



## *Home and Community-Based Services Waivers' Local Level Incident and Death Review Process*

August 1, 2019

### ***Purpose***

The Local Level Incident and Death Review Process records critical events/incidents and deaths. Reports of incidents may be received from any source, including sources other than the client or client representative.

Critical events or incidents are those events that bring harm or risk of harm to clients including abuse, neglect, exploitation, or licensing violations. These events must be reported to appropriate authorities to conduct follow-up action. Appropriate authorities include Adult or Child Protective Services, Law Enforcement, and Regulation and Licensure (for licensed providers/facilities).

Situations of environmental events (e.g. fire, weather, flooding) which cause risk to clients and imminent (life threatening) danger will also be tracked through this process. These situations will be reported to the HCBS Waiver Unit and also to other authorities as appropriate.

Explained and unexplained deaths are reviewed to safeguard the health and wellbeing of all HCBS waiver participants by identifying trends which may indicate training and education needs. Unexplained deaths are those deaths for which the reason or cause of the death is unclear or unknown.

### ***Process***

#### **Open Cases Only:**

This process is used for clients with open waiver cases at the time an incident or death occurs. If an incident or death occurs prior to the waiver case being opened or after the case has been closed, the CONNECT Local Level Incident Form should not be completed.

#### **Types of Incidents:**

CONNECT Local Level Incident forms will be completed for all reports of incidents or deaths received by or known to local agency/office staff. Types of incidents recorded on the CONNECT Local Level Incident forms are **abuse, neglect/unsafe environment, financial exploitation/theft, licensing violations, environmental events (e.g. fire, weather, flooding), imminent (life threatening) danger** and **deaths**. Multiple types of incidents may be recorded on the same incident form if they happened at the same time.

The CONNECT Local Level Incident form also has an option for identifying “other” types of incidents for situations which clearly cause risk, but aren’t clearly explained by other options listed on the form.

Incidents are recorded for situations that are caused by other parties and/or the client.

### **Action Taken/Reporting to Appropriate Authorities:**

#### **Incidents Known to Local Agency/Office Staff:**

When an incident (i.e., abuse, neglect/unsafe environment, financial exploitation/theft, licensing violations, imminent danger) becomes known to local agency/office staff, local agency/office staff must take appropriate action by reporting the incident to appropriate authorities.

Appropriate authorities would include Adult or Child Protective Services and Law Enforcement as appropriate for all types of incidents, and Regulation and Licensure for incidents involving licensed providers/facilities. Depending on the situation, it may be appropriate to contact more than one type of authority. The action taken and the date the action was taken will be documented on the CONNECT Local Level Incident form.

- Guidelines for mandatory reporting for abuse, neglect, and exploitation for the adult/aged population can be found on the DHHS website at <http://dhhs.ne.gov/Pages/Adult-Protective-Services.aspx>.
- Guidelines for mandatory reporting for abuse, neglect, and exploitation for children can be found at <http://dhhs.ne.gov/Pages/Child-Abuse.aspx>

For incidents related to environmental events, imminent danger and death, refer to the “Types of Incidents that Need to be Reported to HCBS Waiver Unit” section of this document.

#### **Incidents Reported to Local Agency/Office Staff Via N-FOCUS Alerts:**

If a local agency/office staff person receives a N-FOCUS alert about an incident that has been reported to APS/CPS by another party, local agency/office staff should direct all inquiries about the information to the appropriate APS/CPS staff person to determine if the intake was accepted or not. Local agency/office staff must never question or inform clients, clients’ family members/friends, or providers about APS or CPS intakes.

If a local agency/office staff person needs to contact APS/CPS to inquire about an incident or an alert in order to take appropriate action, questions that may need to be asked are:

- Was a care provider a perpetrator? If so, should this person not have contact with the client until the investigation is complete? (Local agency/office staff may need to tell APS/CPS staff the names of providers and other primary caregivers.)
- What are the safety concerns for the client?
- Does the client need to have a plan adjusted to address safety concerns?

Local agency/office staff should not take any action nor participate in any conversation which may interfere with an open APS/CPS investigation. Local agency/office staff should consult only with APS/CPS staff in regard to the report when performing waiver resolution activities. Local agency/office staff may provide information to the assigned APS/CPS worker as requested by the assigned APS/CPS work as part of their investigation.

If information can't be obtained from APS or CPS as to whether an intake was accepted, HCBS Waiver Unit staff assigned to monitor incidents may be contacted for assistance.

If local agency/office staff receive an N-FOCUS intake alert and learn the intake was not accepted by APS/CPS due to the intake not meeting the definition of abuse/neglect/exploitation, an incident form may not need to be completed. If this occurs, applicable information should be documented in the client narrative section of CONNECT.

### **Types of Incidents that Need to be Reported to HCBS Waiver Unit (Imminent Danger, Environmental Events, Deaths):**

For incidents representing **imminent (serious or life threatening) danger** or **environmental events (e.g. fire, weather flooding)**, the local agency/office supervisor or designee must notify the appropriate HCBS Waiver Unit Program Specialist RN (adult/pediatric) **by the next working day** that a situation of imminent danger or environmental event has occurred. If there is a problem contacting the HCBS Waiver Unit Program Specialist RN, the HCBS Waiver Unit staff assigned to monitor incidents may also be contacted.

