INCIDENT MANAGEMENT
Critical Incident
Investigation and Documentation

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Time Management

Please help us use time efficiently by:

- Making a <u>personal note</u> of your questions as they arise

- Entering your question on the chat box if an answer <u>is not provided throughout presentation</u>

There will be an opportunity to answer questions at the end of the presentation

Thank you for your participation

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Previous Training Session Content Review

During the **Critical Incident Reporting Training** sessions offered in March 2023, we covered the following:

- ✓ What is a critical incident?
- ✓ What critical incidents are also reported to Protective Services?

Reporting timeframes
- ✓ 48 hours to submit the First Section of the incident report in Enterprise Incident Management (EIM) (weekends and State holidays excluded)

Briefly mentioned Investigation timeframes
- ✓ 24 hours to begin the investigation
- ✓ 30 calendar days to conclude the investigation and close the incident report in EIM

Completion of the March 2023 Critical Incident Reporting training session is a prerequisite for today's session

Objectives

The purpose of today's presentation is to review Critical Incident **Investigation and Documentation** requirements and the responsibilities for Office of Long-Term Living (OLTL) Home and Community-Based Services (HCBS) service coordinators (SC) and Managed Care Organizations (MCO). We will discuss:

➢ *Who* is responsible for *investigating* a critical incident?
➢ *How* long should it take to investigate a critical incident and close the EIM incident report?
➢ *What* sections of the EIM critical incident report must be completed?

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Critical Incident Management – Policy and Regulation

The content of this presentation is based on the requirements outlined in the Critical Incident Management Bulletin issued on February 23, 2023; the approved 1915(c) HCBS Waiver documents; and the Community HealthChoices (CHC) Agreement, which are based on **55 Pa. Code, Chapter 52.**

Community HealthChoices Managed Care Organizations (MCO), and Service Coordinators (SC), are responsible for *investigating* critical incidents they become aware of or are reported to them and *documenting* their investigation findings through the Enterprise Incident Management (**EIM**), an electronic data system that collects information regarding critical incidents involving waivers and Act 150 program participants.

Investigation of critical incidents and its documentation **is an integral part of a service coordinator's responsibilities**, not a stand-alone function.

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MCOs staff and SCs, are also **mandated reporters** under both the Adult Protective Services (APS) (individuals ages18-59) and the Older Adult Protective Services (OAPS) (individuals ages 60 and older) Acts. Therefore, MCOs and SCs are **required** to report any suspected **abuse, neglect, exploitation, abandonment, or suspicious deaths** to the appropriate PS agency based on the age of the participant. Incidents involving **abuse, neglect, exploitation, or abandonment** are underlined investigated by the protective services agency, not by the MCO/SC. However, MCOs and SCs are *required* to **document** the PS investigation details in EIM.

REPORT ABUSE

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Manage Critical Incidents

Develop & implement written policies & procedures

Critical Incident Management

- Prevention and trend tracking
- Risk management
- Investigations
- Reporting
- Notifications
- Staff training (upon hire and annually)

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Individual's Rights and MCO/SC responsibility

- Participants have the right to refuse to cooperate with critical incident reporting or investigations.

- MCOs and SCs must *investigate* critical incidents **even when the participant does not wish to be involved**.

Excerpt from Critical Incident Management Bulletin, page 6, under "Reporting"

8) Participant involvement - In order to respect an individual's autonomy, a participant has the right to not report critical incidents and has the right to decline further interventions. A participant also has the right to refuse involvement in the critical incident investigation. If the participant decides to be involved in the investigation, the participant has the right to have an advocate present during any interviews and/or investigations resulting from a critical incident report.

In the event that a participant chooses not to report a critical incident, or declines further intervention, the critical incident must still be reported, and the MCO or SC must investigate the critical incident. Documentation is to be kept indicating that the participant did not wish to report the critical incident or declined interventions. If the critical incident involves potential danger to the participant, the MCO or SC needs to inform the participant that they are a mandated reporter and are required by law to report the critical incident to protective services and to submit a critical incident report to OLTL. The MCO or SC should also inform the participant that their services may be jeopardized if they are putting themselves or others at risk.

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What is a critical incident report investigation?

