

# POLICY AND PROCEDURE ON RESPONDING TO AND REPORTING INCIDENTS

## I. PURPOSE

The purpose of this policy is to provide instructions to staff for responding to and reporting incidents.

## II. POLICY

CHOICE, Inc. will respond to incidents as defined in MN Statutes, section 245D.02, subdivision 11, that occur while providing services to protect the health and safety of and minimize risk of harm to the person(s) served. Staff will address all incidents according to the specific procedure outlined in this policy and act immediately to ensure the safety of persons served. After the situation has been resolved and/or the person(s) involved are no longer in immediate danger, staff will complete the necessary documentation in order to comply with licensing requirements on reporting and to assist in developing preventative measures. For emergency response procedures, staff will refer to the *Policy and Procedure on Emergencies*.

All staff will be trained on this policy and the safe and appropriate response and reporting of incidents. In addition, program sites will have contact information of a source of emergency medical care readily accessible. In addition, a list of emergency phone numbers will be posted in a prominent location, and employees will be trained on where to locate the contact information document. Emergency contact information for persons served at the facility including each person's representative, physician, and dentist is readily available, located in a binder kept and updated by the site Program Director, and accessible to all staff.

## III. PROCEDURE

### **Defining incidents**

- A. An incident is defined as an occurrence which involves a person and requires the program to make a response that is not a part of the program's ordinary provision of services to that person, and includes:
1. Serious injury of a person as determined by MN Statutes, section 245.91, subdivision 6:
    - a. Fractures
    - b. Dislocations
    - c. Evidence of internal injuries
    - d. Head injuries with loss of consciousness or potential for a closed head injury or concussion without loss of consciousness requiring a medical assessment by a health care professional, whether or not further medical attention was sought
    - e. Lacerations involving injuries to tendons or organs and those for which complications are present
    - f. Extensive second degree or third degree burns and other burns for which complications are present
    - g. Extensive second degree or third degree frostbite and others for which complications are present
    - h. Irreversible mobility or avulsion of teeth
    - i. Injuries to the eyeball
    - j. Ingestion of foreign substances and objects that are harmful
    - k. Near drowning
    - l. Heat exhaustion or sunstroke
    - m. Attempted suicide
    - n. All other injuries considered serious after an assessment by a health care professional including, but not limited to, self-injurious behavior, a medication error requiring medical treatment, a suspected delay of medical treatment, a complication of a previous injury, or a complication of medical treatment for an injury
  2. Death of a person served.
  3. Any medical emergency, unexpected serious illness, or significant unexpected changes in an illness or medical condition of a person that requires the program to call "911," physician treatment, or hospitalization.
  4. Any mental health crisis that requires the program to call "911," a mental health crisis intervention team, or a similar mental health response team or service when available and appropriate.

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5. An act or situation involving a person that requires the program to call “911,” law enforcement, or the fire department.
6. A person’s unauthorized or unexplained absence from a program.
7. Conduct by a person served against another person served that:
  - a. Is so severe, pervasive, or objectively offensive that it substantially interferes with a person’s opportunities to participate in or receive service or support
  - b. Places the person in actual and reasonable fear of harm
  - c. Places the person in actual and reasonable fear of damage to property of the person
  - d. Substantially disrupts the orderly operation of the program
8. Any sexual activity between persons served involving force or coercion as defined under MN Statutes, section 609.341, subdivisions 3 and 14.
  - a. “Force” means the infliction, attempted infliction, or threatened infliction by the actor of bodily or commission or threat of any other crime by the actor against the complainant or another, harm which (a) causes the complainant to reasonably believe that the actor has the present ability to execute the threat and (b) if the actor does not have a significant relationship to the complainant, also causes the complainant to submit.
  - b. “Coercion” means words or circumstances that cause the complainant reasonably to fear that the actor will inflict bodily harm upon, or hold in confinement, the complainant or another, or force the complainant to submit to sexual penetration or contact, but proof of coercion does not require proof of a specific act or threat).
9. Any emergency use of manual restraint as identified in MN Statutes, section 245D.061.
10. A report of alleged or suspected maltreatment of a minor or vulnerable adult under MN Statutes, section 626.557 or chapter 260E.

## Responding to incidents

- A. Staff will respond to incidents according to the following plans. For incidents including death of a person served, maltreatment, and emergency use of manual restraints, staff will follow the applicable policy and procedure:
  1. **Death of a person served:** *Policy and Procedure on the Death of a Person Served*
  2. **Maltreatment:** *Policy and Procedure on Reporting and Review of Maltreatment of Vulnerable Adults or Policy and Procedure on Reporting and Review of Maltreatment of Minors*
  3. **Emergency use of manual restraint:** *Policy and Procedure on Emergency Use of Manual Restraint*
- B. **Any medical emergency (including serious injury), unexpected serious illness, or significant unexpected changes in an illness or medical condition of a person that requires the program to call “911,” physician treatment, or hospitalization**
  1. Staff will call “911” if they believe that a person is experiencing a medical emergency (including serious injury), unexpected serious illness, or significant unexpected change in illness or medical condition that may be life threatening and provide any relevant facts and medical history. Staff are directed to notify emergency personnel in advance that the situation involved a vulnerable person with an intellectual disability.
  2. All CHOICE staff are trained and certified in first aid and CPR, and will give first aid and/or CPR in accordance with their training, when it is indicated by their best judgment or the “911” operator, unless the person served has an advanced directive. Staff will refer to the *Policy and Procedure on the Death of a Person Served* for more information.
  3. Staff will summon additional staff who are immediately available to assist in providing emergency first aid, and/or will notify the Program Director or Designated Manager to assist in securing any staffing coverage that is necessary.
  4. Staff or Program Director will contact the emergency contact person(s) immediately, and will direct them to the appropriate location of the individual.