- This notification may occur by either telephone or email. (Due to the possibility of technical problems, emailing an incident form in CONNECT doesn't count as this notification.)
- By the end of the following working day, HCBS Waiver Unit staff will review the incident with the supervisor, as applicable, to determine if appropriate action is being taken (appropriate authorities have been notified) and appropriate waiver resolution activities are occurring.

For incidents representing **deaths**, local agency/office staff should notify either the HCBS Waiver Unit Staff Assistant or the appropriate HCBS Waiver Unit Program Specialist RN (adult/pediatric) **by the next working day** by telephone or email.

### **Waiver Resolution Activities:**

Local agency/office staff will perform waiver resolution activities in order to mitigate the incident that has occurred and ensure the health and safety of the client. These activities will be documented on the CONNECT Local Level Incident form, along with the date of completion of the activity. Multiple activities may need to be performed depending on the nature of the incident.

### **Completion and Review of Incident Forms that are NOT Death Related:**

Local agency/office staff will complete the CONNECT Local Level Incident Form and will refer to the CONNECT manual for instruction as to how to navigate and fill out the form.

### **Timelines for Local Agency/Office Staff for Incidents that are NOT Death Related:**

Within 30 working days of the day the incident is reported to local agency/office staff, the incident must be resolved (waiver resolution activities completed), unless unforeseen circumstances arise. The completed CONNECT Local Level Incident Form must be e-mailed to the HCBS Waiver Unit (using the link in CONNECT) within 15 working days of completion of the waiver resolution activities.

- If unforeseen circumstances arise which prevent the incident resolution from occurring within 30 working days, the local agency/office will notify the HCBS Waiver Unit office with the reason for the delay. When the incident resolution has been completed, the local agency/office will e-mail the incident form to the HCBS Waiver Unit Office (using the link in CONNECT) within 15 working days of completion of the waiver resolution activities.

### **Timelines for HCBS Waiver Unit Staff for Incidents that are NOT Death Related:**

HCBS Waiver Unit staff will review the completed CONNECT Local Level Incident form within 30 calendar days of receiving the e-mail notification via CONNECT. HCBS Waiver Unit staff will complete the State Oversight Review section, and finalize the CONNECT Local Level Incident form.

- If the incident was resolved within 30 working days and HCBS Waiver Unit does not require any additional information, HCBS Waiver Unit staff will finalize the CONNECT Local Level Incident form using the '**Approved and Closed**' option in the State Oversight Review section.
- In order to determine if appropriate Waiver actions have been taken, additional information may be requested. Also, additional actions may be requested. Local agency/office staff has up to 15 working days to provide the information requested. During this time, HCBS Waiver Unit staff will put the CONNECT Local Level Incident form in 'Local Action Pending' status in the State Oversight Review Section. Upon receiving the information, HCBS Waiver Unit staff will complete and finalize the CONNECT Local Level Incident form within 15 working days using the '**Local Action Approved and Closed**' option in the State Oversight Review section.

HCBS Waiver Unit staff will inform local agency/office staff by e-mail that the CONNECT Local Level Incident form has been approved and finalized.

### **Completion and Review of Incident Forms Related to Death:**

Local agency/office staff will complete the CONNECT Local Level Incident Form and will refer to the CONNECT manual for instruction as to how to navigate and fill out the form.

### **Timelines for Local Agency/Office Staff for Incidents that ARE Death Related:**

After notifying HCBS Waiver Unit staff (HCBS Waiver Unit Staff Assistant or the appropriate HCBS Waiver Unit Program Specialist RN) of the death by telephone or email, the local agency/office staff will complete the CONNECT Local Level Incident form and email the completed CONNECT Local Level Incident Form to the HCBS Waiver Unit (using the link in CONNECT). The local agency/office staff will then upload the following services coordination records to the participant's CONNECT Waiver Case HCBS Waiver within **10 working days** of notification:

- Notification of Client Death Form
- Assessment current at the time of death (MILTC-2AD for adults, MILTC-7AD for children, EI-1 for EDN)
- Plan of Services and Supports (MILTC-12AD or IFSP for EDN) current at time of death
- Hospice Plan of Care, if active at time of death

- Home Health Plan of Care, if active at the time of death
- Autopsy and Police Reports when completed, if available.

### **Review of Death by HCBS Waiver Unit Program Specialist RN**

A preliminary review of the records regarding the client's death and circumstances around the death will be conducted by the appropriate HCBS Waiver Unit Program Specialist RN (adult/pediatric).

Additional information or action by local agency/office staff may be requested at any time during the review of the death.

If additional information/action is not required, the HCBS Waiver Unit Program Specialist RN will finalize the CONNECT Local Level Incident form using the '**Approved and Closed**' option in the State Oversight Review section.

If additional information/action was required, upon receiving the appropriate information, the HCBS Waiver Unit Program Specialist RN will complete the review and finalize the CONNECT Local Level Incident form using the '**Local Action Approved and Closed**' option in the State Oversight Review section.

HCBS Waiver Unit staff will inform local agency/office staff by e-mail that the CONNECT Local Level Incident form, along with the death review, have been completed, approved and finalized.

### **Additional Information for All Incident Forms:**

HCBS Waiver Unit staff will analyze the statewide results for all incident forms and present findings to the HCBS Waivers' Quality Council and the HCBS QI Subcommittee.

Referrals to the appropriate authorities do not replace the need for a Services Coordination assessment of participant needs and revision of the Plan of Services and Supports when necessary.