



High-Level Reportable Incidents

Definitions and How to Respond

November 8, 2022



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Critical Incident Management Pilot



Critical Incident Management

DHHS-DDD, in partnership with Liberty Healthcare Corporation is implementing a new Critical Incident Management Process that will include a Single-Case Management System known as “Therap”.

- Pilot Program began on July 1, 2022
 - Email from DHHS.TherapADTBI@nebraska.gov
 - Registration still open 11/8 and 11/9/2022.
- Ongoing informational and training opportunities to the public throughout the pilot process
 - Therap
 - Incident Definitions and Reporting Processes



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Agenda

- *Review of High-Level Incident Definitions*
- *Examples of how to respond when an incident occurs*
- *Review of what providers can do now*
- *Next Steps*



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Abuse, Neglect, and/or Exploitation

What it is and what do I do?



Mandatory Reporter

When an incident involves suspected or alleged **abuse, neglect, or exploitation**, the provider must **immediately report** the incident to **law enforcement** or the **DHHS Children and Family Services Abuse and Neglect Hotline** at:

1-800-652-1999

The hotline is toll-free and is available 24 hours a day, 7 days a week.

All providers of HCBS services are *mandatory* reporters of abuse, neglect, and exploitation.



What is Abuse, Neglect, and/or Exploitation

Any **suspicion** or **allegation** of abuse, neglect, or exploitation committed by a provider, peer of the participant, family member, or anyone else in which a participant is the **victim**. This includes when a participant neglects themselves.

- **Physical abuse:** a knowing or intentional act of physical violence against a participant of HCBS waiver(s) despite injury or otherwise adverse outcome.
- **Psychological Abuse:** actions of humiliation, harassment, threats of punishment or derogatory communication (vocal, written, gestures, etc.)
- **Sexual Abuse:** Sexual Assault or Sexual Exploitation
 - **Sexual Assault:** any unwanted sexual contact
 - **Sexual Exploitation:** causing, allowing, permitting, inflicting, or encouraging a participant to engage in voyeurism, exhibitionism, prostitution, or the lewd, obscene, or pornographic photographing, filming or depiction of a participant.



What is Abuse, Neglect, and/or Exploitation – con't

- **Verbal Abuse:** the use of oral, written, or gestured language that willfully includes disparaging or derogatory terms to individuals served.
- **Neglect:** The failure to provide proper care, supervision, or attention to a person or to the person's health, safety, or well-being; failure to provide necessities such as food, clothing, essential medical treatment, adequate supervision as described in the person-centered plan, shelter, or a safe environment. The failure to exercise one's duty to intercede on behalf of the person.
- **Financial Exploitation:** wrongful or unauthorized taking, withholding, appropriate, conversion, control, or use of money, funds, securities, assets or any other property of a participant. This could be completed by a person using:
 - undue influence
 - Breach of a fiduciary relationship
 - Deception
 - Extortion
 - Intimidation
 - Force or threat of force
 - Isolation



Initial response to Abuse, Neglect, and/or Exploitation



Protect
Treat
Report





Additional Response: Ensure Ongoing Safety

- Remove the alleged perpetrator from providing services to any participant until investigation is cleared.
- Evaluate employee's knowledge of Abuse/Neglect/Exploitation including:
 - Prevention
 - Response
 - Reporting





Additional Response: Comfort and Care

Abuse in any form can cause long lasting affects on a person's mental health:

- Allow the person to communicate freely and feel heard about their experience.
- Offer to help find counseling or other mental health services.
- Support the participant through their decision. It may take time before they are ready to talk.
- Look for behavioral changes and respond quickly.





Additional Response: Offer Action

- Ask the participant if they would like to take further action.
- Offer to help find legal services.
- Support the participant through their decision. Be prepared for them to change their mind.





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Death

What it is and what do I do?



What is Death & How to Respond:

Any loss of life of a participant, regardless of cause.

What do I do?

- **Report:**
 - Agency/Assisted Living Facilities: Follow your internal policies/procedures for death of a participant and notify the service coordinator.
 - Independent Providers:
 - Discovery of death: Contact 911 and Service Coordinator
 - Notification of death: contact the Service Coordinator



Additional Response: Discover & Act

Ensuring others are safe:

Is there anything about the death, that could put other waiver participants at risk?

- Take action to remove the risk.





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Use of Restraint or Prohibited Practices

What it is and what do I do?



What is Use of Restraint or Prohibited Practice:

Any use of prohibited practice, to include:

- **Restraint:**
 - **Physical Restraint:** the use of physical contact that restricts, or is meant to restrict, the movement or normal functioning of a participant.
 - **Mechanical Restraint:** the use of any device, material, object, or equipment attached or adjacent to a participant's body that restricts freedom of movement or normal access to the body.
- **Restrictive Interventions:** the use of any practice that limit's a participant's movement, activity or function, interferes with a participant's ability to acquire positive reinforcement, resulting in the loss of objects or activities that the participant values, or requires a participant to engage in a behavior that a would prefer not to given freedom of choice.
- **Seclusion:** Involuntary confinement of a participant alone in a room or an area from which the individual is physically prevented from having contact with other or leaving.



