

<b>ISSUE DATE</b> March 1, 2021	<b>EFFECTIVE DATE</b> July 1, 2021	<b>NUMBER</b> 00-21-02
<b>SUBJECT</b> Incident Management		<b>BY</b>  Kristin Ahrens, Deputy Secretary for Developmental Programs

**SCOPE:**

Individuals and Families  
 Administrative Entities (AE)  
 Agency with Choice Financial Management Services Organizations  
 Base-Funded Service Providers  
 County Intellectual Disability (ID) Programs  
 Common-Law Employers in the Vendor Fiscal/Employer Agent Model  
 Providers licensed pursuant to 55 Pa. Code Chapters 2380, 2390, 6400 and 6500  
 Providers of Adult Community Autism Program (ACAP) services  
 Providers of Consolidated, Person/Family Directed Support (P/FDS), Community Living, and Adult Autism Waivers services  
 Providers of Targeted Support Management (TSM)  
 Supports Coordination Organizations (SCO)

**PURPOSE:**

The purpose of this bulletin is to specify the operating procedures and directions for the incident management process, which is a subset of a larger risk management process, and an essential component of a comprehensive quality management process.

The incident management processes in this bulletin include uniform practices for:

- Building organizational policies and structures to support incident management.
- Taking timely and appropriate action in response to incidents.
- Reporting of incidents.
- Investigation of incidents.
- Taking corrective action in response to incidents that both mitigate risk(s) and decrease the chance of a future occurrence of a similar incident.

<p><b>COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:</b></p> <p style="text-align: center;">The appropriate toll free number for your provider type</p> <p style="text-align: center;">Visit the Office of Developmental Programs Web site at  <a href="http://www.dhs.state.pa.us/dhsorganization/officeofdevelopmentalprograms/index.htm">http://www.dhs.state.pa.us/dhsorganization/officeofdevelopmentalprograms/index.htm</a></p>
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- Implementing quality management, risk management, and incident management processes for the analysis and interpretation of individual and aggregate incident data.

## **BACKGROUND:**

The primary goal of the Office of Developmental Programs (ODP) incident management system is to ensure that when an incident occurs or is suspected or alleged to have occurred, the response to the incident protects and promotes the health, safety, and rights of the individual.

In accordance with ODP's guiding principles, *Everyday Lives, Values in Action*, individuals and their families identified areas of importance to increasing the overall quality of their lives. The guiding principles include self-direction, choice and control along with promoting health, wellness, and safety. When all stakeholders report incidents, investigate incidents, and take actions based on these reports to prevent recurrence of a similar incident, the guiding principles can be put into practice.

## **DISCUSSION:**

Individuals who receive services through programs administered by ODP have the right to be treated with dignity and respect and to receive high quality services in safe environments. High quality services include services where written, oral and other forms of communication with the individual and persons designated by the individual occur in a language and through a means of communication understood by the individual and any persons designated by the individual (55 Pa. Code § 6100.50).

This bulletin provides instruction on implementing an incident management system that:

- Reflects person-centered practices;
- Begins with recognition, reporting and response;
- Promotes prevention of incident recurrence; and
- Emphasizes agency-wide analysis of incidents to implement processes that promote system-wide changes for quality improvement.

Any person, including the victim, who reports an incident or cooperates with an investigation should be free from intimidation and discriminatory, retaliatory, or disciplinary actions. Individuals who report an incident or cooperate with an investigation have rights under the Whistleblower Law (43 P.S. §§ 1421–1428) and the Older Adults Protective Services Act (35 P.S. §§ 10225.101–10225.5102).

## **I. Definitions**

Administrative Review – The final step of the investigation process that includes reviewing the competency and quality of an investigation for speed, objectivity, and thoroughness; weighing the evidence and making an investigation determination; determining preventative and additional corrective action plans; and completing the Administrative Review section of the Certified Investigator Report.

Bureau of Support for Autism and Special Populations (BSASP) – A bureau within ODP that administers two programs for adults living with autism spectrum disorders (ASD) – the Adult Autism Waiver and ACAP.

Corrective Action – Action implemented to increase protections to individuals from similar future incidents. Corrective action can be implemented for a single individual or related to an organizational change to prevent similar incidents to all individuals.

Critical Incident – A type of incident that has been determined to be a sufficiently serious indicator of risk that it requires an investigation by a Department Certified Investigator.

Incident – An event with potential to adversely impact an individual’s health, safety, or rights.

Incident Management - The response to an event, intended to ensure the adequate, appropriate, and effective protection and promotion of the health, safety, and rights of the individual.

Individual – A person registered with a County Intellectual Disability (ID) Program; enrolled in a Waiver program (Consolidated, Community Living, P/FDS or Adult Autism); enrolled in ACAP; or who receives base-funded services, TSM or services from facilities that must comply with 55 Pa. Code Chapters 2380, 2390, 6400, or 6500.

Individual Incident Report - A type of incident report entered in the electronic incident management system that exists to manage specific incident categories for one individual.

Individual Support Plan (ISP) – A coordinated and integrated description of person-centered activities, including services and supports for an individual.

Initial Management Review – A review to determine if appropriate actions to protect the individual’s health, safety, and rights have occurred, which is conducted by County ID Program/AE staff within 24 hours of the submission of the first section of the incident report.

Investigation – The process of identifying, collecting, and assessing evidence from a reportable incident in a systemic manner by a person certified by the Department’s approved Certified Investigator Training Program.

Investigation Determination – A finding of confirmed, not confirmed, or inconclusive made during the administrative review stage of an investigation.

Management Review – A review of the entire incident report in the Department’s information management system, that results in a status of approved or not approved.

Oversight Entity – An entity with the responsibility and authority to monitor the functions of another entity as they relate to incident management and the health and welfare of individuals. Oversight entities include, but are not limited to: ODP, SCOs, County ID Programs/AEs, and entities that have the authority to license providers.

Provider – The person, entity, or agency that is contracted or authorized to deliver the service to the individual.

Provider Operated Setting - Provider-owned or controlled home and community-based setting.

Risk Mitigation – An approach to minimize the severity of risk and to reduce the likelihood of occurrence or recurrence of an adverse event.

Service (paid caregiver or agency) – An activity, assistance, or product provided to an individual that is paid through a program administered by ODP (Consolidated, Community Living, P/FDS or Adult Autism Waiver programs; State plan; base-funding; or ACAP). The term includes supports coordination, TSM and vendor goods and services, as well as services provided through an organized health care delivery system, agency with choice or vendor fiscal/employer agent financial management services model.

Site Incident Report – A type of incident report in the electronic incident management system that is created when a service location or property is affected by incidents such as emergency closure, vandalism, or fire.

Support (unpaid caregiver) – An unpaid activity or assistance provided to an individual that is not planned or arranged by a provider.

Supports Coordination Organization (SCO) – An entity that delivers Supports Coordination (SC) services through the Consolidated, Community Living, P/FDS, and Adult Autism Waivers; ACAP; TSM; or base-funded SC.

Target – The person or entity who is alleged to have caused the incident to occur.

Victim –The individual to whom the incident occurred or is alleged to have occurred.

Victim’s Assistance Programs – Resources available to victims of a crime to assist them medically, physically, emotionally, financially, and legally. There are two main types of victim’s assistance programs: system and community-based organizations.

## **II. Administrative Requirements**

Providers, SCOs, and County ID Programs/AEs should create an administrative structure that allows for the implementation of the requirements in this bulletin. If a provider, SCO, or County ID Program/AE delegates or purchases any function(s) of the incident management process, there must be a method to monitor the delegated or purchased function(s). The monitoring must be sufficient to determine if the entity completing the function(s) is compliant with ODP regulations, policies, and procedures as they relate to the delegated or purchased function(s). The monitoring of incident management functions should be completed on at least a quarterly basis and the results of the monitoring should be readily available in a written format. The provider, SCO, or County ID Program/AE must retain all responsibility for the quality, compliance, and completion of all incident management functions, even if the function(s) are delegated or purchased via a contract or agreement.

## **III. Policy, Procedure and Training Requirements**

**a. Providers and SCOs shall:**

- Develop and implement written policies and procedures for incident management that:
  - Meet the requirements of all applicable laws, regulations, policies, and procedures related to incident management.
  - Support the collaboration with appropriate stakeholders to:
    - mitigate individual risk(s);
    - mitigate agency-wide risk(s);
    - promote health, safety, and rights for all individuals;
    - implement incident management, risk management, and quality management activities.
  - Require that the security of investigation files and evidence be maintained.
  - Ensure that person(s) designated by the individual listed in the ISP are notified about incident management activities as indicated by the individual.
    - The ISP should also contain information about what incidents and circumstances the person(s) designated by the individual should be notified. For example, if the individual only wants the person(s) designated for certain types of incidents.
  - Require the release to the individual and persons designated by the individual upon request of the incident report, or a summary of the incident, the findings and the actions taken, redacted to exclude information about another individual and the reporter, unless the reporter is the individual who receives the report (55 Pa. Code §§ 2380.17, 2390.18, 6100.401, 6400.18, 6500.20).
  - Assure implementation of appropriate preventative and additional corrective action for incidents.
  - Require education of the individual, staff, and others based on the circumstances of incidents (55 Pa. Code §§ 2380.19, 2390.19, 6100.405, 6400.20, 6500.22).
  - Mandate that monthly incident data monitoring and three-month trend analysis of incident data be conducted.
  - Require that individual and systemic changes based on quality and risk management analysis be identified and implemented (55 Pa. Code §§ 2380.19, 2390.19, 6100.405, 6400.20, 6500.22).
  - Explain how documents and complaints about a service that are related to incident management or the investigation process should be received from the individual and persons designated by the individual and how complaints should be documented and managed (55 Pa. Code § 6100.51).
    - The policy must ensure that there is no retaliation or threat of intimidation relating to the filing of the complaint or during the investigation of a complaint.
  - Require the evaluation of the quality of investigations through the Certified Investigator Peer Review (CIPR) process.
  - Ensure that individuals, families and persons designated by the individual are offered education and information about incident management policies and procedures that is presented in a format that meets their communication needs.
- Ensure that staff have, at a minimum, orientation and annual competency-based training on the following topics enumerated in 55 Pa. Code §§ 2380.38-2380.39, 2390.48-2390.49, 6100.142-6100.143, 6400.51-6400.52, 6500.47-6500.48:
  - How to recognize, respond to, report and prevent incidents.

