

OPERATIONS

INCIDENT REPORTING AND RISK PREVENTION
FOR CONSUMERS LIVING IN THE COMMUNITY OR IN ICF/DDs

1. Purpose.

This operating procedure establishes APD procedures and guidelines for identifying, reporting and analyzing information related to critical and reportable incidents and risk prevention involving APD consumers living in the community or in Intermediate Care Facilities for the Developmentally Disabled (ICF/DDs).

2. Scope.

- a. In accordance with the requirements outlined in the APD Standard Contract, the Core Assurances for Medicaid developmental disabilities waiver providers, and the rules regulating licensed residential facilities and ICF/DDs, it is the responsibility of all APD operated, contracted or licensed providers and Medicaid waiver providers, and their subcontractors, and ICF/DDs licensed and regulated by the Agency for Health Care Administration, to report incidents to APD in accordance with this operating procedure.
- b. This operating procedure, therefore, applies to incident reporting and risk prevention in APD community programs, in APD contracted and licensed residential facilities, in any other community setting, and in private ICF/DDs in which consumers of APD services are receiving either state general revenue funded or Medicaid funded services. Incident reporting and risk prevention in APD developmental disabilities institutions will be governed by a separate procedure.
- c. This operating procedures also applies to APD employees initiating or responding to incident reporting and risk prevention involving APD consumers in the community or in ICF/DDs.
- d. This operating procedure does not replace the abuse, neglect and exploitation reporting required by state law and rule. Regardless of the reporting requirements provided in this operating procedure, allegations of abuse, neglect or exploitation must always be reported **immediately** to the Florida Abuse Hotline 1-800-962-2873.

3. Reporting Procedures.

a. Critical Incidents.

- (1) Critical incidents must be reported to the appropriate APD Area Office by telephone or in person within one hour of becoming aware of the incident. If this occurs after normal business hours or on a weekend or holiday the person reporting the incident shall call the APD after-hours designee. If the incident occurs between the hours of 8:00pm and 8:00am, an oral report may be submitted no later than between 8:00am and 9:00am of the following day. It shall be within the provider's discretion and judgement to determine the appropriateness of waiting until the following morning.

Appendix 2

- (2) The oral report must be followed by an APD Incident Reporting Form (Appendix 1), submitted to the APD Area Office at the earliest opportunity but no later than the next business day. Whenever possible, the form should be completed electronically and submitted as an e-mail attachment to the Area Office. If handwritten, it must be legible. The first page of the form must be completed in its entirety by the person who initiated the original verbal report.
 - (3) The APD Area Office Administrator or designee will immediately inform APD's Deputy Director for Operations or designee at the Central Office in Tallahassee of the critical incident.
 - (4) The reporter must also provide immediate notification to the consumer's support coordinator, and to a child's or incompetent adult's parent or guardian. If the child is in the custody of the Department of Children and Family Services, the child's family services counselor (or DCF after-hours on-call staff) must be immediately notified.
 - (5) Follow-up measures taken by the provider (or APD staff as appropriate) to protect consumers, gain control or manage the situation must be noted on the second page of the Incident Reporting Form which may be completed at a later date. The measures must specify what actions will be taken to mitigate a recurrence of a similar incident.
 - (6) Critical Incidents include:
 - (a) Consumer Death – The death of a person who is receiving services from an APD operated, licensed or contracted provider, Medicaid waiver provider, or ICF/DD that occurs due to or allegedly due to an accident, act of abuse, neglect, or other unexpected incident.
 - (b) Sexual Misconduct - Any sexual activity, as described in s. 393.135, F.S., between a provider and a consumer, regardless of the consent of the consumer, or incidents of nonconsensual sexual activity between consumers. A provider is any paid staff member, volunteer, or intern; any person under contract with APD; or any person providing care or support to a consumer on behalf of APD.
 - (c) Missing Child or Adult Who Has Been Adjudicated Incompetent - The unauthorized absence or unknown whereabouts of a minor or an adult who has been adjudicated incompetent who is receiving services from an APD operated, licensed or contracted provider, Medicaid wavier provider, or ICF/DD (see additional procedures below).
 - (d) Media - An unusual occurrence or circumstance that may initiate unfavorable media attention.
- b. Reportable Incidents.
- (1) Other reportable incidents that are not critical incidents must be reported within one business day to the appropriate APD Area Office through the completion of an APD Incident Reporting Form (Appendix 1).
 - (2) The form may be faxed, electronically mailed, or personally delivered to the Area Office. If handwritten, it must be legible. The first page of the form must be completed in its entirety by the person who is initiating the report.