According to the Critical Incident Management Bulletin and other Incident Management policies, "investigation" means:

To take the steps necessary to determine if a critical incident has occurred, if there is suspected abuse, neglect, exploitation, or abandonment requiring the involvement of protective services, what actions are needed to protect the health and welfare of participants, and what actions are needed to *mitigate* and *prevent* future critical incidents.

Investigation of Critical Incidents - Requirements

The MCO or SC has **24 hours** to **begin** investigation of a critical incident after its discovery by the MCO or SC or 24 hours after a provider informs the MCO or SC.

Critical incidents which **require** **investigation** by the Service Coordinator or MCO

➢ Death (suspicious, unexplained, accidental)
➢ Unplanned Hospitalization of a participant
➢ Provider and staff member misconduct including deliberate, willful, unlawful, or dishonest activities
➢ Medication errors that result in hospitalization, an emergency room visit, or other medical intervention
➢ Service Interruption
➢ Emergency Room Visits (typically a result of serious injuries, medication errors, illness, etc.)
➢ Allegations of Abuse, Neglect, Exploitation, Abandonment which are reported to Protective Services, but are assigned a No Need category.

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- **Onsite investigation** – An onsite investigation is conducted for fact finding. The critical incident facts, sequence of events, interview of witnesses, and **observation of the participant and/or environment is required**. If a participant is hospitalized, SCs or MCO staff are to meet with hospital social workers and the attending physician to ensure hospital staff are aware of the critical incident to ensure a safe disposition. **If the critical incident is medically involved, it is recommended that a nurse or the nurse consultant accompany the SC or MCO staff.**

- **Telephone investigation** – When review of the critical incident report reveals facts are *missing* or *additional information* is required, the information *can be* obtained by conducting a telephone investigation.

  Note: The telephone investigation *complements* the required onsite investigation. It does **not** replace it.

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How do I conduct investigations if I did not receive formal investigation training?
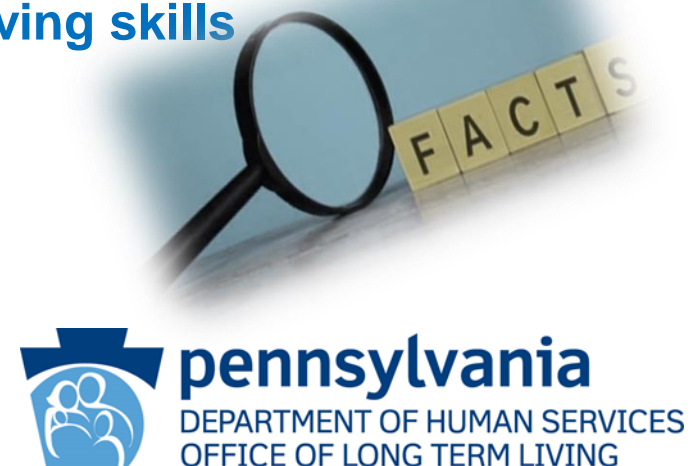
- ➢ Fact-finding activities <u>do not require</u> formal investigation training.
- ➢ Allegations which require formal investigation training (Abuse, Neglect, Exploitation, Abandonment) are handled by protective services (PS) investigators, unless it is determined that PS involvement is not necessary.
- ➢ We use fact-finding on our daily lives. These same principles, in conjunction with service coordination training and education position requirements can be useful when conducting critical incident investigations.

❖ **Basic principles of fact finding**
1. **Identify the issue or problem**
2. **Use critical thinking/problem-solving skills**
3. **Resolve the issue**

Let's look at some daily life's examples:

- ➢ I lost my car keys
- ➢ My electricity was shut off

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Scenario 1: I lost my car keys

1. Identify the problem

    I lost my car keys and I need to leave for work or an appointment

2. Use critical thinking/problem-solving skills

    ❑ The last time you used them was to drive home from work yesterday. To your knowledge, no one else borrowed the car. So, you mentally and physically walk through the steps you took when you got home yesterday.

    ❑ You remember you were distracted because the kids were fighting in the car. You recall walking back into the house and heading straight to the kitchen to decide what was on the menu for supper.

3. Resolution

    You entered the pantry for cooking supplies and there you find the keys,

    next to the flour!