- The prevention, detection, and reporting of abuse, suspected abuse, and alleged abuse in accordance with the Older Adults Protective Services Act (35 P.S. §§ 10225.101—10225.5102), the Child Protective Services Law (23 Pa. C.S. §§ 6301—6387), the Adult Protective Services Act (35 P.S. §§ 10210.101—10210.704) and applicable protective services regulations.
- Individual rights.
- The safe and appropriate use of behavior supports if the person works directly with an individual.
- The application of person-centered practices, community integration, individual choice, and assisting individuals to develop and maintain relationships.
- Job related knowledge, skills and implementation of the ISP with consideration for topics such as:
  - Trauma informed care
  - Risk mitigation

**b. County ID Programs/AEs shall:**

- Develop and implement written policies and procedures for incident management that:
  - Ensure that incidents are reviewed and approved in accordance with the time frames and requirements outlined in this bulletin and the Consolidated, Community Living, P/FDS and Adult Autism Waivers.
  - Meet the requirements of all applicable laws, regulations, policies, and procedures related to incident management.
  - Support the collaboration with appropriate stakeholders to:
    - mitigate individual risk(s);
    - mitigate agency-wide risk(s);
    - promote health, safety, and rights for all individuals;
    - implement incident management, risk management, and quality management activities.
  - Require that the security of investigation files and evidence be maintained.
  - Require the evaluation of the quality of investigations through the CIPR process.
  - Ensure that individuals, families, guardians, advocates, and staff who have a direct role in incident management, are provided at least annually and more often if necessary, in a format that meets the communication needs of the audience, education, training and information about:
    - incident management policies and procedures;
    - rights, roles, and responsibilities for health and welfare.
  - Ensure that periodic trend analysis is completed by each provider to identify potential systemic issues related to health and welfare.
  - Ensure providers and SCOs are provided with ODP's standardized and approved training curriculum on how to identify and report critical incidents and reasonable suspicions of abuse, neglect, and exploitation.
  - Ensure ongoing training and technical assistance as needed that relates to the needs of individuals served by the provider. This shall include coordination of training resources to be provided by entities other than the County ID Program/AEs when necessary.
  - Explain how documents and complaints about a service that are related to incident management or the investigation process should be received from the

individual and persons designated by the individual and how complaints should be documented and managed.

- The policy must ensure that there is no retaliation or threat of intimidation relating to the filing of the complaint or during the investigation of a complaint.

#### **IV. Incident Management Process Roles**

A person may have more than one role in the incident management process. Providers, SCOs, and County ID Programs/AEs are required to make sure that roles are assigned and managed so that the responsibilities associated with each role are conducted objectively. The nature of each individual incident will dictate what role(s) a person undertakes during the process. While roles can be fluid within the process, providers, SCOs, and County ID Programs/AEs must ensure that their administrative structure supports the ability to adhere to all applicable laws, regulations, and ODP policies and procedures. The roles listed below apply strictly to the incident management process and do not reflect any roles related to technology that may be assigned within the Department's information management system.

##### **a. Initial Reporter<sup>1</sup>**

An initial reporter is any person who witnesses or experiences the incident, is informed of an allegation of an incident, or is the first to discover or recognize the signs of an incident. Initial reporters may be individuals receiving services, family members, community members or service system staff.

When the initial reporter is a provider's, SCO's, or County ID Program/AE's staff person, contractor, consultant, volunteer, or intern, the initial reporter must take all the following steps:

- Respond to the situation by taking immediate action to protect the individual's health, safety, and rights.
- Notify the appropriate reporting entity's point person of the incident.
- Document observations about the incident in a narrative report.
- Comply with the applicable laws and regulations for incidents of alleged abuse, neglect, or exploitation.

##### **b. Point Person**

The point person is a person that receives information from an initial reporter and is responsible to manage the incident from beginning to end. Every provider and SCO must have at least one point person but multiple people within an organization may have this role.

The purpose of this role is to ensure that all incident management activities are completed for each incident. The point person is considered the point of direct contact about an incident and must be available to respond to questions or issues that arise related to an incident.

The point person retains overall responsibility to ensure the activities listed below are completed as required by the provider's, SCO's, or County ID Program's/AE's policy

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<sup>1</sup> This is not a role that can be assigned.

and procedure. However, the point person may delegate any or all of the activities listed below. The specific point person assigned to an incident may change at any time. Changes in point persons must be reflected in the incident report in the Department's information management system.

When an incident is reported, the point person must ensure:

- All actions needed to protect the health, safety, rights and well-being of the individual are taken following the initial knowledge or notice of the incident (55 Pa. Code §§ 2380.17, 2390.18, 6100.402, 6400.18, 6500.20).
- Referral to victim's assistance services is offered and support to access services is provided when an individual expresses an interest in these services. See Attachment 1.
- If the incident involves abuse, suspected abuse, or alleged abuse, the target is separated from the victim (55 Pa. Code § 6100.46).
- If the incident involves abuse, suspected abuse, or alleged abuse, the following are notified about the incident as appropriate:
  - Adult Protective Services
  - Child Protective Services
  - Older Adult Protective Services
  - The individual and persons designated by the individual, unless the person designated by the individual is the target.
  - The Department of Aging and the Department of Human Services
  - The designated managing entity (AE)
  - The county government office responsible for the intellectual disability program (County ID Program) if applicable.  
(55 Pa. Code § 6100.46)
- The individual is informed of his or her rights and options related to contacting law enforcement.
- The individual, family members or persons designated by the individual are provided with timely response to questions or concerns related to the incident.
- The following incident management activities are completed:
  - The initial incident report is submitted to the Department's information management system within 24 or 72 hours of discovery, depending on the incident category.
  - The incident report is finalized within 30 calendar days of discovery of the incident.
  - If an extension is needed, the need for the extension, including the reason for the extension, is submitted to the Department's information management system.
  - Follow up on all comments received from initial or final management reviews is completed in order to ensure incident closure.  
(55 Pa. Code §§ 2380.17, 2390.18, 6100.401, 6100.404, 6400.18, 6500.20)
- If the individual is deceased, information is sent to the County ID Program/AE, when applicable, and the appropriate ODP regional office or uploaded to be included as part of the electronic incident report. The final section of the incident report is to be supplemented by a copy of the following:
  - Lifetime medical history
  - Copy of the Death Certificate

- Autopsy report, as applicable
- Discharge summary from the final hospitalization, if the individual died while hospitalized
- Results of the most recent physical examination
- Most recent health and medical assessments
- A copy of the entire investigation file completed by the provider or SCO

**c. Incident Management (IM) Representative**

The IM representative is the person designated by a provider or SCO who has overall responsibility for incident management. Each provider and SCO must have an IM representative. As part of his or her job responsibilities, the IM representative must be a certified investigator (CI). The CI certification must be obtained within 12 months of assuming the role of IM representative. The IM representative may delegate the activities listed below within the organization or to another organization (via a contract, agreement, etc.) but must maintain overall responsibility to ensure completion as required by applicable laws, regulations, policies, and procedures. The IM representative must ensure:

- The point person(s) has completed all required actions and activities.
- Corrective actions are implemented and monitored.
- All quality and risk management activities are completed which include, but are not limited to:
  - Monitoring of incident data.
  - A trend analysis of incident data at least every three months.  
(55 Pa. Code §§ 2380.19, 2390.19, 6100.405, 6400.20, 6500.22)
- Administrative reviews are conducted for all incidents that were investigated by a CI.
- Investigation files are complete, securely maintained, and readily available for review by oversight entities.
- The quality of investigations is reviewed using the standardized CIPR process and, as a result of the CIPR, the following occur if necessary:
  - Feedback is provided to the CI that conducted the investigation.
  - Corrective actions are implemented.
  - CI retraining, suspension of CI duties, or removal of CI certification.
  - All staff, contractors, consultants, volunteers and interns are trained on all applicable regulations and laws pertaining to the service provided, and internal incident management policies and procedures.
- Individuals and families or persons designated by the individual are offered education, training, and information about incident management policies and procedures in a format that meets their communication needs.
- Roles (point person, CI, etc.), are managed in the Department's information management system. This includes:
  - Maintaining a list of active CIs including recertification dates.
  - Managing CI roles based on quality management activities and feedback from monitoring completed by oversight entities.
  - Ensuring the previous provider's staff and SCO staff's access to the Department's information management system has been removed when necessary.

- There is a timely response to complaints about a service that is related to the incident management or investigation processes (55 Pa. Code § 6100.51). The response must be provided in the communication method preferred by the individual.

**d. Certified Investigator (CI)**

A CI is a person who has been trained and certified by the Department to conduct investigations. The CI must:

- Conduct investigations using the process, standards of quality, and template(s) outlined in the most current ODP CI manual.
- Create a CI Report and enter the investigation information in the Department's information management system.
- Ensure the complete original investigation file is given to the entity for whom the investigation is being conducted.
- Participate in the CIPR process.

A person's CI certification can be suspended or removed by the Department at any time for any reason.

**e. Administrative Review Committee Member**

An administrative review committee member is a person designated by a provider, SCO, or AE to participate in the administrative review process. An administrative review committee member must be familiar with the CI process. An administrative review committee member will:

- Review the CI report, and if necessary, the investigatory file;
- Evaluate the CI's adherence to the principles of speed, objectivity, and thoroughness;
- Develop preventative and additional corrective actions; and
- Conclude the investigation by making a determination of confirmed, not confirmed, or inconclusive.

**f. County ID Program/AE Incident Reviewer**

An incident reviewer is a person designated by the County ID Program/AE who is responsible for completing all required management reviews of incidents.

**g. County ID Program/AE Incident Manager**

An incident manager is the person designated by the County ID Program/AE who has overall responsibility for incident management. As part of his or her job responsibilities, the County ID Program/AE Incident Manager must be a CI. The CI certification must be obtained within 12 months of assuming the role of incident manager. The County ID Program/AE Incident Manager may delegate the activities listed below within the organization or to another organization (via a contract, agreement, etc.) but must maintain overall responsibility to ensure their completion as required by applicable laws, regulations, policies, or procedures. The County ID Program/AE Incident Manager must ensure:

- Implementation of policies and procedures that support:
  - The review of incident reports within 24 hours of submission in the Department's information management system.