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5. If the person is transported to a hospital, a CHOICE staff will accompany the person when possible, and will stay with them until the emergency contact person(s) arrives. Other persons served must never be left alone or unattended.
6. If the person's condition does not require a call to "911," but prompt medical attention is necessary, staff will consider the situation as health threatening and will immediately call the person's emergency contact(s) to obtain treatment.
8. Staff or the Program Director will contact the assigned nurse consultant and will follow any instructions regarding documentation and follow-up.

### **C. Any mental health crisis that requires the program to call "911," a mental health crisis intervention team, or a similar mental health response team or service when available and appropriate.**

1. Staff will implement any crisis prevention plans specific to the person served as a means to de-escalate, minimize, or prevent a crisis from occurring.
2. If a mental health crisis were to occur, staff will ensure the person's safety, and will not leave the person alone if possible.
3. Staff will contact "911," or the mental health crisis intervention team - Metro Crisis Coordination Program at 952-767-3125, or a similar mental health response team or service when available and appropriate, and explain the situation and that the person is having a mental health crisis. Staff are directed to notify emergency personnel in advance that the situation involved a vulnerable person with an intellectual disability.
4. Staff will follow any instructions provided by the "911" operator or the mental health crisis intervention team contact person.
5. Staff will notify the Program Director and/or Designated Manager who will assist in securing any staffing coverage that is necessary.
6. Staff or Program Director will contact the emergency contact person(s) immediately, and will direct them to the appropriate location of the individual.
7. If the person is transported to a hospital, a CHOICE staff will accompany the person when possible, and will stay with them until the emergency contact person(s) arrives. Other persons served must never be left alone or unattended.
8. If the person's condition does not require a call to "911," but prompt medical attention is necessary, staff will consider the situation as health threatening and will immediately call the person's emergency contact(s) to obtain treatment.
9. Staff or the Program Director will contact the assigned nurse consultant and will follow any instructions regarding documentation and follow-up.

### **D. An act or situation involving a person that requires the program to call "911," law enforcement, or the fire department**

1. Staff will contact "911" immediately if there is a situation or act that puts the person at imminent risk of harm. Staff are directed to notify emergency personnel in advance that the situation involved a vulnerable person with an intellectual disability.
2. Staff will immediately notify the Program Director and/or Designated Manager of any "911," law enforcement, or fire department involvement or intervention.
3. If a person served has been the victim of a crime, staff will follow applicable policies and procedures for reporting and reviewing maltreatment of vulnerable adults or minors.
4. If a person has been sexually assaulted, staff will discourage the person from bathing, washing, or changing clothing. Staff will leave the area where the assault took place untouched, if it is under the company's control.
5. If a person served is suspected of committing a crime or participating in unlawful activities, staff will follow the person's *Coordinated Service and Support Plan Addendum* when possible criminal behavior has been addressed by the support team.
6. If a person served is suspected of committing a crime and the possibility has not been addressed by the support team, the Designated Coordinator and/or Designated Manager will determine immediate actions and contact support team members to arrange a planning meeting.

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7. If a person served is incarcerated, the Program Director, Designated Coordinator and/or Designated Manager will provide the police with information regarding vulnerability, challenging behaviors, and medical needs.

### E. **Unauthorized or unexplained absence of a person served from a program**

1. Based on the person's supervision level, staff will determine when the person is missing from the program site or from supervision in the community.
2. An immediate and thorough search of the immediate area that the person was last seen will be completed by available staff. When two staff persons are available, the immediate area and surrounding neighborhood will be searched by one staff person. The second staff person will remain at the location. Other persons receiving services will not be left unsupervised to conduct the search.
3. If the person has a specific plan outlined in his/her Coordinated Services and Support Plan Addendum to address strategies in the event of unauthorized or unexplained absences, those procedures will be implemented immediately, unless special circumstances warrant otherwise.
4. If after no more than 15 minutes, the search of the facility and neighborhood is unsuccessful, staff will notify the Program Director and/or the Designated Manager, and will immediately call "911" if the person is determined to be missing. Staff are directed to notify emergency personnel in advance that the situation involved a vulnerable person with an intellectual disability.
5. Staff will provide the police with information about the person's appearance, last known location, disabilities, and other information as requested. A photograph of the individual will be provided to law enforcement whenever possible. Photographs will be readily available in an individual's file, and electronically when internet access is available.
6. The Program Director and/or Designated Manager will continue to monitor the situation until the individual is located.
7. When the person is found, staff will return the person to the service site, or make necessary arrangements for the person to be returned to the service site.
8. The guardian and emergency contact(s) will be notified any time an individual is determined to be missing.
9. If there is reasonable suspicion that abuse and/or neglect led to or resulted from the unauthorized or unexplained absence, staff will report immediately in accordance with applicable policies and procedures for reporting and reviewing maltreatment of vulnerable adults or minors.

