

**DEVELOPMENTAL DISABILITIES**  
**ADMINISTRATION**

**POLICY ON REPORTABLE  
INCIDENTS AND  
INVESTIGATIONS**

Frank W. Kirkland, Executive Director  
Developmental Disabilities Administration  
Department of Health and Mental Hygiene  
201 West Preston Street  
Baltimore, MD 21201

Effective Date: January 15, 2013  
(FINAL)

## TABLE OF CONTENTS

Important Acronyms .....	p. 3
Background and Intent .....	p. 4
General Requirements .....	p. 5
Reportable Incidents .....	p. 6
Internally Investigated Incidents .....	p. 7
Resource Coordination Agency Responsibilities.....	p. 8
Support Broker Responsibilities.....	p. 9
Investigation, Follow-up and Records Maintenance Requirements .....	p. 9
Administration Prioritization and Investigation Procedures.....	p. 10
 Appendices	
Type I Incidents.....	p. 16
1A-1G.....	p. 18
Type II Incidents.....	p. 23
1H-1L.....	p. 25
2A-2G.....	p. 29
2H-2L.....	p. 36
1A, 2A	Abuse
1B, 2B	Neglect
1C, 2C	Death
1D, 2D	Hospital Admissions/Emergency Room Visits
1E, 2E	Injury
1F, 2F	Medication Error
1G, 2G	Choking
1H, 2H	Incidents Reported To/Requiring Services of a Law Enforcement Agency or Fire Department
1I, 2I	Theft of an Individual's Property or Funds
1J, 2J	Unexpected or risky absence (Elopement)
1K, 2K	Restraints
1L, 2L	Other
3 Required Reporting Format & Tips for Completion of the Incident Reporting Form.....	p. 40
4 DDA Incident Reporting Form.....	p. 43
5 Quarterly Incident Report for Internally Investigated Incidents.....	p. 53
6 Tips for Completion of the Agency Investigation Report.....	p. 54
7 Agency Investigation Report.....	p. 57
7A Standing Committee Review – Agency Investigation Report.....	p. 68
8 Frequently Asked Questions (FAQs).....	p. 69

## **Important Acronyms**

AIR	Agency Investigation Report
APS	Adult Protective Services
CPS	Child Protective Services
DDA	Developmental Disabilities Administration
FRC	Forensic Residential Center
IR	Incident Report
MBON	Maryland Board of Nursing
MDLC	Maryland Disability Law Center
OHCQ	Office of Health Care Quality
POC	Plan of Correction
PORII	Policy on Reportable Incidents and Investigations
RC	Resource Coordinator/Resource Coordination Office
RGS	Resident Grievance System
RO	Regional Office
SB	Support Broker
SMA	State Medicaid Agency
SRC	State Residential Center

## **BACKGROUND AND INTENT**

To protect the rights of individuals with developmental disabilities, community agencies that are licensed by the Developmental Disabilities Administration (DDA); State Residential Centers (SRCs) and Forensic Residential Centers (FRCs) that are operated by DDA; and support brokers are required to identify report, investigate, review, correct and monitor situations and events that threaten the health, safety or well-being of people receiving services (individuals). The purpose of these activities is to protect individuals from harm and enhance the quality of services provided to them.

The purpose of this policy is to ensure the health, safety and welfare of individuals receiving services from DDA-licensed and DDA-funded providers by formalizing a process to identify, report, and resolve incidents in a timely manner. An incident includes an allegation or an actual occurrence of an event that adversely and/or has the potential to negatively affect the health, safety, and welfare of a person.

Accurate and complete documentation, and conducting a thorough investigation of all incidents are necessary to assure that the appropriate agencies receive information that can be used for system improvements. DDA-licensed and operated providers must report and collaborate with state agencies such as DDA, the Office of Health Care Quality (OHCQ), and the State Medicaid Agency (SMA) to ensure that corrective measures are immediately taken to protect the individual and all others who may be affected and to prevent recurrence. For example, the prompt reporting and investigation of the alleged abuse of an individual can ensure that immediate steps are taken to protect that individual and others from being exposed to the same or similar risk. Uniform reporting of incidents assists in identifying trends across the service delivery system. This information can be used to develop preventive and quality improvement strategies

**This policy applies to all community agencies, SRCs and FRCs licensed by DDA, regardless of funding source.** Support brokers (SB) certified by the DDA to support people through DDA's self-directed waiver are also required to follow this policy. The policy describes the types of incidents that the community agency/SRC/FRC/SB ("agency") is required to review internally, as well as those that must be reported to external entities, such as DDA's regional office, OHCQ, etc. It includes specific timeframes for reporting and investigating certain incidents. Please see page 8 for specific instructions regarding resource coordination agencies. This policy also briefly outlines the respective roles of OHCQ and the DDA with regard to incident investigations.