- The actions needed to approve or disapprove incident reports submitted by the provider or SCO occurring within 30 calendar days of submission by the provider or SCO.
- Investigations are conducted by the County ID Program/AE as required in this bulletin.
- The individual, and persons designated by the individual, are informed of the investigation determination, unless otherwise indicated in the ISP.
- There is a timely response to complaints that are related to the incident management or investigation processes. The response must be provided in the communication method preferred by the individual.
- An administrative review is conducted for all incidents that required investigation by a CI.
- Investigation files are complete, securely maintained, and available for review by oversight entities.
- The quality of investigations conducted by County ID Programs/AEs (including those conducted on behalf of the County ID Program/AE via a contract, agreement, etc.) are reviewed using the standardized CIPR process, and, as a result of the CIPR, the following occurs if needed:
  - Feedback is provided to the CI that conducted the investigation.
  - Corrective actions are implemented.
  - CI retraining, suspension of CI duties, and/or removal of CI certification.
- The quality of provider and SCO conducted investigations.
  - The County ID Program/AE should consider completing the CIPR review process for the service provider and SCO investigations. These CIPR reviews would be on an ad hoc basis as the County ID Program/AE is not required to complete this activity on any scheduled frequency. ODP strongly encourages the County ID Program/AE to use the CIPR process as part of a formal Corrective Action Plan (CAP) or for other quality improvement efforts directed towards service providers and SCOs.
- Periodic training is provided to County ID Program/AE staff that have a direct role in incident management and to individuals and their families, guardians, and advocates, in a format that meets the communication needs of the audience, about:
  - Their rights, roles, and responsibilities for protecting an individual's health and welfare.
  - All applicable incident management policies, procedures, regulations and laws.
- Ongoing training and technical assistance, as needed, is provided to providers and SCOs that relates to the needs of individuals served by the provider or SCO. This includes coordination of training resources to be provided by entities other than the County ID Program/AE.
- Collaboration with the individual and his or her ISP team, to develop and implement:
  - Mitigation plans to address medical, behavioral, and socio-economic crisis situations in a timely manner as required by the Administrative Entity Operating Agreement.
  - Corrective actions.
- Direct management of individual incidents (including coordination with protective service entities) and crisis situations including the following:

- Locating resources and opportunities for mitigating the crisis through family or community;
- Being actively engaged in identifying qualified service providers;
- Working to divert institutional placement; and
- If deemed appropriate by the Department, facilitating competency and guardianship appointments.
- All quality and risk management activities are completed related to incident management as outlined in this bulletin.

## **V. Response Upon Discovery/Recognition of an Incident**

The provider and SCO must take immediate action to protect the health, safety, rights, and well-being of the individual following the initial knowledge or notice of an incident, alleged incident, or suspected incident (55 Pa. Code §§ 2380.17, 2390.18, 6100.402, 6400.18, 6500.20).

The actions may include, but are not limited to:

- Dialing 911.
- Quickly reducing or removing any imminent risk to the individual.
- Arranging for emergency or timely medical care.
  - Medical care refers to assessment, examination or treatment by a qualified medical professional or basic first aid. This includes, but is not limited to:
    - Offering medical assessment, examination or treatment more than once when an injury or illness may not be immediately recognizable at the time of the incident.
    - Offering and ensuring access to a medical professional, such as a Sexual Assault Nurse Examiner (SANE), that is trained to examine individuals and collect evidence for incidents of sexual abuse.
- The provider's or SCO's point person must ensure separation of the victim from the alleged target(s). This separation shall continue until the investigation is completed.
  - When the alleged target is an employee, staff, volunteer, contractor, consultant, or intern of the provider or SCO, the target shall not be permitted to work directly with the victim or any other individual during the investigation process until the investigation determination is completed and corrective action(s) specific to the target are implemented (55 Pa. Code § 6100.46).
  - When the alleged target is another individual receiving services and presents a reasonable expectation of on-going risk to the victim or other individuals, the provider must collaborate with the SCO and County ID Program/AE to identify ways to protect the health, safety and rights of the victim (55 Pa. Code § 6100.46). Actions taken should be implemented using a victim centered approach, which includes a systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services.
    - Examples of actions that may be taken include, but are not limited to, relocation of the target (or victim if requested), increased staffing, and risk mitigation/safety planning
  - When the alleged target is not an employee, staff, volunteer, contractor, consultant, or intern of the provider or SCO (i.e. family member, unpaid caregiver, community member, etc.), the provider or SCO should work with the appropriate

County ID Program/AE and/or protective service entity and take all available action to separate the victim from the alleged target(s).

- Notifying the following about the incident as appropriate, in accordance with 55 Pa. Code § 6100.46:
  - Adult Protective Services
  - Child Protective Services
  - Older Adult Protective Services
  - The individual and persons designated by the individual, unless the person designated by the individual is the target.
  - The Department of Aging and the Department of Human Services
  - The designated managing entity (AE)
  - The county government office responsible for the intellectual disability program (County ID Program) if applicable.
- Notifying the person(s) designated by the individual immediately upon recognizing or discovering an incident as stated within the ISP.
- Arranging for counseling by a qualified professional or a victim's assistance program.
- Notifying local law enforcement in accordance with protective service law requirements (23 Pa. C.S. § 6312, 35 P.S. §§ 10210.501(b), 10225.710(b)). Law enforcement notification must occur anytime there is reasonable cause to suspect:
  - The individual is an alleged victim of sexual abuse.
  - The individual is considered a missing person whose health and safety may be compromised.
  - The individual is a victim of serious bodily injury.
  - The individual is deceased, and the circumstances of the death are suspicious.
  - A crime has been committed.
- Informing the individual that he/she can request assistance from their local law enforcement.
- Assisting the individual to notify or access local law enforcement, when requested, regardless of the nature of the incident.

## **VI. Responsibility for Reporting and Investigating**

### **a. Providers**

The provider must take immediate action to protect the health, safety, and well-being of the individual following the initial knowledge or notice of an incident, alleged incident, or suspected incident. (55 Pa. Code §§ 2380.17, 2390.18, 6100.402, 6400.18, 6500.20)

- Providers, including those under the agency with choice model, must report within 24 or 72 hours of discovery or recognition all categories of incidents, alleged incidents, and suspected incidents in the Department's information management system and complete an investigation as necessary when:
  - Services are rendered by the provider;
  - When an incident involves a target, the alleged target is within the scope of the provider to investigate, which includes employees, staff, volunteers, contractors, consultants, interns, and other individuals receiving services from the provider.

(55 Pa. Code §§ 2380.17, 2390.18, 6100.401, 6400.18, 6500.20)

- When a provider becomes aware of an incident that is outside of the scope of its responsibility to report, the provider must:
  - Ensure prompt action is taken to protect the individual's health, safety, and rights;
  - Contact the individual's SC to report the incident;
  - Provide the necessary information to the SC to ensure that the incident is able to be reported in the Department's information management system; and
  - Collaborate with the SC to develop and implement corrective actions as a result of the incident and investigation, as it applies to the delivery of service by the provider.
- When multiple providers learn of an incident, the provider rendering services for the individual at the time the incident occurred must report the incident and begin any required investigation within 24 hours. If it cannot reasonably be determined which provider was rendering service at the time of the incident, all providers who are aware of the incident should report the incident and investigate the incident.

**b. Individuals and Families**

If an individual or family member observes or suspects any health or safety concerns (that may or may not be defined as an incident) or any inappropriate conduct related to a service or support the individual is receiving whether occurring in the home or out of the home, they should contact the provider and/or the individual's SC. In the event of the death of an individual, the family should notify the SC. The individual or family may also contact the ODP Customer Service Line at 1-888-565-9435. After a report is received from an individual or family, the procedures outlined in this bulletin must be implemented by the appropriate entities.

**c. Vendor Fiscal/Employer Agent Financial Management Service (VF/EA FMS)**

In accordance with the VF/EA FMS common law employer agreement, when an individual or the individual's representative arranges services through a VF/EA FMS, and an incident is discovered or recognized, the Common Law Employer (CLE) must inform the SC that an incident has occurred. The CLE must do the following:

- Work with the SC to ensure prompt action is taken to protect the individual's health, safety, and rights.
- Ensure that the SC has the necessary information to enter the incident report into the Department's information management system.
- Work with the SC to develop and implement preventative and additional corrective actions as a result of the incident and investigation, if needed.

#### **d. County ID Programs/AEs**

In some circumstances, County ID Program/AE staff may be notified of an incident and will need to determine the appropriate provider or SCO that will manage the incident.

County ID Program/AE staff are required to:

- Conduct their own investigation if there is a concern that there are circumstances that will compromise the provider's or SCO's objectivity, or if an additional investigation would be valuable to protect the health, safety, and rights of the individual.
  - Conduct investigations for specific incident categories outlined in this document.
  - Conduct an investigation if requested by ODP.

#### **e. Supports Coordination Organizations (SCOs)**

SCOs must report and ensure investigation of all categories of incidents when supports coordination is the only service rendered at the time of an incident or if there is no other provider responsible for reporting the incident (55 Pa. Code § 6100.802).

When an SCO is informed of an incident, the SCO will determine if a provider, other than the SCO, is responsible for managing the incident. If there is a provider identified as responsible for reporting the incident, the SCO will notify the provider of the incident and inform the provider of the need to follow the processes outlined in this bulletin.

### **VII. Reportable Incidents**

#### **a. Reporting Guidelines**

Specified incidents, alleged incidents, and suspected incidents are to be reported and documented in the Department's information management system (55 Pa. Code §§ 2380.17, 2390.18, 6100.401, 6400.18, 6500.20). A provider, SCO, or County ID Program/AE shall not conduct an "informal review" of an event that may be classified as an incident in lieu of the incident being reported in the Department's information management system.

In addition to verbal reports, alleged and suspected incidents may be detected via a variety of methods. These include, but are not limited to:

- Observation of physical, behavioral, or emotional indicators of abuse, neglect, or another incident type.
- Trend analysis that reveals a pattern of injury, illness, or other incidents that could be indicators of abuse, neglect, or another incident type.