Appendix 2

- (3) Follow-up measures taken by the provider (or APD staff as appropriate) to protect consumers, gain control or manage the situation must be noted on the second page of the Incident Reporting Form which may be completed at a later date. The measures must specify what actions will be taken to mitigate a recurrence of the same type of incident.
- (4) The reporter must also provide notification to the consumer's support coordinator, and to a child or incompetent adult's parent or guardian. If the child is in the custody of the Department of Children and Family Services, the child's family services counselor must be notified.
- (5) These incidents will be managed at the area level, and only aggregate data on such incidents will be reported to APD's Deputy Director for Operations.
- (6) Reportable incidents include:
 - (a) Altercations - A physical confrontation occurring between a consumer and a member of the community, a consumer and provider, or two or more consumers at the time services are being rendered and that results in law enforcement contact. If the altercation results in consumer injury requiring medical attention in an urgent care, emergency room or physician office setting, it is to be reported as a Consumer Injury. If the altercation results in consumer arrest, it is to be reported as a Consumer Arrest.
 - (b) Consumer Injury - An injury sustained or allegedly sustained due to an accident, act of abuse, neglect or other incident occurring while receiving services from an APD operated, licensed or contracted provider, Medicaid waiver provider, or ICF/DD that requires medical attention in an urgent care center, emergency room or physician office setting.
 - (c) Consumer Arrest – An incident resulting in the arrest of a consumer who is receiving services from an APD operated, licensed or contracted provider, Medicaid waiver provider, or ICF/DD.
 - (d) Missing Competent Adult - The unauthorized absence or unknown whereabouts beyond eight hours (or less time if the person is known to lack capacity to make safe decisions) of a legally competent adult who is receiving services from an APD operated, licensed or contracted provider, Medicaid waiver provider, or ICF/DD. Local providers should refer to their Area Office procedures to determine if they are required to report missing persons sooner than the time frame stated above.
 - (e) Suicide Attempt - An act which clearly reflects the physical attempt by a consumer to cause his or her own death while receiving services from an APD operated, licensed or contracted provider, Medicaid waiver provider, or ICF/DD.
 - (f) Other - Any event not listed above that jeopardizes a consumer's health, safety or welfare. Examples may include but are not restricted to severe weather condition damage (e.g. tornadoes or hurricanes), criminal activity by providers or employees, fires or other hazardous events or conditions, etc. If the event may generate unfavorable media attention, it is to be reported as a critical incident (see 'Media' above).

Appendix 2

4. Procedures for Missing Children or Incompetent Adults.

Upon discovering that a minor or adult who has been adjudicated incompetent is missing, staff of an APD operated, licensed or contracted provider, Medicaid waiver provider, or ICF/DD who is responsible for the consumer's care, shall:

- a. Immediately call local law enforcement and ask the officer to:
 - (1) Take a report of the missing child or incompetent adult.
 - (2) Assign a case number and provide the number to the person reporting the child or incompetent adult as missing.
 - (3) Provide a copy of the law enforcement missing person report, when it is available.
 - (4) If the responding law enforcement officer refuses to take a missing person report, for any reason, the person making the report will document the name of the officer's and the responding local law enforcement agency and request to speak to the appropriate Watch Commander.
- b. The person will then immediately notify the APD's Area Office Administrator (or after-hours designee) and provide all the information listed above, including the case number. If the law enforcement officer refused to take the missing person report, the staff person shall inform the Area Office Administrator or designee and the Administrator will contact the law enforcement agency to request assistance in filing the report.

5. APD Area Office Responsibilities.

- a. Each APD Area Administrator shall ensure that all APD operated, contracted or licensed providers, Medicaid waiver providers, and all ICF/DDs are informed about and provided with:
 - (1) This operating procedure.
 - (2) The most current contact information for reporting incidents to the APD Area Office (Appendix 2).
 - (3) The after-hours contact phone number of the APD Area Administrator or designee (Appendix 2).
 - (4) A description of any more stringent procedures required at the local level.
- b. In addition each APD Area Administrator will provide the following to APD's Deputy Director of Operations:
 - (1) The most current local contact information for reporting incidents to the APD Area Office (Appendix 2).
 - (2) The mechanism for after-hours contact of the APD Area Administrator or designee (Appendix 2).
 - (3) A description of any more stringent procedures required at the local level.

Appendix 2

- (4) The Area Office's system for compiling incident information, including information that is in addition to what is called for in this operating procedure, and for local level review of critical and reportable incidents in order to establish immediate response procedures and prevent future occurrences, as well as a follow-up process to ensure that needed actions are successfully executed.

6. Risk Prevention.

- a. Aggregate data, as determined by APD's Deputy Director for Operations, on incidents that have been reported to the Area Office will be compiled by each Office.
- b. APD'S Deputy Director of Operations will direct an analysis of the compiled data. This analysis will include, at a minimum, trends in type, location, provider, service and date of incidents. The purpose of the analysis is to identify systemic issues in order to mitigate the recurrence of incidents. This analysis will be considered as part of the APD's quality management activities.

7. References.

- Part II, Chapter 39, F.S., Reporting Child Abuse
- Section 393.13, F.S., relating to the personal treatment of persons who are developmentally disabled and Section 393.135, F.S., relating to sexual misconduct
- Chapter 415, F.S., Adult Protective Services
- Chapter 65B-6, F.A.C., Licensure of Residential Facilities
- Rule 65B-38.023, F.A.C., Intermediate Care Facilities for the Developmentally Disabled (ICF/DDs)
- "Core Assurances for Providers of Developmental Disabilities Home & Community-Based Waiver Services Program," Appendix C, Chapter 3, *Developmental Disabilities Waiver Services Coverage & Limitations Handbook*, dated June 23, 2005, Rule 59G-8.200, F.A.C.
- "Zero Tolerance" for Abuse of Developmentally Disabled Floridians Initiative: Letter from APD Director Shelly Brantley dated October 10, 2003
- APD Standard Contract, Part I, Section K, *Client Risk Prevention and Incident Reporting*

BY DIRECTION OF THE DIRECTOR:

(Signed original copy on file)

Shelly Brantley
Director