AUDIENCE: Supports Coordination Organizations (SCO’s), Administrative Entities (AE’s) County Mental Health/Intellectual Disability Programs (MH/ID)

PURPOSE: This Informational Packet is being distributed by the Office of Developmental Programs (ODP) to provide guidance to SCOs, County MH/ID programs, and AEs with regards to the SCO’s responsibility in the incident management process. This Informational Packet clarifies the responsibilities of SCOs including the responsibility to file incident reports in HCSIS when notified by a Common Law Employer (CLE).

BACKGROUND:
The ODP Incident Management Bulletin, No. 6000-04-01, and 55 Pa Code §6000 Statement of Policy Subchapter Q Incident Management have always applied to SCOs in the delivery of Supports Coordination services. Effective July 1, 2008, Supports Coordination became a waiver eligible service. The addition of Supports Coordination as a waiver service in the Consolidated and Person/Family Directed Support waivers resulted in the SCO becoming a waiver provider. This requires SCOs to report incidents as providers of waiver services as specified in 55 Pa Code §51 Office of Developmental Programs Home and Community-Based Services.

Additional reporting requirements exist under the Adult Protective Services Law (Act 70 of 2010). This requires the reporting of abuse, neglect and “exploitation”. The current primary categories associated with exploitation include both “Rights Violation” and “Misuse of Funds”. Incidents of Misuse of Funds and Rights Violation now follow the same criteria for reporting that is used for abuse and neglect as described in §6000.912 and §6000.913.
Reporting of Incidents in the Home and Community Services Information System (HCSIS):

Incident management roles and descriptions are outlined in the LMS job aid titled *IM Role Descriptions* under the course ODP: **IM100J Basics of Incident Management** and included as Attachment #1 to this packet. Attachment #2 is a flow chart to help determine reporting responsibilities. Attachment #3 is a matrix that specifically lists incident categories and reporting responsibilities. There are several circumstances when the SC must ensure that incidents are reported to a point person.

- According to § 6000.911 and §6000.913 (a), incidents that are reported to the SC and associated with the provision of another provider delivered service, the SC must notify the provider agency that is responsible to enter the HCSIS incident report, for all categories of incidents. According to § 6000.911 (c), in situations when multiple providers learn of an incident, the provider responsible for the individual at the time the incident occurred is to report the incident. This includes Agency with Choice Providers.

- According to §6000.912 (b), incidents that occur during the provision of participant-directed services (PDS) using the vendor/fiscal employer agent (VF/EA) model and are reported to the SC by a CLE, Support Service Worker (SSW) or fiscal agent, the SCO is responsible to ensure entry of the HCSIS incident report for all categories of incidents.

The requirement of the CLE to inform the SC is outlined in bulletin 00-08-14, *Vendor Fiscal/Employer Agent Financial Management Services (VF/EA FMS)*, under the Individual or Surrogate Responsibilities Related to VF/EA FMS Option section - item A, number 18. Attachment #4 is a copy of the letter sent to all CLEs explaining these responsibilities.

- According to § 6000.911 and because SCOs are providers, incidents that occur during the provision of only SC services, the SCO is responsible to ensure entry of the HCSIS incident report for all categories of incidents.

- According to §6000.913 (b) and (c), when incidents of abuse, neglect and death are reported to the SC and not associated with the provision of a provider delivered service, the SCO is responsible to ensure entry of the HCSIS incident report. Exploitation (defined as the categories of misuse of funds and rights violation) is also required to be reported in this manner, in accordance with the Consolidated and Person/Family Directed Support waivers as well as the Adult Protective Services Law (Act 70 of 2010).

**SCO Responsibilities for Incident Management:**

The SC has a responsibility to respond to and assess emergency situations and incidents as well as assure that appropriate actions are taken to protect the health and welfare of participants. Incident management activities that are SCO responsibilities and are completed by the SC are
Billable activities. Billable incident management activities are considered part of the SC functions of locating, coordinating and monitoring.

Activities performed in the monitoring of incident reports and the incident management processes are considered billable. SCs are responsible to check for incident alerts generated by HCSIS that will identify incidents entered for individuals on their caseloads. SCs shall monitor individual incident reports in HCSIS and make recommendations to County MH/ID programs and AE staff (or their delegates) regarding the appropriateness and effectiveness of the provider’s actions taken to protect the health and safety of the individual as described in the initial incident report. The SC must also monitor final HCSIS incident reports to determine if corrective actions are appropriate, revisions to Individual Service Plans (ISP’s) are needed, or additional monitoring of the situation is necessary. Monitoring of incidents by the SC is integral in helping the County MH/ID and AE Incident Reviewers make a determination regarding the approval or disapproval of the incident report.