Initial Response to Use of Restraint/Prohibited Practice:

Remove

Treat

Report





Environmental Scan

- Remove items that could be used as restraint.*
 - Child Specific Exception
- Evaluate Locks on doors
 - Are they necessary?
 - Does the participant have a key?
 - Can they use the key?





Additional Response: Comfort and Care

Restraint and Seclusion in any form can cause trauma for a participant:

- Allow the person to communicate freely and feel heard about their experience.
- Offer to help find counseling or other mental health services.
- Support the participant through their decision. It may take time before they are ready to talk.
- Look for behavioral changes and respond quickly.





Training

- Evaluate employee's knowledge of:
 - Requirements regarding AD/TBI waiver and restraint.
 - Risks associated with restraint
 - Participant's Rights





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High-Level Medication Error

What it is and what do I do?



What is a High-Level Medication Error:

A medication error is any error in the administration of medications including:

- Wrong Person
- Wrong Medication
- Wrong Dose
- Wrong Route
- Wrong Time
- Administration of a PRN medication causing interaction with prescribed medication(s)

***For it to be a high-level, the error must result in the immediate need for treatment from a physician or hospital.**



Response: Medical Attention/Evaluation

If the person is experiencing any decline in medical status or symptoms, help them to seek care:

- Serious medical concern, such as trouble breathing, loss of consciousness, etc. **Call 911 immediately.**
- If no serious signs or symptoms, assist them in contacting their health care provider for further direction.





Response: Remove Risk

- Evaluate the Environment
 - Were medications stored properly?
 - Were medications labeled properly?
 - Are their supports that could assist?
 - Alarms for medication times
 - Medication set-up services/devices
- Evaluate Medication Administration Knowledge
 - Did the person administering understand?
 - Do personnel administering need further training?
 - Does the participant need more supports with medication administration?





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Emergency Services Involvement – Criminal Charges

What it is and what do I do?



What is Emergency Services Involvement:

Any event that results in the activation of Law Enforcement, Ambulance Services, Fire Department, or other emergency response departments.

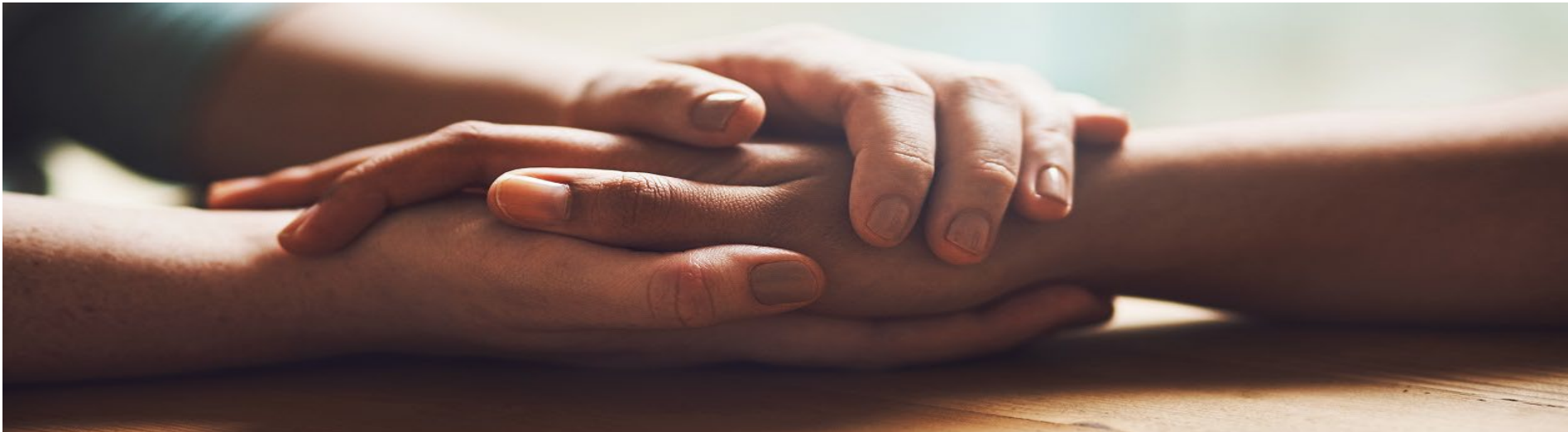
- High-Level Incidents only involve events when a waiver participant engages in criminal activity and receives criminal charges.





Response: Evaluate Supports

- Offer assistance to help find additional supports
 - Drug/Alcohol counseling
 - Mental Health Services
- Evaluate the environment
 - Is there something in the environment leading to the illegal behavior?
 - Boredom
- Support through the legal process as able





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Next Steps



Upcoming Training Opportunities:

November 29, 2022 – Part 1 – Medium-Level Reportable Incidents & How to Respond.

December 6, 2022 – Part 2 – Medium-Level Reportable Incidents & How to Respond.

Ongoing Therap Trainings and Communication: Please subscribe for updates:

- <https://dhhs.ne.gov/Pages/AD-Provider.aspx>
- <https://dhhs.ne.gov/Pages/Liberty-Partnership-Quality-Project.aspx>



What can you do now?:

In the future, providers will be introduced to Therap to enter formal incident reports. But for now:

- When one of these incidents occur, report it to the Service coordinator.
- Respond to prevent future occurrences
- Attend future trainings
- Ask Questions to understand the process

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Questions

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