such as what to look for and how to investigate a possible incident of sexual assault or abuse in a facility.

Management staff also emphasize the value of creating simple and straightforward sexual assault response protocols. Both the surveyor and provider versions of the Wisconsin protocols present step-by-step guidance that is fairly easy to follow and logical; presenting the steps in a way that users can easily understand will promote adherence to the protocol and its utility as a helpful resource.

Agency management staff recommend Web casts as an effective and efficient training method. The Web casts efficiently disseminate information to a broad and widely dispersed audience and allow viewers the flexibility to watch a full session or just a few segments at a time, from any location where they can access the Internet, as fits their individual schedules.

This approach is particularly well-suited for surveyors frequently in the field on survey and for provider staff with limited time. The Web cast developers maximize the utility of this training delivery method by designing sessions to present information in digestible parts. For example, two of the hour-long Phase 4 Web casts includes several speakers, creating natural breaks that facilitate watching the sessions in pieces when desired.

Agency management staff believe that other SAs could implement a similar training program, drawing together experts on sexual assault, elder abuse, and legal issues from within and outside of the SA to collaborate on designing and presenting the training sessions. They welcome

interested SAs to build on the Wisconsin program and protocols while tailoring it to individual state environments.

Contact Information and Resources

For more information on the training program or suggested surveyor protocol for responding to sexual assault, please contact Flip (Phyllis) Varsos, Training Consultant, at the Division of Quality Assurance, Wisconsin Department of Health and Family Services at varsopm@dhfs.state.wi.us or 608/266-9432. The Suggested Protocol – Sexual Assault: Guide for DQA Staff described in this report is available on this Website and can be accessed by clicking on the Promising Practices State Supplemental Resources link.

This document is part of an issue brief on strategies for quality management of abuse and neglect complaints in State Survey Agencies. The issue brief is one of a series by the Division of Health Care Policy and Research, University of Colorado Health Sciences Center, for the U.S. Centers for Medicare & Medicaid Services (CMS) highlighting promising practices in State Survey Agencies. The entire series is available online at CMS' Website, <http://www.cms.hhs.gov/SurvCertPromPractProj>. The issue briefs are intended to share information about practices used in State Survey Agencies and are not an endorsement of any practice.