When reporting incidents in the Department's information management system, these guidelines must be followed:

- All individual incidents are reported under the name of the alleged victim.
- If the alleged target(s) is an employee of a provider or another individual receiving services, a standard identifier must be used for the alleged target(s) of an incident report. The format for the standard identifier is:
  - The *first and second* initials of the *first* name of the target,
  - The *first and second* initials of the *last* name of the target, and

(All initials be must capitalized and there can be no spaces, dashes, or other characters between the initials and the number. For example: AOBR1234)

- The *last* four digits of the target's social security number.
- If the alleged target is not an employee of a provider or another individual receiving services, the alleged target's full name should be used, if known.
- The Department's information management system has two sections available to document an incident, each with different timelines based on the incident's primary category classification.
  - The initial report, which is the first section, must be reported and submitted in the Department's information management system within 24 or 72 hours of discovery or recognition of the incident, alleged incident, or suspected incident (55 Pa. Code §§ 2380.17, 2390.18, 6100.401, 6400.18, 6500.20).
  - Incidents reported within 24 hours require a final incident report, which is the second section, that must be finalized through the Department's information management system within thirty (30) days of the discovery of the incident, unless the entity entering the incident report notifies ODP in writing that an extension is necessary and includes the reason for the extension (55 Pa. Code §§ 2380.17, 2390.18, 6100.404, 6400.18, 6500.20).
- When multiple individuals are involved in an incident with a primary category listed below, the incident can be reported using a site incident report:
  - Emergency site closure
  - Fire
  - Law enforcement activity

**b. Incidents to be reported within 24 hours<sup>2</sup>**

All incident categories (with the exception of medication errors and physical restraints) shall be reported in the Department's information management system within 24 hours (55 Pa. Code §§ 2380.17, 2390.18, 6100.401, 6400.18, 6500.20).<sup>3</sup> Incidents include suspicions, allegations, and actual occurrences of harm. Incidents must be reported regardless of the actual or perceived harm to the individual.

**Abuse** – Abuse is a deliberate or careless act by a person, including another individual receiving services, which may result in mental or physical harm.

- **Misapplication/Unauthorized Use of Restraint (injury)** – The use of a restraint that does not follow ODP's regulatory requirements, the misapplication of an approved restraint technique, or the use of a restraint that results in an injury requiring treatment beyond first aid. Examples include, but are not limited to, the following, all of which are prohibited:
  - Prone position physical restraints
  - Any physical restraint that inhibits digestion or respiration, inflicts pain, causes embarrassment or humiliation, causes hyperextension of joints, applies pressure on the chest or joints or allows for a free fall to the floor

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<sup>2</sup> In this section, primary incident categories are underlined and are broken down into secondary categories that further define the nature of the alleged incident. Secondary categories appear in bold directly below each underlined primary category.

<sup>3</sup> See Attachment 2, Incident Management Bulletin Category and 55 Pa. Code §§ 6100.401-6100.402 Crosswalk.

- Any physical restraint that is used more than 30 cumulative minutes within a two-hour period
  - Chemical restraints
  - Mechanical restraints
- **Misapplication/Unauthorized Use of Restraint (no injury)** – The use of a restraint that does not follow ODP’s regulatory requirements or the misapplication of an approved restraint technique. Examples include, but are not limited to, the following, all of which are prohibited:
    - Prone position physical restraints
    - Any physical restraint that inhibits digestion or respiration, inflicts pain, causes embarrassment or humiliation, causes hyperextension of joints, applies pressure on the chest or joints or allows for a free fall to the floor
    - Any physical restraint that is used more than 30 cumulative minutes within a two-hour period
    - Chemical restraints
    - Mechanical restraints
- **Physical** – An act which causes or may cause physical injury to an individual, such as striking or hitting. Physical injuries may or may not be present with physical abuse. Allegations of physical acts without obvious signs of injury must be reported. Monitoring or body checks may be necessary to look for signs of injury after initial discovery of the incident. In addition, injuries attributed to a staff person or another individual receiving services that require treatment beyond first aid or an inpatient admission to a hospital are to be reported as abuse.

If the incident involved an injury, common examples of situations that may be present with physical abuse include, but are not limited to:

- A patterned bruise, no matter its size, that is in the shape of an identifiable object such as a belt buckle, shoe, hanger, fingermark, etc.
  - Unexplained serious injuries or multiple bruises, cuts, abrasions.
  - A spiral fracture.
  - Dislocated joints.
  - Bilateral bruising, which is bruising on both sides of the body (e.g. the top of both shoulders, both sides of the face or inside of both thighs).
  - Bruising to an area of the body which does not typically or easily bruise (e.g. midline stomach, breasts, genitals, inner thighs or middle of the back).
  - Injuries that are not consistent with what is reported to have happened.
  - Injuries explained as caused by self-injury to parts of the body the individual has not previously injured or cannot access.
- **Psychological** – An act which causes or may cause mental or emotional anguish by threat, intimidation, humiliation, isolation, or other verbal or nonverbal conduct to diminish another. Examples include, but are not limited to:
    - Bullying, rejecting, degrading, and terrorizing acts.
    - Disregard for privacy during personal care.

- Paid caregiver ignoring an individual, including, but not limited to:
    - Active ignoring (that is not part of an approved plan) such as ignoring a call or request for help/assistance.
    - Passive acts, such as non-essential use of a cellphone (or other electronic device), watching TV, etc.
  - Threats of isolation.
  - Yelling, name-calling, blaming, and shaming.
  - Mimicking or mocking an individual's voice, speech, behaviors, etc.
  - Statements that are intended to humiliate or infantilize, including insults, threats of abandonment or institutionalization and other controlling, dominant or jealous behavior.
  - The act of taking, transmitting, or displaying an electronic image (in any medium including social media, personal computers, cell phones, etc.) of an individual that is intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the individual.
  - When an individual witnesses an incident for which they were not the intended victim, but it causes or has caused mental or emotional anguish.
- **Seclusion** – The involuntary confinement of an individual in an area from which the individual is prevented from leaving. This includes verbal instruction or any explicit or implicit intimidation that indicates to an individual that they may not leave a room, regardless of whether the individual has the ability to physically remove himself or herself from the situation.

Examples include, but are not limited to, the following prohibited acts:

- Placing an individual in a locked room. A locked room includes a room with any type of engaged locking device such as a key lock, spring lock, bolt lock, foot pressure lock, device or object, or a person physically holding the door shut.
- Placing an individual in a room from which they are unable to exit independently due to the general accessibility of the room (i.e. wheelchair ramps, transitions, etc.), features of the door hardware (i.e. handles that do not meet the accessibility needs of the individual), or any other obstacle that prevents an individual from exiting.

**Behavioral Health Crisis Event** – An event or situation that exceeds the individual's current resources and coping mechanisms that causes the individual to experience extreme disorganization of thought, hopelessness, sadness, confusion, panic, or other emotional distress. The event includes action(s) by an individual that pose a danger to themselves or others and are unable to be mitigated without the assistance of law enforcement, mental health, or medical services.

- **Community-Based Crisis Response** – An event in which law enforcement or emergency services respond to and resolve without transport to another location for intake, assessment or treatment.
- **Facility-Based Crisis Response** – An event in which law enforcement or emergency services respond to and an individual is transported to a psychiatric

facility, including crisis facility, or the psychiatric department of an acute care hospital for evaluation or treatment that does not result in an admission.

- **Immediate Arrest and Incarceration Crisis Response** - An event in which law enforcement responds to a behavioral health crisis event and arrests, charges and incarcerates an individual without first obtaining a mental health evaluation/admission at a facility designated to provide such services.
- **Psychiatric Hospitalization (involuntary)** – An involuntary inpatient admission to a psychiatric facility, including crisis facility, or the psychiatric department of an acute care hospital for evaluation or treatment.
- **Psychiatric Hospitalization (voluntary)** – A voluntary inpatient admission to a psychiatric facility, including crisis facility, or the psychiatric department of an acute care hospital, for evaluation or treatment.

**Death** - All deaths are reportable. Deaths attributed to or suspected to have been the result of abuse or neglect require additional reporting in the appropriate corresponding category. In addition, any critical incidents that are discovered during an investigation into a death require additional reporting in the appropriate corresponding category.

- **Natural Causes – Services Provided** – Primarily attributed to a terminal illness or an internal malfunction of the body not directly influenced by external forces. For example, a person who has been diagnosed with cancer and is receiving hospice services or when a do not resuscitate (DNR) order is in place. A death should be reported in this category if it occurs while an individual is enrolled in a Waiver program or ACAP or is receiving services in a provider operated setting.
- **Unexpected – Services Provided** – An unexpected death is primarily attributed to an external unexpected force acting upon the individual. Deaths attributed to events such as car accidents, falls, homicide, choking and suicides would be considered unexpected. A death should be reported in this category if it occurs while an individual is enrolled in a Waiver program or ACAP or is receiving services in a provider operated setting.
- **Natural Causes – Only Supports Provided** – Primarily attributed to a terminal illness or an internal malfunction of the body not directly influenced by external forces. For example, a person who has been diagnosed with cancer and is receiving hospice services or when a DNR order is in place.
- **Unexpected – Only Supports Provided** – An unexpected death is primarily attributed to an external unexpected force acting upon the individual. Deaths attributed to events such as car accidents, falls, homicide, choking and suicides would be considered unexpected.

**Exploitation** – An act or course of conduct by a person against an individual or an individual's resources without informed consent or with consent obtained through misrepresentation, coercion, or threats of force, which results in monetary, personal, or other benefit, gain, or profit for the target, or monetary or personal loss to the individual. Exploitation should be reported regardless of the actual or perceived value of the loss.

- **Failure to Obtain Informed Consent** – An intentional act or course of conduct by a person which results in the misuse of an individual’s consent or failure to obtain consent. Examples include, but are not limited to, signing on behalf of or coercing/deceiving an individual into:
  - Applying for credit cards
  - Signing contracts
  - Signing loan documents, wills and other items that relate to the personal property, money, or identity of an individual.
  
- **Material Resources** – The illegal or improper act or process of a person using the material resources or possessions of an individual for his or her own personal benefit or gain. This includes, but is not limited to:
  - Misusing or stealing an individual’s possessions
  - Soliciting gifts
  - Coercing an individual to spend his or her funds for things he or she may not want or need, things for use by others or for the benefit of the household
  
- **Medical Responsibilities/Resources** – An act or course of conduct of a person that results in an individual paying for medical care or items that are normally covered by insurance or other means. This includes, but is not limited to:
  - Requiring an individual to pay for a medical appointment, procedure, or equipment due to failure of the ISP team to provide support or resources to find a medical provider that accepts the individual’s insurance or whose services are covered by other means.
  - Requiring an individual to pay for an appointment, procedure, or equipment when there is a failure on the part of the service provider to support an individual to attend or schedule medical appointments or to maintain medical equipment.
  
