

Series: Operating Procedures COA: RPM 1.05, 2
CFOP: 180-4

Procedure Name: Mandatory Reporting Requirements to the
Office of Inspector General

Procedure Number: OP-1123

Revision #/Date: NA

Effective Date: 2/20/09

Applicable to: All CBCB Staff and Contract Providers

SUBJECT: Mandatory Reporting Requirements to the Office of Inspector General

PURPOSE: This operating procedure describes the requirements for reporting to the Office of Inspector General suspected or confirmed allegations concerning an employee or contractor of Community Based Care of Brevard. This operating procedure also defines the types of incidents to be reported and the timeframes for reporting.

PROCEDURE:

Authority

Section 20.055(6), Florida Statutes (F.S.), requires the Office of Inspector General to receive and conduct inquiries, investigations, audits, or management reviews.

References: GOV202, GOV203, RQ505, OP1050.19, OP1115, OP1120

Definitions

- a. "Allegation" means an assertion of wrongdoing that may or may not be supported with evidence.
- b. "Wrongdoing" means an act, which, if proven true, would be a violation of statute, rule, regulation or policy, excluding job performance and related deficiencies.
- c. "Fraud" means to commit an intentional violation of law or a deliberate misrepresentation or concealment so as to secure unfair or unlawful financial or personal gain.
- d. "Client Death" means a person whose life terminates while in the care and/or custody of the Department, whether in a CBCB facility, or in a licensed or contracted facility or service center.
- e. "Client Injury or Illness" means a medical condition of a client requiring medical treatment by a licensed health care professional sustained or allegedly sustained due to an accident, act of abuse, neglect or other incident occurring while in the presence of an employee in a CBCB facility or contracted facility or service center, or who is in the physical custody of the Department.
- f. "Theft" means to take the property of another without right or permission.

Reportable Incidents

- a. Inappropriate employee acts or omissions that result in client injury, abuse, neglect or death;
- b. Fraud;
- c. Theft;
- d. Breaches of confidentiality by an employee, unless inadvertent and self-reported (e.g., revealing a reporter's name, providing confidential documents to unauthorized person, access of client files for non-business reasons, providing information from client files such as medical or benefits information, etc) immediately upon confirmation by the district;
- e. Falsification of official records (e.g., intentional alteration of state documents, misrepresentation of information during an official proceeding, intentional falsification of client case records, case notes, client contact reports, visitation records, or client home visits, creating false and fictitious files, etc.);
- f. Misuse of position or state property, employees, equipment or supplies for personal gain or profit (e.g., misuse of telephonic and communication devices, use of staff for personal services, soliciting on state time and state property, conspiracy to conceal missing state property, misuse of the Internet to conduct personal business as defined by policy, etc.);
- g. Failure to report known or suspect neglect or abuse of a client;
- h. Improper expenditure or commitment of public funds;
- i. Contract mismanagement by a CBCB employee or by a contractor, subcontractor, or employee of either (e.g., misuse, waste, or loss of a significant amount of public funds, evidence of egregious lack of judgment in the use of public funds, evidence that state or federal laws, or state rules or federal regulations have been violated, etc.);
- j. Computer related misconduct (e.g., accessing FLORIDA, Florida's Safety Families Network (FSFN), HomeSafeNet or FAHIS system files of clients when there is no direct business involvement with the client, accessing inappropriate or pornographic web sites, sending threatening or harassing messages, misuse of email, etc.);
- k. Any violation under §435, F.S., Title XXXI, Employee Screening, that would result in disqualification from client contact duties (e.g., convicted of murder, manslaughter, assault and battery, kidnapping, false imprisonment, sexual battery, theft, robbery, child abuse, abuse and neglect of an elderly or disabled adult, sale of controlled substance, resisting arrest, contributing to delinquency of a minor, or other disqualifying offense); or,
- l. Any other wrongdoing that would be a violation of statute, rule, regulation or policy, excluding job performance and related deficiencies.

Time Frame

Suspected or confirmed allegations as outlined in paragraph 5 of this operating procedure must be reported within two business (2) of discovery.

Method(s) of Reporting

- a. Notification may be made by completing a Notification/Investigation Request (form CF 1934) on the LN Incident Reporting System and selecting IG as the primary or secondary incident category;

- b. Or, by emailing the request to the Office of Inspector General (www.dcf.state.fl.us/admin/ig);
- c. Or, by mailing the completed form to the Office of Inspector General, 1317 Winewood Boulevard, building 5, 2nd Floor, Tallahassee, Florida 32399-0700;
- d. Or, via fax at (850) 488-1428.

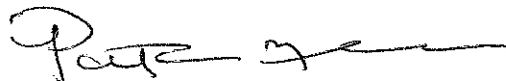
Staff Cooperation

All CBCB employees or contractor of Community Based Care of Brevard are expected to fully cooperate with any investigation or audit conducted by the Office of Inspector General. This includes adherence to the reporting requirements of this operating procedure, as well as submitting to interviews, and providing requested documentation and sworn testimony. Refusal to fully cooperate with an investigation or audit conducted by the Office of Inspector General shall constitute employee misconduct pursuant to Rule 60L-36.005(3) and (4), Florida Administrative Code, and will result in disciplinary action, up to and including dismissal.

Failure to Report

Adherence to this operating procedure by all CBCB employees or contractor of Community Based Care of Brevard is essential to ensure the Office of Inspector General receives timely notification of allegations of fraud, waste, mismanagement, misconduct and other abuses in state government. Failure to report according to this operating procedure may be deemed a violation of §60L-36.005, Florida Administrative Code. The standards of conduct require employees to exercise due care and reasonable diligence in the performance of job duties, to protect state property from loss or abuse, to maintain high standards of honest, integrity and impartiality, and to place the interest of the public ahead of personal interests. Any violation of these standards will result in disciplinary action up to and including dismissal.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:



DR. PATRICIA NELLIUS-GUTHRIE
Chief Executive Officer
CBC of Brevard, Inc.

APPROVAL DATE: 3/2/09