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Daily Life's examples of Fact-Finding Activities

Scenario 2: My electricity was shut off

1. <u>Identify the problem</u>

   My electricity was shut off and I have no backup

2. <u>Use critical thinking/problem-solving skills</u>

   ❑ I call the Electric Company and the representative tells me I did not pay the bill which was due on October 18.
   ❑ I remember in October my daughter was in the hospital and I had a lot on my plate.
   ❑ I check my account to confirm when I sent the last payment and noticed I missed the payment for October. Last payment was September 15th.
   ❑ I call the Electric Company back and make the required payment over the phone.

3. <u>Resolution</u>

   My electricity is turned back on!

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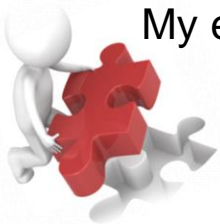
Service Coordination: Example of Fact-Finding Activities

Scenario 3: Service Coordinator becomes aware of participant's recurring missed services

1. Identify the problem

    The participant has been without services for two days. Participant reports informal support has not been available. The participant requires paid caregiver assistance with most ADLs to stay safe and well.

2. Use critical thinking/problem-solving skills

    ❑ Contact personal assistance services (PAS) agency to ask why the paid caregiver has been unable to fill the shifts. They state it was due to illness and not having backups in the geographical area
    ❑ Contact participant to ask why informal support listed in service plan has not been available. Participant reports she's used that person so often; she decided not to call rather just to take care of herself.
    ❑ SC asks if the informal support had been offered the chance to come even if just for a short period to help with needs, and participant stated no.
    ❑ SC reviews with participant how she managed her daily needs and found the participant was successful except for meal preparation. SC investigates with authorized PAS agency if they offered a replacement. They did not.

3. Resolution

    SC immediately addresses nutrition. SC offers choice of a second agency for backup and participant agreed. SC and participant contact informal support to review availability as backup plan. Informal support stated they are available at anytime, just needs a call.

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Investigation of Critical Incidents - Requirements

The Service Coordinator <u>must</u>:

1. **<u>Ensure</u>** the participant's immediate health and welfare.

2. **<u>Complete</u> onsite** fact-finding visit for observation of the participant and/or the environment.

   ➢ Investigation/Fact finding may also involve conducting phone interviews of participant's direct service providers/caregivers, relatives, or witnesses.

3. **<u>Implement</u>** risk mitigation measures

4. **<u>Notify</u>** the participant and/or representative <u>within 48 hours</u> of the resolution of the critical incident, including mitigation efforts, per policy requirements.

5. **<u>Document</u>** in the EIM entry all actions taken, how risk has been mitigated, as well as the notification made to the participant.

Special Circumstances

➢ A critical incident may entail suspending an employee or removing the employee from all OLTL Home and Community Based Services programs. If this happens, the employee should not have contact with the participant during incident fact finding. Agencies should follow their own policies about whether the suspension is with or without pay until critical incident fact finding activities are complete.

➢ If the critical incident involves a participant-directed employee, the suspension **must be without pay**, and the participant's back-up plan should be enacted, or an alternate paid employee should be used.

➢ If a critical incident involves the Service Coordinator, the Service Coordination Entity, or the MCO, the incident should be turned over to OLTL immediately.

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How do I know the investigation is complete and I can close the incident report?

No further action is required when the critical incident report meets **all three** of the following conditions:

1) The facts and sequences of events are **outlined with sufficient detail**; and

2) Preventative action through the service plan is either not required or is implemented and **documented**; and

3) **The participant is not placed at any additional risk**.

Remember: if all your hard work is not clearly documented, it cannot be confirmed.

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Investigation of Critical Incidents - Requirements

MCOs and SCs are <u>required</u> to investigate critical incidents and document their findings within **30 calendar** days of the discovery of the critical incident. When the investigation is completed, the MCO or SC must enter the following information into OLTL's critical incident management system (EIM):

➤ Actions taken to secure the health and safety of the participant.

➤ Changes made to the participant's Service Plan as a result of the critical incident.

➤ Measures taken to prevent or mitigate recurrence of the critical incident.