- **Missing/Theft of Medications**– Missing medications without explanation or theft of medications.
  
- **Misuse/Theft of Funds** – The illegal or improper act or process of a person using the funds of an individual for his or her own personal benefit or gain. This includes misuse or mismanagement by a representative payee or other responsible party, theft of money, Supplemental Nutrition Assistance Program (SNAP) benefits, or soliciting monetary gifts from an individual.
  
- **Room and Board** – Requiring an individual to pay for items that are covered as part of room and board charges, charging more than allowable rates for room and board, or charging for a service or support that is included in a rate for which a provider is or will be reimbursed. This includes any situation in which the individual is required to pay for the same item/service twice. Examples of items that are covered as part of the room and board residency agreement (contract) include, but are not limited to:
  - Standard toiletries (shampoo, deodorant, soap, toothpaste, etc.)
  - Utility costs, including trash removal, lawn care, snow removal
  - Household furniture
  - Basic linens (blankets, towels, washcloths, sheets, pillowcases)
  - Cleaning, laundry, and other household supplies

- One telephone with local telephone service
  - Internet service
  - Food choices of the individual, with consideration of the food cost and nutrition, including the individual's preference, culture, religion and beliefs, and an individual's prescribed diet, if the prescribed diet is not covered by the individual's health care plan or another funding source
    - Prescribed dietary items necessary for individuals' basic health and nutrition include, but are not limited to:
      - a. Products used to thicken liquids/foods
      - b. Phenylketonuria (PKU) diet foods
      - c. Meal replacement shakes and snacks
      - d. Diabetic diet foods
  - Laundry of towels, bedding, and the individual's clothing
  - Lawn care, food preparation, maintenance and housekeeping, including staff wages and benefits to perform these tasks
  - Meals provided away from the residential service location that are arranged by a staff person in lieu of meals provided in the residential service location
  - Incontinence products, if the incontinence product is not covered by the individual's health care plan or another funding source
  - Building and equipment repair, renovation, and depreciation
  - Rent, taxes, and property insurance  
(55 Pa. Code § 6100.684)
- **Unpaid Labor** – The illegal or improper act or process of a person who is using an individual to perform unpaid labor that would otherwise be compensated in a manner consistent with labor laws.

**Fire** – A situation that requires fire personnel or other safety personnel to extinguish a fire, clear smoke from the premises, etc. While not required, it is strongly recommended that situations in which staff extinguishes small fires without the involvement of fire personnel be reported.

- **Fire with Property Damage** – The fire causes property damage that may or may not make the premises uninhabitable.
- **Fire without Property Damage** – The fire does not cause property damage and may or may not result in the premises being uninhabitable.

**Law Enforcement Activity** – Law enforcement activity that occurs during the provision of service or for which an individual is the subject of a law enforcement investigation that may lead to criminal charges against the individual. This includes law enforcement responding to a possible crime when an individual is in the community or in a vehicle.

- **Individual Charged with a Crime/Under Police Investigation** –When an individual is formally charged with a crime by the police or when an individual is informed he or she is suspected of committing a crime, and charges may be forthcoming. All charges or suspected charges related to a Behavioral Health Crisis Event should be reported as such and not as a law enforcement activity.

- **Licensed Service Location Crime** – A crime such as vandalism, break-ins, threats, or actual occurrences of acts that may result in harm, etc. that occur at the provider’s service location.

**Missing Individual** – An individual is considered missing when they are out of contact for more than 24 hours without prior arrangement or the individual is in immediate jeopardy when missing for any period. Based on an individual’s history, safety skills, and familiarity with the area, an individual may be considered in jeopardy before 24 hours elapse. In addition, when police are contacted about a missing individual or the police independently find and return an individual, this is a reportable incident regardless of the amount of time an individual has been missing.

- **In Jeopardy** - The unexpected or risky absence of any duration for an individual whose absence constitutes an immediate danger to the individual or others.

**Neglect** – The failure to obtain or provide the needed services and supports defined as necessary or otherwise required by law, regulation, policy, or plan (ISP, Behavior Support Plan, safety plan, etc.). This includes acts that are intentional or unintentional regardless of the obvious occurrence of harm.

- **Failure to Provide Medication Management** – An event that may cause harm or lead to inappropriate medication use while the medication is in the control of the person(s) charged with administration. Incidents of this nature include when harm occurs to the individual, the medication error occurs over more than one consecutive administration or an individual receives medication intended for another individual.

Incidents of this type include, but are not limited to, a failure to:

- administer medications via the correct route
- implement medication changes in a timely manner
- obtain medications from the pharmacy

- **Failure to Provide Needed Care** – The failure to obtain or provide the needed services and supports. This includes, but is not limited to:
  - Failure to implement medical, social, behavioral, and restrictive procedures as outlined in the ISP.
  - Failure to provide needed care such as food, clothing, personal hygiene, prompt and adequate medical care, emergency services, and other basic treatment and necessities needed for development of physical, intellectual, emotional capacity, and well-being.
  - Failure to obtain, keep in working order, or arrange for repair or replacement of equipment such as glasses, dentures, hearing aids, walkers, wheelchairs, etc.
  - Failure to intercede on behalf of the individual with regards to reporting or acting on changes to healthcare needs or failure to ensure medical equipment is repaired or replaced as needed.
- **Failure to Provide Needed Supervision** – The failure to provide attention and supervision, including leaving individuals unattended. This is based upon the supervision care needs in the ISP or recommendations or requirements from a court of law or as a condition of probation or parole.

- **Failure to Provide Protection from Hazards** – The failure to protect an individual from health and safety hazards as part of routine care, service provision or as outlined in the ISP.  
Examples of failure to provide protection from health and safety hazards include, but are not limited to:
  - Failure to prepare and serve food required by an individual’s medical diagnosis.
  - Failure to provide protections from poisonous materials.
  - Failure to provide shelter and basic utilities.
  - Failure to provide basic protections from environmental hazards such as exposure to the sun, extreme elements, and other weather-related conditions.
  - Failure to regulate water temperatures.
  - Failure to provide protection from hazardous activities such as the manufacture, distribution, exposure to and use of illegal drugs.
- **Moving Violation** – Any staff or volunteer receiving a moving violation citation during the provision of services to an individual regardless if operating an entity’s vehicle or personal vehicle.

**Passive Neglect** – The inability to provide supports due to environmental factors which are beyond the control of an unpaid caregiver because of lack of experience, information, resources, or ability. Passive neglect is reportable if there are no current risk mitigation strategies in the ISP that specifically address the area of passive neglect. Passive neglect is reported by an individual’s SCO.

- **Inability to Provide Medical/Personal Care** – The inability of an unpaid caregiver to provide adequate medical or personal care due to lack of education, training, resources, or the physical ability of the caregiver to perform such tasks. This includes the inability to obtain or maintain communication devices, mobility aides, and other durable medical equipment.
- **Inability to Provide Necessities** – The inability of an unpaid caregiver to provide food, clothing, adequate housing, utilities, or other basic necessities that are essential to maintain the health and safety of an individual.

**Rights Violation** – An unauthorized act which improperly restricts or denies the human or civil rights of an individual, including those rights which are specifically mandated under applicable law, regulation, policy, or plan. This includes acts that are intentional or unintentional regardless of the obvious occurrence of harm.

- **Civil/Legal** – Any violation of civil or legal rights afforded by law. This includes the right to vote, speak freely, practice religious choice, access law enforcement and legal services, as well as participate in local, state or national government activities.
- **Communication** – The failure to support an individual to communicate at all times. This includes a failure to obtain needed communication evaluations, assistive devices or services; provide communication support; or maintain communication devices in working order. Communication includes, but is not limited to:
  - Display of text in fonts and sizes that meet communication needs
  - Access to sign language interpreters

- Access to translation to preferred languages
  - Access to persons that can facilitate an individual's unique communication style
  - Access to braille materials and other tactile communication assistance
  - Access to plain-language materials
- **Health** – The failure to support choice and opportunity related to health care. This includes failure to inform and educate an individual about physical or behavioral health evaluations and assessments, changes in health status, diagnosis information, test results, medications, treatment options, etc. This also includes the denial of the right of an individual to make informed health care decisions.
  - **Privacy** – Any violation of an individual's safely exercised choice to be free from being observed or disturbed by others. This includes an individual's choice to maintain the privacy of his or her physical person, living area, possessions, electronic social media (emails, posts on the internet, accounts, content, or any similar items), communication with others (whether in face-to-face meetings, phone, email, physical mail, or any other correspondence), use of image or likeness without the expressed permission of the individual (including videos or photos taken of the individual for promotional, marketing or any other purpose), or any similar area where a reasonable expectation of privacy exists.
  - **Services** – Any violation of an individual's right to control services received. This includes when an individual refuses to participate in, voices a concern about, or wants to make a change to a service, and the ISP team does not address these choices. Individuals have the right to participate in the development and implementation of their ISPs and can choose where, when, and how to receive needed services. This also includes the right to control specific schedules and activities related to services.
  - **Unauthorized Restrictive Procedure** – Any restrictive procedure (other than a physical, chemical, or mechanical restraint) that does not follow ODP's guidelines related to restrictive procedures or is prohibited by ODP. Restrictive procedures limit an individual's movement, activity or function; interfere with the individual's ability to acquire positive reinforcement; result in the loss of objects or activities that an individual values; or require an individual to engage in a behavior in which, given the freedom of choice, the individual would not engage.

**Self-Neglect** – An action or lack of action by an individual that results in the individual denying himself or herself proper care, supports, and services. Self-neglect is reportable if there are no current risk mitigation strategies in the ISP that specifically address the area of self-neglect. Self-neglect is reported by an individual's SCO.

- **Environmental** – Hazardous or unsafe living conditions (e.g., improper wiring, no indoor plumbing, no heat, no running water, hoarding conditions), unsanitary or unclean living quarters (e.g., animal or insect infestation, no functioning toilet, fecal or urine odor), or grossly inadequate housing or homelessness.
- **Medical** – The refusal by an individual to take medications on a regular basis; ignoring acute or chronic health or medical problems; refusal to obtain, use or

maintain prescribed medical devices (e.g., eyeglasses, hearing aids, dentures) needed to maintain health and safety.

