



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

8-1-13

### **Purpose**

The Incident Process records critical events or incidents. 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 facilities. An incident report may be received from any source.

### **Process**

This process is used for clients with open waiver cases. If an incident 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.

Each local agency/office providing Services Coordination and Resource Development for HCBS Waiver services will receive and track incidents using the following process:

1. CONNECT Local Level Incident forms will be completed for all reports of incidents received by or known to local agency/office staff.
2. Local agency/office staff must take appropriate action and document that action, including reporting to appropriate authorities and the Waiver resolution activities (activities conducted by the local agency/office staff to ensure the health and safety of the client).

If a local agency/office staff person receives information or an 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. 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?

Do not take any action nor participate in any conversation which may interfere with an open APS/CPS investigation. Consult only with APS/CPS staff in regard to the report when performing waiver resolution activities.

- 3. For incidents representing imminent (serious or life threatening) danger, the local agency/office supervisor or designee must notify HCBS Waiver Unit staff by the next working day that a situation of imminent danger has occurred. This notification may occur by either telephone or email. By the end of the following working day, HCBS Waiver Unit staff will review the incident with the supervisor to determine if appropriate action is being taken.**
4. Within 30 working days of the day the incident is reported to local agency/office staff, the incident must be resolved, 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.
  - a. 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.
5. HCBS Waiver Unit staff will review the completed 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 incident form.
  - a. 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 incident form using the 'approved and closed' option in the State Oversight Review section.
  - b. 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 incident in 'local action pending' status in the State Oversight Review Section. Upon receiving the information, HCBS Waiver Unit staff will complete and finalize the incident form within 15 working days using the 'local action approved and closed' option in the State Oversight Review section.
6. HCBS Waiver Unit staff will inform the Local agency/office staff by e-mail that the Incident has been approved and finalized.

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

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