<u>Note</u>: **Weekends and holidays are <u>NOT</u> excluded from the 30-calendar-day count**

Discovered November 1, 2023   Investigate and close by December 1, 2023

Investigation of Critical Incidents - Requirements

When the MCO or SC is unable to conclude the incident investigation within 30 calendar days, the MCO or SC should <u>request an extension through EIM</u> or from OLTL, when applicable. *Each* critical incident report extension must be requested for **30 calendar days**

Primary Category	Maximum number of allowed Extensions	Number of Days per Extension
Abuse	3	30
Death	3	30
Emergency Room Visit	1	30
Exploitation (Participant)	3	30
Hospitalization	2	30
Neglect	3	30
Provider and Staff Misconduct	1	30
Reportable Disease	1	30
Serious Injury	1	30
Service Interruption	2	30

Office of Long Term Living (OLTL) Enterprise Incident Management (EIM)
Critical Incident Report Extension Request

Participant's Name	Participant's Master Client Index (MCI) Number
EIM Incident ID	Incident Discovery Date
Incident Original Due Date	Incident Primary Category
Reason for Extension Request (must be clearly documented in incident report)	Submission date (at least 5 business days prior to report due date)
Person submitting Request (name and title)	Agency/MCO Name

OLTL USE ONLY:

APPROVED _____   REJECTED _____

Reason for rejection

_____

_____

_____

Date of OLTL Decision _____

OLTL Staff _____

- Requests must be submitted to OLTL at least <u>5 business days</u> prior to incident report due date, via email at RA-PWOLTLEIMSpecReq@pa.gov.
- The <u>Subject line</u> on the email request must include the program the participant is enrolled in (CHC, OBRA, Act 150).
- Reasons for prior extensions must be clearly documented in the incident report.
- The reason for an extension request must be detailed, valid, and clearly documented in the incident report. For non-CHC participants, the reason for extension must also be documented in the Home and Community Services Information System (HCSIS) case notes.
- Incident report extensions will be approved for 30 days from previous report due date.
- OLTL staff will respond to requests within <u>3 business days</u>.

OLTL EIM Critical Incident Report Extension Request
December 14, 2021

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- For critical incidents involving suspected abuse, neglect, exploitation, or abandonment, reportable under APS and OAPSA and **assigned to a PS investigator (Priority and Non-Priority reports of need - RON)**, the MCO or SC is responsible to report the critical incident to APS or OAPS but not to investigate.

- MCOs and SCs are required to provide information to and cooperate with APS and OAPS staff in their investigation and in the *coordination of any services provided by the MCO or SC agency.*

- MCOs and SCs are also responsible for documenting the PS investigation findings in the EIM incident report.

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MCOs and SCs are required to **investigate** incident reports of suspicious, unexplained, and accidental deaths as well as any other RON(s) categorized by PS as **No Need**. These reports are not assigned to a PS investigator.

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Communication & Coordination with Protective Services Agencies

Adult Protective Services (APS) (Individuals ages 18-59)	Older Adult Protective Services (OAPS) (Individuals ages 60 and older)
Report of Need (RON) Notifications ➤ **For CHC, APS** sends RON notifications to OLTL and directly to the MCOs ➤ **For Fee-for-Service** (FFS), OLTL receives the notifications and issues an email alert to the Service Coordinator	**Report of Need (RON) Notifications** ➤ **For CHC**, OAPS sends a Request of Information form to the MCOs. Receipt of the form is an indication to the MCO that a RON has been received. ➤ **For Fee-for-Service** (FFS), there is no formal communication process due to prohibitions in OAPSA regulations. In some instances, if the Service Coordinator communicates to the PS investigator that they are the reporter, OAPS staff might be able to share limited information.
Investigation Outcome Notifications ➤ **For CHC**, APS sends the Determination information to OLTL and directly to the MCOs ➤ **For Fee-for-Service** (FFS), OLTL receives the notifications and sends the information to the Service Coordinator ➤ **For both**, CHC and FFS, Investigation Outcome (Determinations) can be obtained through communication with the APS Investigator	**Investigation Outcome Notifications** ➤ **For CHC**, OAPS sends a Final Disposition Form and/or a Crisis Service Plan to the MCO. ➤ **For Fee-for-Service** (FFS), there is no formal communication process, due to prohibitions in OAPSA regulations. In some instances, if the Service Coordinator communicates to the PS investigator that they are the reporter, OAPS staff might be able to share limited information necessary to coordinate provision of services to mitigate the existing risk. ➤ When Outcome of the Investigation is not available, MCOs and SCs should use "Inconclusive" in the EIM PS Investigation Outcome field with a very detailed note indicating the reason.