- **Personal Care/Nutrition** – Refusal to consistently wear or obtain appropriate or adequate clothing for activities or weather conditions, refusal to maintain proper hygiene that presents a serious risk to health or safety, or refusal to maintain a proper diet which may lead to malnutrition, illness or dehydration.
- **Other** – Other forms of self-neglect may include refusing to accept services or supports that are essential to maintain health and safety.

**Serious Illness** – A physical illness, disease, or period of sickness that requires hospitalization. This includes an elective surgery that requires a hospitalization.

- **Chronic/Recurring** – An illness, condition or disease that is persistent or otherwise long-lasting in its effects for which an individual has had previous treatment or diagnosis.
- **New** – An acute illness, condition or disease for which an individual has not previously received treatment. This includes acute illnesses, conditions or diseases that may become chronic in the future.

**Serious Injury** – Any injury that requires treatment beyond first aid. This includes injuries that receive an assessment or treatment at an emergency room, urgent care center, primary care physician office, etc., or that require hospitalization. Assessment by emergency medical services that did not require a visit to one of the locations listed above for treatment is not reportable. Serious injuries that are treated by a medical professional (i.e. doctor, nurse, etc. that is used by the organization) on-site are reportable. Examples include, but are not limited to:

- fractures
  - dislocations
  - burns
  - electric shock
  - loss or tearing of body parts
  - eye emergencies
  - ingestion of toxic substance
  - head injuries from accidents, falls, or blows to the head
  - any injury with loss of consciousness
  - medical equipment malfunction or damage that requires immediate intervention
  - lacerations requiring stitches, staples or sutures to close
- **Choking**– When food or other items become lodged in the back of the throat and the cause is not attributed to neglect. Choking incidents are only reportable when they require interventions, such as back blows, abdominal thrusts or the Heimlich maneuver.

- **Injury Accidental** – Injury (other than self-inflicted) with a known cause at the time of the report.
- **Injury Self-Inflicted** – Injury with a known cause at the time of the report that can be attributed to an intentional action of an individual to cause harm upon himself or herself.
- **Injury Unexplained** – An injury with no known cause at the time of the report.
- **Medical Equipment Failure/Malfunction** – Any medical equipment failure or malfunction that requires intervention by a medical professional. This does not include routine maintenance or care of medical equipment.
- **Pressure Injury (decubiti, pressure ulcer, pressure sore, bedsore)** – Injuries to skin and underlying tissue resulting from prolonged pressure on the skin, regardless of stage and including an injury that is unstageable. This includes initial diagnoses, newly affected areas of the body, as well as a diagnosis that becomes worse over time.

**Sexual Abuse** - Any attempted or completed nonconsensual sexual act. The act may be physical or non-physical and achieved by force, threats, bribes, manipulation, pressure, tricks, violence or against an individual who is unable to consent or refuse. Sexual abuse includes any act or attempted act that is sexual in nature between a paid service provider staff and an individual regardless of consent on the part of the individual.

Examples of methods used to commit sexual abuse include, but are not limited to:

- Use of intimidation or threat of physical force toward an individual in order to gain compliance with a sexual act (e.g., pinning the victim down, assaulting the victim)
- Administering alcohol or drugs to an individual in order to gain compliance with a sexual act (e.g., drink spiking)
- Taking advantage of an individual who is unable to provide consent due to intoxication or incapacitation from voluntary consumption of alcohol, recreational drugs, or medication
- Exploitation of vulnerability (e.g., immigration status, disability, undisclosed sexual orientation, age)
- Misuse of authority (e.g., using one's position of power to coerce or force a person to engage in sexual activity)
- Economic coercion, such as bartering of sex for basic goods, like housing, employment/wages, immigration papers, or childcare
- Degradation, such as insulting or humiliating an individual
- Fraud, such as lies or misrepresentation of a target's identity
- Continual verbal pressure, such as when an individual is being worn down by someone who repeatedly asks for sex or, for example, by someone who complains that the individual does not love them enough
- False promises by the target (e.g., promising marriage, promising to stay in the relationship, etc.)
- Grooming and other tactics to gain an individual's trust

- Control of an individual's sexual behavior/sexuality through threats, reprisals, threats to transmit sexually transmitted infections (STIs), threats to force pregnancy, etc.
- **Rape** - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of an individual. This includes when an individual was made, or there was an attempt to make the individual, penetrate another person (including the target).
- **Sexual Harassment** - Sexual advances that do not involve physical contact between an individual and a target. This type of sexual abuse can occur in many different venues (e.g., home, school, workplace, in public, or through technology). Examples include, but are not limited to:
  - Sending unwanted sexually explicit photographs
  - Use of inappropriate sexual remarks or language
  - Unwanted exposure to sexual situations - pornography, voyeurism, exhibitionist
  - Threats of sexual abuse to accomplish some other end, such as threatening to rape an individual if he or she does not give the target money
  - Threatening to spread sexual rumors if the individual does not have sex with the target
  - Unwanted filming, taking or disseminating photographs of a sexual nature of an individual (in any medium to include, but not limited to, social media, personal computers, cell phones, etc.)
  - Exposure to unwanted sexual materials (pornography)
- **Unwanted Sexual Contact** - Intentional touching or molesting, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, buttocks, or any other body part without consent. This includes making an individual touch or molest another person (including the target).
- **Other** - Any sexual abuse of an unknown type at the time of the report or sexual abuse that does not conform to other secondary category options.

**Site Closure** – The emergency closure of a licensed or provider operated service location for one (1) or more days. This is reported as a site incident report and does not apply to individuals who reside in homes owned, rented or leased solely by the individual or family member.

- **Infestation** – The closure of a site due to the need to treat for animal, insect, or other pests.
- **Loss of Utilities** – The closure of a site due to loss of utility that was not related to a failure on the part of the operating entity. This includes electrical outages, issues with water or sewer systems and heating or cooling system failures.
- **Natural Disaster/Weather Related** – The closure of a site due to a natural disaster or weather conditions.
- **Structural** – The closure of a site due to structural issues.

- **Other** – The closure of a site due to a reason other than an infestation, loss of utilities, natural disaster or weather related or structural issue.

**Suicide Attempt** – The intentional and voluntary attempt to take one’s own life. A suicide attempt is limited to the actual occurrence of an act and does not include suicidal threats or ideation. If medical treatment was sought after a suicide attempt, it should be reported under suicide attempt as a primary category in all cases, and not as serious injury or illness.

- **Injury/Illness that Requires Medical Intervention** – An individual sustained an injury or became ill due to a suicide attempt and required medical treatment beyond basic first aid.
- **No Injury/Illness that Requires Medical Intervention** – An individual did not sustain an injury or become ill due to a suicide attempt and did not require medical treatment beyond basic first aid.

**c. Incidents to be reported within 72 hours**

Medication errors and physical restraints are to be reported within 72 hours after the discovery or recognition of the incident.

**Physical Restraint** – A physical hands-on method that restricts, immobilizes, or reduces an individual’s ability to move his or her arms, legs, head, or other body parts freely. A physical restraint may only be used in the case of an emergency to prevent an individual from immediate physical harm to herself or himself or others. Restraints that are permitted by ODP policies and procedures, regulations or laws are to be reported as physical restraints. All other restraints shall be reported as abuse.

- **Human Rights Team Approved Restrictive Intervention** – Any physical restraint that is applied in an emergency situation that is part of an approved ISP that contains a restrictive procedure.
- **Provider Emergency Protocol** – Any physical restraint that is applied in an emergency situation that is part of a provider emergency restraint protocol. This restraint is not part of an individual approved ISP that contains a restrictive procedure.

**Medication Error** – Any practice that does not comply with the “Rights of Medication Administration” as described in the ODP Medication Administration Training Course. A medication error occurring during a time when an unpaid caregiver is responsible for the administration of medication is not reportable. An individual’s refusal to take medication is not reportable as a medication error.

- **Wrong Medication** – Individual is given a medication that the individual is not prescribed or has been discontinued, or the individual was given medication that was supposed to be given for another reason.
- **Wrong Dose** – Individual is given too much or too little medication during a scheduled administration.

- **Wrong Time** – Individual is given medication too early or too late as defined by the range of allowable administration time.
- **Wrong Route** – Individual is given medication in a different way from the one specified on the label.
- **Wrong Form** – Individual is given medication in a different type from the one prescribed.
- **Wrong Position** – Individual is not placed correctly to receive the medication.
- **Wrong Technique/Method** – Medication is prepared for administration improperly.
- **Omission** – An administration of medication fails to occur.
- **Wrong Person**- An individual is given another individual's medication.

**d. Incidents to be reported when directed**

ODP will provide specific guidance and direction on what to report, as well as the timelines to report, related to the following emergencies:

**Declared Emergency** - An event, such as an occurrence of a natural catastrophe, technological accident, or human-caused event that has resulted in, or could potentially cause, severe property damage, deaths, and/or multiple injuries such as, but not limited to, public health emergencies, emergency declarations, major declarations, etc.. A Declared Emergency is declared by Federal, State, County, or Municipal officials.

**Public Health Emergency** - An event such as a disease or natural disaster that causes, or has the potential to cause, harm to a significant number of individuals and is declared as a Public Health Emergency by Federal or State officials. Public Health Emergencies are to be reported within timeframes that are specific to the nature of the event and as directed by ODP.

- **Outbreaks** - The occurrence of disease cases in excess of normal expectancy. The number of cases varies according to the disease-causing agent, and the size and type of previous and existing exposure to the agent.
- **Epidemic** - A disease that affects a large number of people within a community, population, or region.
- **Pandemic** - A disease that affects a large number of people that is spread over multiple countries or continents.
- **Natural Disasters** - An event such as a flood, earthquake, storms, hurricanes, tornados, blizzards, etc.

- **Bio-Terrorist Attacks** - The intentional release or dissemination of biological agents. These agents are bacteria, viruses, insects, fungi, or toxins, and may be in a naturally occurring or a human-modified form.