### F. **Conduct by a person served against another person served**

1. Staff will immediately enlist the help of additional staff if they are available and will intervene to protect the health and safety of persons involved.
2. Staff will implement approved intervention procedures following the Policy on Emergency Use of Manual Restraints (see EUMR Policy), using the least restrictive measures necessary.
3. If the aggressor has a behavior plan in place, staff will follow the plan as written.
4. Staff will implement Positive Support Strategies and methodologies that may be provided in the *Coordinated Service and Support Plan Addendum*.
5. Staff will remove the person being aggressed towards to an area of safety.
6. If other least restrictive alternatives were ineffective in de-escalating the aggressors' conduct and immediate intervention is needed to protect the person or others from imminent risk of physical harm, staff will call "911."
7. If the ordinary operation of the program is disrupted, staff will manage the situation and will return to the normal routine as soon as possible.
8. To the extent possible, staff will visually examine persons served for signs of physical injury and document any findings.
9. If the conduct results in injury, staff will provide necessary treatment according to their training.

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## G. Sexual activity between persons served involving force or coercion

1. Staff will follow any procedures as directed by the *Individual Abuse Prevention Plans* and/or *Coordinated Service and Support Plan Addendums*, as applicable.
2. Staff will verbally direct each person to a separate area. If the person does not respond to verbal redirection, staff will intervene to protect the person from force or coercion, using approved interventions in accordance with the EUMR policy and the person's Coordinated Services and Support Plan Addendum.
3. If the persons served are unclothed, staff will provide them with a robe or other appropriate garment and will discourage the person from bathing, washing, changing clothing or redressing in clothing that they were wearing.
4. Staff will leave the area where the sexual activity took place untouched if it is under CHOICE, Inc.'s control.
5. Staff will call "911" in order to seek medical attention if necessary and inform law enforcement. Staff are directed to notify emergency personnel in advance that the situation involved a vulnerable person with an intellectual disability.
6. To the extent possible, staff will visually examine persons served for signs of physical injury and document any findings.
7. If the incident resulted in injury, staff will provide necessary treatment according to their training.

## Reporting incidents

- A. Staff will first call "911" if they believe that a person is experiencing a medical emergency that may be life threatening. In addition, staff will first call "911," a mental health crisis intervention team for a person experiencing a mental health crisis, or a similar mental health response team or service when available and appropriate.
- B. Staff will immediately notify the Program Director, Designated Coordinator, and/or Designated Manager that an incident or emergency has occurred and follow directions issued to them and will document the incident or emergency on an *Incident and Emergency Report* and any related program or health documentation. Each *Incident and Emergency Report* will contain the required information as stated in the *Policy and Procedure on Reviewing Incidents and Emergencies*.
- C. When the incident or emergency involves more than person served, CHOICE, Inc. staff will not disclose personally identifiable information about any other person served when making the report to each person and/or legal representative and case manager unless the company has the consent of the person and/or legal representative.
- D. The Program Director, Designated Coordinator and/or Designated Manager will maintain information about incidents, and report incidents to the legal representative or designated emergency contact and case manager within 24 hours of an incident occurring while services are being provided, within 24 hours of discovery or receipt of information that an incident occurred, unless the company has reason to know that the incident has already been reported, or as otherwise directed in the person's *Coordinated Service and Support Plan* and/or *Coordinated Service and Support Plan Addendum*.
- E. A report will be made to the MN Office of the Ombudsman for Mental Health and Developmental Disabilities and the Department of Human Services Licensing Division within 24 hours of the incident, or receipt of the information that the incident occurred, unless the company has reason to know that the incident has already been reported, by using the required reporting forms. A report may be made using the Office of the Ombudsman's Death Report webform or Serious Injury webform. Forms to fax include *Death Reporting Form*, *Serious Injury Form*, and *Death or Serious Injury Report FAX Transmission Cover Sheet*. Incidents to be reported include:
  1. Serious injury as determined by MN Statutes, section 245.91, subdivision 6.
  2. Death of a person served.

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- F. Verbal reporting of an emergency use of manual restraint will occur within 24 hours of the occurrence. Further reporting procedures will be completed according to the *Policy and Procedure on Emergency Use of Manual Restraint* which includes the requirements of reporting incidents according to MN Statutes, sections 245D.06, subdivision 1 and 245D.061.
  
- G. Within 24 hours of reporting maltreatment, the company will inform the case manager of the nature of the activity or occurrence reported and the agency that received the report, unless there is reason to believe the case manager is involved. CHOICE, Inc. and staff will follow the applicable policy and procedure on reporting maltreatment for vulnerable adults or minors, as applicable.