This policy does not mandate that OHCQ or DDA investigate every incident, event or problem involving individuals receiving services from an agency. However OHCQ, DDA, and SMA have the prerogative and authority to investigate any incident, including those which are not officially reported to OHCQ and/or DDA.

The requirements that are set forth in this policy pertain to any incident that jeopardizes the health and safety and/or has the potential to cause harm to an individual. This may include incidents which have not been specifically described in the policy. Each agency shall develop and implement internal operating procedures for identifying and addressing any situation that has or could have an undesirable outcome for the individuals it serves.

## **GENERAL REQUIREMENTS**

**Incident Reporting:** Appendices 1A - L of this policy contain the most common types of incidents that the agency shall report. There may be other unusual events or situations that have not been described in the policy. Therefore each agency shall determine, either systematically or on a case-by-case basis if there are other incidents that should be reported and investigated. The failure to identify a specific type of incident within this policy does not relieve the agency of its reporting responsibilities.

**Agency Internal Protocol:** Every agency shall develop an internal protocol to ensure compliance with this policy. The protocol shall establish operating procedures, to include the definition of responsibilities of the director or designee, employees, interns, volunteers, consultants and contractors with regard to identifying, reporting, investigating, reviewing, addressing and monitoring the follow-up of incidents and identify trainings, other than the Policy on Reportable Incidents and Investigations (PORII), to be provided to assist in the completion of identified duties. The protocol shall also include provisions for a standing committee and identify what trainings, in addition to the PORII, will be provided for standing committees. The agency's protocol shall also include the use of the Agency Investigation Report (AIR), formerly known as the Appendix 7 form, to investigate incidents that are reportable externally and internally, and the Standing Committee Review form, AIR Addendum, to document follow up and review of all incidents by the standing committee.

**Staff Designated to Report and Investigate:** Every agency shall designate staff to implement the reporting and investigation duties as delineated by this policy and each agency's internal procedures. Designated staff shall be qualified, through successful completion of Investigations training, to carry out the duties and responsibilities mandated by PORII. Each agency shall maintain qualified staff in sufficient numbers to ensure availability to process and investigate reportable and internally investigated incidents as required by the timeframes set forth in this policy. Documentation indicating an employee's qualifications must be maintained in their personnel file and available to the Administration upon request.

**Policy Distribution and Emergency Information:** Every agency director, or their designee, shall ensure a copy of this policy and the agency's internal protocol on incident management is available to employees, interns, volunteers, consultants and contractors, members of the standing committees, as well as individuals receiving services, their parents or guardians and advocates. The agency shall also ensure immediate access to telephone numbers for emergency contacts within the agency as well as the appropriate DDA regional office to the above-listed persons. This information should be available through both electronic means and via posted information at licensed sites.

**Freedom from Retaliation:** Every agency shall institute measures to reduce the potential for retaliation against any person reporting an incident.

**Work Days:** For the purpose of this policy, working days are Monday through Friday, excluding State holidays.

**Comprehensive Approach:** This policy reflects a comprehensive approach to reporting, reviewing and investigating incidents.

- OHCQ reviews and prioritizes reportable incidents as described in Appendices 1A-1G: abuse, neglect, death, hospital admissions, injuries, medication errors, and choking as well as all community complaints (collectively, “Type I” incidents).
- DDA reviews and prioritizes reportable incidents as described in Appendices 1H-1L: incidents requiring law enforcement/fire department/EMS, theft, unexpected or risky absence, restraints, and other (collectively, “Type II” incidents).

## **I. REPORTABLE INCIDENTS**

- A. Reportable incidents are significant events or situations that, because of the severity or the sensitivity of the situation, shall be reported electronically within prescribed timeframes to OHCQ, the DDA regional office, and the involved Resource Coordinator/Resource Coordination office (RC). All reportable incidents are reported to DDA. Incidents in Appendices 1A-1G are also reportable to OHCQ. The agency shall notify family and/or advocates as identified by the interdisciplinary team for all reportable incidents. Some reportable incidents shall also be reported to other external entities such as Maryland Disability Law Center (MDLC), local department of social services (Adult Protective Services [APS]), law enforcement, etc.
- B. Appendices 1A-L includes examples of events and situations categorized as reportable incidents.
- C. The agency director, or designee, shall be advised of all incidents in the reportable category immediately upon discovery. The director/designee shall immediately assure the health, safety and/or well-being of any involved individuals. The director/designee shall also assure that all required parties are notified of the incident as defined by this policy.
- D. Reporting requirements for reportable incidents are defined in Appendices 2A-L.
- E. As specified in Appendices 2A-L, some types of incidents shall be reported to the DDA regional office immediately either verbally or by e-mail. Within 1 working day of the discovery of the incident, the agency shall submit a completed Incident Report, formerly known as the Appendix 4, for each reportable incident electronically to OHCQ, the DDA regional office, and the RC. **Please note: verbal notification is not a substitute for the completed Incident Report (IR).**
- F. The agency shall investigate each incident following their internal protocol. The agency shall confirm with the outside authorities, when applicable, i.e., law enforcement, fire department, Protective Services, etc. if the agency should initiate/continue its investigation. The agency shall complete its **investigation and submit its AIR electronically to OHCQ and the DDA regional office within 10 working days of the discovery of the incident.** It should be noted that an AIR is required even if the agency

is instructed by the outside authority not to initiate/continue its investigation. The completed AIR shall be forwarded to the agency's standing committee for review. Upon completing their review, the standing committee shall complete the AIR addendum form and attach it to the AIR.