## VIII. Process for Investigation by a Certified Investigator

Incidents that are categorized as critical incidents must be investigated by a certified investigator who has taken and passed the Department’s CI course (55 Pa. Code §§ 2380.17, 2390.18, 6100.402, 6400.18, 6500.20). The point person for an incident must review the information given by the initial reporter, determine the appropriate primary and secondary incident category, and determine if an investigation by a CI is required or if not required, desired. If an investigation is required or desired for an incident, each entity investigating must follow the Department’s standardized investigation process as outlined in the most current ODP CI manual.

If an investigation is required or desired to be completed by a County ID Program/AE, the County ID Program/AE must fully comply with all applicable procedures related to the investigation of incidents. County ID Program/AE investigators are not permitted to review the investigation of another entity and make an investigation determination based solely on that evidence without conducting their own investigation. In addition, when a County ID Program/AE has a different investigation determination than a provider or SCO, the County ID Program/AE must work with the other investigating entity to reconcile the difference.

A County ID Program/AE is required to complete any investigation requested by ODP.

At no time should the investigating entity covered by the scope of this bulletin (referred to as the ODP investigating entity) delay, halt, or terminate an investigation because of the involvement of an external investigating entity. If an external investigating entity requests that an ODP investigating entity delay, halt, or terminate an investigation, the ODP investigating entity must attempt to obtain this request in writing and discuss the request with the appropriate regional ODP office.

Concurrent investigations by law enforcement and protective service agencies may occur at the discretion of those entities. When there are multiple entities conducting investigations, every effort should be made to coordinate the investigations to avoid continued stress or trauma upon all individuals involved.

The chart below identifies which primary and secondary incident categories require an investigation by a CI. At times, more than one ODP investigating entity will be investigating the same incident.

### **Incidents to be Investigated by a Certified Investigator<sup>4</sup>**

There are circumstances when SCOs will manage incidents in lieu of a provider; therefore, the term “provider” may be replaced with SCO in the chart in certain

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<sup>4</sup> See Attachment 2, Incident Management Bulletin Category and 55 Pa. Code §§ 6100.401-6100.402 Crosswalk.

circumstances (see section, *Responsibility for Reporting and Investigating*, for further guidance).

<b>Primary Category</b>	<b>Secondary Category</b>	<b>Entity Responsible for Ensuring CI Investigation is Complete</b>
<b>Abuse</b>	<b>All</b>	<b>Provider</b>
	<b>Misapplication/Unauthorized Use of Restraint (injury)</b>	<b>Provider and County ID Program/AE</b>
<b>Death</b>	<b>Natural Causes – Services Provided</b>	<b>Provider</b>
	<b>Unexpected – Services Provided</b>	<b>Provider</b>
<b>Exploitation</b>	<b>All</b>	<b>Provider</b>
	<b>Medical Responsibilities/Resources</b>	<b>Provider and County ID Program/AE</b>
	<b>Room and Board</b>	<b>Provider and County ID Program/AE</b>
	<b>Unpaid labor</b>	<b>Provider and County ID Program/AE</b>
<b>Neglect<sup>5</sup></b>	<b>All</b>	<b>Provider</b>
<b>Rights Violation</b>	<b>All</b>	<b>Provider</b>
	<b>Unauthorized Restrictive Procedure</b>	<b>Provider and County ID Program/AE</b>
<b>Serious Injury</b>	<b>Injury Accidental</b>	<b>Provider</b>
	<b>Injury Unexplained</b>	<b>Provider</b>
	<b>Choking</b>	<b>Provider</b>
	<b>Pressure Injury (Decubiti, Pressure Ulcer, Pressure Sore, Bedsore)</b>	<b>Provider</b>
<b>Sexual Abuse</b>	<b>All</b>	<b>Provider</b>
<b>Suicide Attempt</b>	<b>All</b>	<b>Provider</b>

(55 Pa. Code §§ 2380.17, 2390.18, 6100.402, 6400.18, 6500.20)

#### **IX. Services for Individuals with an Intellectual Disability or Autism Incident Report Form<sup>6</sup>**

<sup>5</sup> This does not include incidents of Passive Neglect and Self-Neglect.

<sup>6</sup> Attachment 3, Services for Individuals with an Intellectual Disability or Autism Incident Report.

In the event that the Department's information management system is unavailable, the submission of incidents is to occur by completing the *Services for Individuals with an Intellectual Disability or Autism Incident Report* form, specifically pages 1 and 2 of Attachment 3 of this Bulletin. The reason why the incident is not entered in the Department's information management system should be included on the form. All incidents submitted using this form must be entered into the Department's information management system as soon as possible after resolution of the issue(s) that prevented entry.

## **X. Multiple Categories and Sequence of Reporting**

A point person must review incident definitions to determine the most appropriate primary and secondary categories for a report. In situations where an incident appears to meet multiple incident definitions, the point person should enter a report based on the information available at the time of entry. Reclassification is an option at any time during the lifecycle of an incident.

The point person must also determine if the information received at the time of the initial report represents a singular incident or if multiple incident reports are needed to adequately capture information about the incident.

**Singular reportable incident** – When an individual experiences one incident that could have multiple incident categories.

**Multiple reportable incidents** – More than one incident experienced by one individual, which are not linked to each other and would not be adequately addressed or resolved through a single incident report or if applicable, an investigation.

To assist the point person in choosing an appropriate classification when singular events represent more than one incident category, the following list of incidents in priority, is suggested as a guide in selecting the most appropriate category and may not be appropriate in all situations:

1. Sexual Abuse
2. Abuse
3. Neglect
4. Exploitation
5. Rights Violation
6. Suicide Attempt
7. Serious Injury
8. Serious Illness
9. Behavioral Health Crisis Event
10. Missing Person
11. Law Enforcement Activity
12. Site Closure
13. Fire
14. Passive Neglect
15. Self-Neglect

If an incident that requires reporting within 24 hours involves or is the result of a medication error, a report must be initiated in the appropriate 24-hour primary category. In addition, an incident report for the medication error must be reported within 72 hours.

Incidents that are reported as a death, are considered singular reportable incidents. A death is considered a separate incident from the events that may have occurred prior. Incidents reported with a primary category other than death should not be reclassified to a death.

## **XI. Review Process**

### **a. Provider and SCO Review Process**

Providers and SCOs are responsible for reviewing incident reports prior to finalizing them for accuracy and to ensure that the final report has all required elements to allow for the closure of the incident. In addition, providers and SCOs must ensure evidence of the implementation of corrective actions is available upon request by oversight entities. This review process applies to providers and SCOs that are fulfilling the roles of point person and IM representative for the incident. Specifically, the review must ensure:

- Documentation that the individual's health, safety and rights were protected, upon discovery of the incident
- The incident categorization is correct
- The service location, provider type, and service delivery model are correct
- An investigation occurred when required
- The description of the incident is accurate and has enough details to explain the event
- Proper safeguards are in place to reduce the risk of recurrence of an incident
- Target(s) are identified per this bulletin
- No identifying information that pertains to another individual receiving services is included in the incident report
- Discharge and follow-up information related to medical services is included in any incident report involving medical care
- All required notifications of the incident occurred
- An administrative review of the investigation occurred
- Corrective action(s) in response to the incident have, or will, take place, including those that involve actions related to the target(s)
- An analysis to determine the cause of the incident was completed for all confirmed incidents
- All incident management timelines have been met and if they have not, corrective actions related to a failure to meet timelines are included in the incident report
- The investigation information entered by the CI has enough details to explain the process used by the CI, if the CI performed an investigation
- The investigation determination is consistent with the investigation information entered by the CI, if the CI performed an investigation

Upon finalization of the incident report, the incident report is reviewed by the County ID Program/AE or ODP. The incident is considered under review until the County ID Program/AE and ODP approves it. In the event either the County ID Program/AE or

ODP disapproves an incident report, the provider or SCO is to respond to the comments from the County ID Program/AE or ODP management review. The provider or SCO has ten days to respond to the disapproval or any issues identified as part of the disapproval, and resubmit the final section and investigation documents of the incident report, as appropriate.

## **b. SCO Incident Review and Monitoring Process**

The SCO has a responsibility to respond to and assess emergencies and incidents. This involves a combination of a review of incident reports in the Department's information management system and ongoing monitoring while on-site and via other methods (phone, email, etc.).

Specifically, the SCO must ensure an individual's health, safety, and well-being by:

- Reviewing initial incident reports that are completed in the Department's information management system. This includes confirming the following actions were taken:
  - Individuals were contacted (via the individual's preferred communication method or in person depending on the nature of the incident) to assess their current status and offer assistance to help meet their needs
  - The entity that entered the incident was communicated with and took the following actions, if needed:
    - Additional information (not present in the initial incident report) that was needed to adequately explain an event in order to assess the actions taken to protect the health, safety, and rights of the individuals was requested and obtained
    - Additional information that was needed to address questions and concerns from the initial County ID Programs/AE<sup>7</sup> and/or regional management review, if noted during the SCO's review of the initial incident was requested and obtained
  - Recommendations were provided to County ID Programs/AEs or their delegates, in order to improve a situation and increase protections for an individual, when the review of actions taken to protect the health, safety, and rights of an individual reveals inappropriate or potentially ineffective risk mitigation strategies
- A review of final incident reports in the Department's information management system and taking action that may include, but is not limited to:
  - Contacting individuals (via the individual's preferred communication method or in person depending on the nature of the incident) to assess their current status and offer assistance to meet their needs
  - Requesting and obtaining additional information needed to address questions and concerns from the initial County ID Program/AE and/or regional management reviews, if noted during the SCO's review of the initial incident
  - An assessment of preventative and additional corrective actions for appropriateness or effectiveness to mitigate risk

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<sup>7</sup> Programs administered by BSASP do not utilize County ID Programs/AEs. SCOs who serve individuals enrolled in the Adult Autism Waiver or ACAP should contact the appropriate ODP office to complete the activities in this section that require notification of an oversight entity. This applies in all instances where references to County ID Programs/AEs are included in this section.