Incident management activities that are County MH/ID program or AE responsibilities are not considered billable activities by an SC. This includes activities that an SCO may perform on behalf of County MH/ID programs or AEs such as conducting investigations or performing Incident Reviewer functions.

SCOs should have an agreement to address compensation for any delegated function performed on behalf of the County MH/ID program or AE such as: conducting investigations, completing reviews, or performing other tasks. SCOs need to evaluate their capacity and ability, including staff resources, associated with these delegated functions because the rate for supports coordination does not include County MH/ID program or AE delegated functions.

Additional Information:

For more information or assistance, please contact your ODP Regional Risk Manager or e-mail ra-impolicy@pa.gov

ODP thanks you for your continued cooperation and efforts.

This Information Packet obsoletes Informational Memo 012-10.
**IM Roles and Descriptions**

**Initial Reporter:** The Initial Reporter is the person on the scene who witnesses the incident or is the first to discover or be made aware of the signs of an incident. The Initial Reporter first responds to the situation by securing the safety of the individual(s) involved. As soon as the immediate needs of the person have been met, the initial reporter notifies the provider Point Person of the incident and receives instructions on next steps to take.

**Point Person:** The HCSIS Point Person role is responsible for assuring that the appropriate actions have been taken to secure the safety of the individual(s) involved in the incident. In addition, the Point Person is authorized by policy to receive verbal reports of incidents, ensure that web-based reports are submitted and communicate with others involved in the investigation, follow-up, and review of the incident. The Point Person, in consultation with the Provider IM Representative, is responsible for assigning the Certified Investigator.

- In instances where the County is the initial reporter of the incident, the County will assume the responsibility of the Point Person.

- If a family member observes or suspects abuse, neglect or any inappropriate conduct, whether services are provided in or out of the home, they may contact the County Supports Coordinator. In this case, the Supports Coordinator assumes the role of the Point Person.

**Provider IM Representative:** The HCSIS Provider IM Representative role is the person authorized by the Provider to perform Incident Management activities. The Provider IM Representative role is responsible for confirming an individual's safety, finalizing the incident report within 30 days of the incident, and communicating with the County and Regional Incident Manager roles. In addition, the Provider IM Representative consults with the Point Person in assigning a Certified Investigator to an incident. If the County assumes the responsibility of Point Person, the County Incident Manager assumes the role of Provider IM Representative.

**Certified Investigator:** The HCSIS Certified Investigator role is responsible for conducting investigations, completing incident investigation records, entering the Investigation Summary into HCSIS, and recompiling necessary reports as recommended. All investigators must meet eligibility requirements and complete the required training to become certified as identified in the IM Bulletin.

**Incident Manager:** The HCSIS Incident Manager role may be performed at the County, Regional or State Center level. The Incident Manager role is responsible for reviewing Incident Reports, approving or not approving incidents, and recommending incidents be modified or recompiled. The Regional Incident Manager and State Center Incident Manager are responsible for closing incidents. Additionally, if an investigation is required or desired, the Incident Manager assigns a Certified Investigator for the County, Region, or State Center.

**Incident Reviewer:** The HCSIS Incident Reviewer role may be performed at the County, Regional or State Center level. The HCSIS Incident Reviewer role is responsible for reading incidents filed for individuals registered in the County or Counties in their Region. All information in HCSIS is read only for the Incident Reviewer and may not be changed by the Incident Reviewer. In addition, the Incident Reviewer may recommend to the Incident Manager that an investigation be completed at the County, Regional or State Center level. The Incident Reviewer can view the process management screens and run the Incident Management reports.
The Supports Coordinator’s Role in Incident Management

**Reporting Incidents**

- SC witnesses or is informed of an incident

  - Incident occurred during provision of a provider delivered service other than supports coordination
    - Agency with Choice Model
      - SC contacts provider agency and informs them of the incident.
      - Provider Point Person files the incident report.
  - Incident occurred during the provision of a participant-directed service
    - Vendor Fiscal/ Employer Agent Model
  - Incident occurred during provision of SC service
    - Incident is Abuse, Neglect, Exploitation* or Death of an individual residing in his/her family home
      - SC or SCO Point Person files an incident report
  - Incident did not occur during the provision of a service
    - Incident is NOT Abuse, Neglect, Exploitation or Death of an individual residing in his/her family home
      - Filing an incident report is optional as it is not required