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Critical Incident Investigation and Documentation

Within **48 hours** of **Discovery**, DSP or SC (whichever entity **first** discovered or became aware of the incident) ensures the **First Section** of incident report is submitted in EIM**.**

SC ensures that contact is made with PS staff as soon as possible, if a report has been made to the PS Agency.

Within **24 hours** of having knowledge of the incident, the **SC** begins the investigation

Within **30 calendar days** of discovery and upon SC or PS completing the investigation, the **SC completes and submits** the Incident Report's **Final Section** in EIM.

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Critical Incident Report Documentation

- Keep in mind that state entities are viewing your EIM entries, so **each critical incident report** must account for **background information** relative to the critical incident, and **explanations of who is involved and what happened.**

  Note: If you <u>read</u> the critical incident report **in court**, would it paint an accurate picture of the situation, the participant's life, and the steps taken to ensure health and safety?

  REMINDER: EIM incident report is a **real-time document** and must be kept up to date with the most recently known information and investigation actions. OLTL requests at least <u>weekly</u> updates, and *discourages* the use of *acronyms*.

  Remember: If all your hard work is not clearly documented <u>TIMELY</u>, it cannot be confirmed.

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Critical Incident Report Documentation

- When a critical incident occurs, any information relating to the critical incident or the participant should be kept **confidential**, and only necessary information should be released to essential personnel such as police, medical personnel, APS/OAPS, crisis intervention, etc., <u>when necessary to ensure the participant's health and welfare, and/or complete the critical incident report</u>.

- 55 Pa. Code § 52.29 outlines the confidentiality requirements.

Critical Incident Report Documentation

Next, we will show an <u>example</u> of an EIM incident report's <u>Final Section</u> completion. The example is <u>not intended</u> to cover the requirements for all incident report categories or circumstances. It is offered as general guidance for SC Entities and MCOs to develop <u>their own procedures</u> and ensure **compliance** with critical incident management requirements.

Information and training regarding incident investigation content and details are the *responsibility of the **SC Entities**.*

For CHC waiver participants, the **CHC-MCOs** are responsible to provide training.

Detailed training on entering and submitting a critical incident report in EIM is available on the HCSIS Learning Management System (LMS).

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Demonstration of Incident Report Completion

During the second part of our presentation, we demonstrated an example of the incident report's Final Section completion <u>in the EIM system</u>. The details are captured in the recording of the presentation, also available on the DHS website.

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Contact information for concerns with Providers

- Provider Operations Hotline for questions or to report concerns with **providers/SCEs: 1-800-932-0939** or by email at: RA-HCBSENPRO@pa.gov

- For CHC participant concerns, **please contact the participant's MCO**.

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Critical Incident Management Resources

Incident Management and Protective Services training is available for Service Coordinators on OLTL's contractor Dering Consulting website:

https://deringconsulting.com/OLTL-Provider

Helpful Links

- HCSIS Learning Management System (LMS) Link: https://www.hcsis.state.pa.us/HCSISLMS

- EIM Link: https://www.hhsapps.state.pa.us/EIM

- 2023 Critical Incident Management Bulletin: Critical-Incident-Management-Bulletin.pdf (pa.gov)

Questions and Additional Information

- EIM access and roles assignment is the responsibility of each agency. The HCSIS Help Desk is available to assist with <u>system</u> issues or questions. For HCSIS and EIM System-related Technical Assistance, you may contact the HCSIS Help Desk at **1-866-444-1264** or by email at c-hhcsishd@pa.gov

- Questions or requests for additional information regarding Critical Incident Management can be sent to the following email address: RA-OLTL_EIMimplement@pa.gov

Beth Manbeck - Registered Nurse
Damaris Alvarado - Section Chief
Critical Incident Management Unit
Office of Long-Term Living

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Questions?

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