- Contacting County ID Programs/AEs or their delegates if questions and concerns from the initial AE and/or regional management review are not addressed in the final section of the incident report
- Providing recommendations to County ID Programs/AEs or their delegates, in order to improve a situation and to increase protections of an individual, when the review reveals inappropriate or potentially ineffective risk mitigation strategies
- Conduct ongoing monitoring of the situation to determine that the needs of the individual are met. Monitoring must be documented per ODP's regulations, policies, and procedures. Ongoing monitoring includes, but is not limited to:
  - Verification of the implementation of preventative and additional corrective actions related to an incident via examination of on-site documentation, discussions with individuals, families and staff, etc.
  - Communication to providers or other oversight entities about issues identified during monitoring
    - This includes informing the appropriate County ID Program/AE of issues that require additional follow-up action that the SCO is unable to facilitate
  - A determination whether additional monitoring visits are necessary to ensure the protection of health, safety, and rights of individuals and the effective implementation of preventative and corrective actions
  - Based upon review of the final incident report, complete changes to an ISP based upon the incident, if needed

**c. County ID Program/AE Review Process<sup>8</sup>**

The County ID Program/AE is responsible for reviewing and approving incidents within the timeframes and requirements outlined in this bulletin.

- Within 24 hours of the submission of the first section of the incident report, County ID Program/AE incident reviewers must complete an initial management review of the incident to determine if appropriate actions were taken to protect the individual's health, safety, and rights. This includes, but is not limited to:
  - Communicating with the entity that entered the incident to request and obtain additional information if necessary to adequately explain and assess the actions taken to protect the health, safety, and rights of the individual
    - Additional information must be documented in the management review document in the Department's information management system
  - Contacting the entity that entered the incident to communicate any concerns identified during the management review and to ensure that actions were taken to remediate the identified concern
    - Actions taken must be documented in the management review document in the Department's information management system
- After the provider or SCO submits the final section of the incident report, County ID Program/AE incident reviewers must perform a management review within 30 days. Specifically, County ID Program/AE incident reviewers must ensure:
  - The incident categorization is correct
  - The service location, provider type, and service delivery model are correct
  - An investigation occurred when required

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<sup>8</sup> This process does not apply to incidents entered on behalf of individuals supported by BSASP.

- Target(s) are identified per this bulletin
- No identifying information that pertains to another individual receiving services is included in the incident report
- All incident management timelines have been met and if they have not, corrective actions related to a failure to meet timelines are in the incident management report
- An administrative review of the investigation occurred
- The investigation determination is consistent with the investigation information entered by the CI
- Proper safeguards are in place to reduce the risk of recurrence of an incident
- The incident report contains:
  - Documentation of the actions taken to protect the health, safety and rights of the individual(s), upon discovery of the incident
  - An accurate description of the incident and enough details to explain the event
  - Discharge and follow-up information related to medical services, if the incident involved medical care
  - Documentation that all required notifications of the incident occurred
  - Documentation that corrective action(s) in response to the incident has or will take place, including those that involve actions related to the target(s)
  - Investigation information that contains enough details to explain the process used by the investigator
- A review, analysis, and comparison are conducted with the copy information related to death incidents that has been provided by the provider and/or SCO and the incident report information in the Department's information management system
- All issues identified and communicated to the County ID Program/AE by the SCO reviewing/monitoring the incident have been addressed

When the incident report contains all required elements, the County ID Program/AE incident reviewer will give the report the status of *approved*; otherwise, the report will be given a status of *not approved* and sent back to the submitting entity for correction.

#### **d. Administrative Review Process**

All entities responsible for incident reports that conducted an investigation must have a written policy and procedure to support administrative reviews of those investigations. Investigations are not finished until the administrative review process has been completed. The administrative review process is completed by a committee of people that must follow the guidelines established by ODP in the most recent ODP Administrative Review Manual. The committee completing the administrative review process is responsible for the following:

- Reviewing competency and quality of an investigation for speed, objectivity, and thoroughness;
- Weighing the evidence and making the investigation determination: Confirmed, Not Confirmed, or Inconclusive;
- Developing and determining preventative and additional corrective action(s) regardless of investigation determination;
- Completing the Administrative Review section of the Certified Investigator Report;

- Ensuring corrective action(s) were implemented and there is a plan for ongoing monitoring of all corrective action(s);
- Completing the following for each confirmed incident:
  - Conduct analysis to determine the cause of the incident,
  - Corrective action(s), and
  - A strategy to address the potential risks to the individual.

**e. ODP Review Process**

- When the incident report contains all required elements, the ODP incident reviewer will give the report the status of *approved*; otherwise, the report will be given a status of *not approved* and sent back to the submitting entity for correction.
- Incident reports are considered closed upon the approval of ODP.

**f. Certified Investigator Peer Review Process**

All organizations are responsible for the quality of the work performed directly (or via contract, agreement, etc.) related to incident investigations. In order to facilitate consistent quality measures related to investigations conducted by a CI, ODP has created the CIPR process.

The CIPR process helps mitigate risks by monitoring the quality of investigations and monitoring of incident data and trend analysis. If a CI does not conduct investigations following the minimum standards on which the CI is trained, the organization’s ability to mitigate and manage risk may be compromised, resulting in individual harm. In the context of continuous quality improvement, the CIPR process is the core for assessing the quality of the investigation process and incident management practices within an entity or system.

The CIPR process assists with:

- Evaluating and improving the quality of investigations
- Providing performance feedback directly to the CI

All entities that complete investigations are required to conduct the CIPR process as outlined in the ODP CIPR manual.

**XII. Quality Management**

ODP recommends that all providers, SCOs, and County ID Programs/AEs integrate quality management principles, practices and tools in their incident management and risk management policies and activities. Providers, SCOs and County ID Programs/AEs are expected to routinely, and on an ongoing basis, use population-based evidence and individual data to analyze and monitor incident data to identify patterns and trends.

Data-driven decision-making identifies where improvement is needed and suggests where and what type of improvement strategies can be most successful. During the data analysis, root cause should be identified, where possible, so potential points of intervention can guide the development of prevention strategies.

Providers, SCOs, and County ID Programs/AEs are encouraged to incorporate incident management data monitoring and trend analysis activities into their respective quality management plans.

When developing health and safety related quality improvement plans, entities should integrate the principles of *Everyday Lives* to assure that resulting outcomes are person-centered and support choice. When individual plans of any type are developed, they must be person-centered and support the person to express choice in all aspect of his or her life. For example, person-centered risk mitigation plans must address health and safety risk factors identified for the individual, assure the person's health needs are being met and incorporate choice into the plan.

**a. Quality, Risk & Incident Management Monitoring, Planning and Trend Analysis**

Quality management uses data as a tool to inform decision-making. In risk management, incident data analysis is used to help identify who is at risk for what and why. Incident data also helps to identify emerging trends and patterns or if strategies implemented to prevent recurrence of an incident are successful. Routine and ongoing monitoring of incident data over time is necessary to answer questions at the individual level and the system level.

All entities should work with the individual, the ISP team, and other appropriate stakeholders to mitigate individual medical, behavioral, and socio-economic crises in a timely manner, regardless if they rise to the level of a reportable incident. Providers, SCOs, and County ID Programs/AEs must create and maintain a method to communicate quality management, risk management, and incident management activities to appropriate stakeholders to implement risk mitigation, corrective action, training, technical assistance, or education plans.

Quality management practices must be comprised of methods that include individuals in risk mitigation planning and implementation, as appropriate.

Data and analysis should be organized into a written format that supports routine and ongoing monitoring and risk mitigation planning. Based on data analysis results and stakeholder input, strategies are to be developed and implemented to achieve continuous quality improvement.

Quality management plans and data analyses should be made available to oversight entities when requested. ODP may require additional incident management analysis related to monitoring results, corrective action plans, or other oversight activities.

**b. Individual Incident Data Monitoring**

Providers and SCOs must monitor incident data and take actions to mitigate risk, prevent recurring incidents, and implement corrective action (55 Pa. Code §§ 2380.19, 2390.19, 6100.405, 6400.20 & 6500.22). Providers and SCOs must complete and document the monitoring of each individual's incident data on a monthly basis that at a minimum includes:

- Evaluation of the effectiveness of incident corrective actions for all incident categories
- Evaluation of the circumstances and frequency of restraints
- Evaluation of the circumstances and frequency of medication errors
- Identification and implementation of preventative measures to reduce:
  - The number of incidents
  - The severity of the risks associated with the incident
  - The likelihood of an incident recurring
- Documentation of:
  - The need to revise the ISP with the ISP team to include new and/or revised information, risk mitigation plans, or a change in services or supports
  - The need to consult with a County ID Program/AE for assistance related to monthly data monitoring, if necessary
  - The actions and outcomes of any activities that occurred related to the monthly data monitoring

**c. Provider, SCO Three-Month Trend Analysis**

Providers and SCOs must review and analyze incidents and conduct and document a trend analysis of all incident categories at least every three months (55 Pa. Code §§ 2380.19, 2390.19, 6100.405, 6400.20, 6500.22). Based on the results of the trend analysis, the providers and SCOs must develop, implement and document both individual specific and agency-wide risk mitigation activities.

The three-month analysis shall include, but is not limited to (as applicable):

- An analysis of compliance with regulatory timeframes for reporting, investigation, and finalization of incidents
- Evaluation of effectiveness of corrective actions for all incident categories
- Evaluation of the effectiveness of education to the individual, staff, and others based on the circumstances of an incident
- A review and trend analysis of comments from the County ID Program/AE and ODP initial management review and disapproval reasons from the final management review
- Any measures that have been implemented or will be implemented to reduce:
  - The number of incidents
  - The severity of the risks associated with the incident
  - The likelihood of an incident recurring
- Documentation of the actions and outcomes of any activities that occurred related to the trend analysis

**d. County ID Program/AE Trend Analysis**

As required by the AE Operating Agreement, County ID Programs/AEs shall conduct a trend analysis by individual and provider entity, as well as specific service locations, to identify risks that require intervention to avoid a crisis. County ID Programs/AEs shall provide assistance to mitigate all situations identified as potential risks to the health and welfare of individuals upon request from providers or SCOs. In addition, the trend analysis must include, but is not limited to:

- An analysis of compliance with timeframes in accordance with this bulletin for reporting, investigation and finalization of incidents
- Evaluation of the circumstances and frequency of the use of restraints
- Evaluation of the circumstances and frequency of medication errors

To complete the trend analysis, the County ID Program/AE must document the outcomes or findings from the trend analysis, including any actions that need to be taken.

**ATTACHMENTS:**

Attachment 1: Victim's Assistance Programs

Attachment 2: Incident Management Bulletin Category and 55 Pa. Code §§ 6100.401-6100.402  
Crosswalk

Attachment 3: DP 1081, Incident Report, Services for Individuals with an Intellectual Disability or Autism