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*Incident categories associated with the exploitation of an individual, as defined in the waivers, are Rights Violation and Misuse of Funds.*
<table>
<thead>
<tr>
<th>Service Type</th>
<th>Service Model if Applicable</th>
<th>Who Reports</th>
<th>What is Reportable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provider Delivered Service other than Support Coordination</td>
<td>Provider Point Person</td>
<td>X X X X X X X X X X X X X X X</td>
<td></td>
</tr>
<tr>
<td>Participant Directed Service</td>
<td>Agency with Choice Model</td>
<td>Provider Point Person</td>
<td>X X X X X X X X * X X X X * X X</td>
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<tr>
<td></td>
<td>Vendor Fiscal/ Employer Agent Model</td>
<td>SC or SCO Point Person</td>
<td>X X X X X X X X * X X X X * X X</td>
</tr>
<tr>
<td>Provision of SC services only</td>
<td>SC or SCO Point Person</td>
<td>X X X X X X X X X X X X X * X X X X * X X</td>
<td></td>
</tr>
<tr>
<td>No services provided at the time of incident</td>
<td>SC or SCO Point Person</td>
<td>X X</td>
<td>X X</td>
</tr>
</tbody>
</table>

*=Medication administration and the use of restraints are not permitted as part of the delivery of PDS and SC services.
Dear Common Law Employer:

We are writing to you to review your responsibilities, as the common law employer (CLE), to report incidents to the Supports Coordinator (SC). When you agreed to become a CLE, and manage Participant Directed Services (PDS) for yourself, a son or daughter, brother or sister, or friend, you signed the Common Law Employer Agreement form. This document outlines your responsibilities as a CLE, and one of the items agreed to is "In accordance with ODP policy on reportable incidents, report any reportable incidents to the Supports Coordinator (SC)."

In order to receive funding for programs like the one you are the CLE for, The Office of Developmental Programs (ODP) has made assurances to the Center for Medicaid and Medicare Services (CMS) for our approved waivers. One of the assurances made is that we have a statewide system to identify and report incidents. ODP does have a comprehensive system, and as a CLE you are a critical member of this system.

To fulfill your role in Incident Management you must know some key information:

**What are reportable incidents?**

<table>
<thead>
<tr>
<th>Reportable incidents</th>
<th>Abnormality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse</td>
<td>Injury requiring treatment beyond first aid</td>
</tr>
<tr>
<td>Neglect</td>
<td>Missing person</td>
</tr>
<tr>
<td>Misuse of funds</td>
<td>Law enforcement activity</td>
</tr>
<tr>
<td>Rights violation</td>
<td>Fire</td>
</tr>
<tr>
<td>Hospitalization, including psychiatric</td>
<td>Death</td>
</tr>
<tr>
<td>Emergency room visit</td>
<td>Suicide attempt</td>
</tr>
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</table>

*How are reportable incidents defined?* Reportable incidents are defined in the Incident Management Bulletin No. 6000-04-01

*When do I report an incident and to whom?* You must report all reportable incidents to the Supports Coordinator.

*What resources are available to help you meet your responsibilities?* Resources can be found on The Partnership web site found at: www.thetrainingpartnership.org
The PA Guide to Participant Directed Services can be found under the Resources tab > Participant-Directed Services. The Incident Management Bulletin No. 6000-04-01 can be found by using the following path: Publications> List of Current Bulletins.

If you do not have web access, or need additional assistance, call the Supports Coordinator, who can provide you with the needed information.

What training do I need to provide to my Supports Service Worker (SSW)?

Your SSWs also have responsibilities to report incidents to you. As a CLE you are responsible to orient and train them. SSWs are required to report an incident to you, the CLE, when it occurs during their time working, according to 55 PA Code § 51.17 Incident Management. You, as the CLE, are required to provide training to the SSWs on this responsibility.

Working together we can ensure safeguards for all waiver participants.

Sincerely,

Patricia McCool, Director
Bureau of Supports for Individuals with Intellectual Disabilities