- G. The agency shall provide follow-up and any actions necessary to resolve the incident. This may include corrective, preventive or disciplinary actions, as indicated by the agency investigation and/or OHCQ and/or outside authority (i.e., law enforcement, Protective Services).

## **II. INTERNALLY INVESTIGATED INCIDENTS**

- A. Internally investigated incidents are those events or situations that shall be reported to designated staff within the agency. The agency is responsible for reviewing and investigating each of these incidents.
- B. Appendices 1A-L includes examples of events and situations categorized as internally investigated incidents.
- C. The agency director/designee shall take whatever action is necessary to assure the health, safety and/or well-being of any involved individuals.
- D. Internally investigated incidents shall be reported to the agency director, or designee, within 1 working day of discovery. In addition, the agency shall immediately investigate each incident. The method for reporting and investigating shall be in accordance with the agency's internal protocol. Within 21 working days, an Agency Investigation Report (AIR) shall be completed by the agency using the DDA-approved format. The completed AIR shall be forwarded to the agency's standing committee for review. Upon completing their review, the standing committee shall complete the AIR addendum form and attach it to the AIR.
- E. **If the investigation reveals that the incident was of a more serious nature, this information shall be reflected in the AIR and the procedure, as per the Appendices 2A-L, must be followed.**
- F. Final agency action on each incident shall be documented on the AIR Addendum and reflected in the corresponding Standing Committee minutes.
- G. Each agency shall submit electronically to DDA and OHCQ a listing of all internally investigated incidents which occurred during the prior quarterly period. This quarterly report is due January 15, April 15, July 15, and October 15.
- H. The report shall be in the DDA format, Appendix 5. The report due January 15 shall include a listing of all internally investigated incidents occurring during the time period from October 1 through December 31 of the previous calendar year; the report due April 15 shall include internally investigated incidents occurring during the time period from January 1 through March 31; the report due July 15 shall include internally investigated

incidents occurring April 1 through June 30; and the report due October 15 shall include internally investigated incidents occurring during the time period from July 1 through September 30.

- I. When 3 internally investigated incidents occur within a 4 week time frame for the same individual, the third incident must be handled as a reportable incident and reported and investigated accordingly. Documentation regarding the other two incidents shall be included in this report. The next occurring internally investigated incident begins a new 4-week cycle.
- J. Files containing incident reports, any investigatory materials, meeting minutes, records of interviews, documented disciplinary actions, etc. shall be kept on file by the agency for a minimum of 6 years.

### **III. RESOURCE COORDINATION AGENCY RESPONSIBILITIES**

- A. If an incident is alleged for an individual who receives resource coordination services during a period the individual is receiving services or supports from another DDA-licensed agency or certified provider (agency 2):
  - a. the RC agency will document the incident as per their internal protocol;
  - b. the RC agency will notify agency 2 of the allegation and the need to report the incident as per PORII;
  - c. the RC agency will carbon copy (“cc”) the appropriate DDA regional office when notifying agency 2 of the allegation.
  - d. If the resource coordination agency is unable to determine if agency 2 has reported the alleged incident, the resource coordination agency will contact the appropriate DDA regional office.
    - i. The DDA regional office will determine if an IR has been submitted for the alleged incident, and if not;
    - ii. The DDA regional office will contact agency 2 to follow-up for submission of an IR to DDA and OHCQ, as delineated in Appendices 2A-L.
- B. If an incident is alleged for an individual who is funded by DDA for only resource coordination services, the resource coordinator will submit an IR to the appropriate DDA regional office and OHCQ, as delineated in Appendices 2A-L.
- C. If a resource coordinator has significant concerns regarding the services an individual is receiving from another agency or certified provider, and the team process has been utilized to address the issue(s) to no avail, the resource coordinator will submit an IR to the appropriate DDA regional office and OHCQ as delineated in Appendices 2A-L. In the case of issues of abuse, neglect, and/or mistreatment, the team process may be bypassed.
- D. If there is disagreement between resource coordination and another agency regarding the need for submission or the content of an IR:
  - a. an IR should be submitted to OHCQ and/or the appropriate DDA regional office by the resource coordination agency.
  - b. OHCQ and/or DDA will determine the subsequent need for or revisions to an existing IR from the other agency.



- E. Upon request of DDA or OHCQ, a resource coordination agency will submit an IR for an incident alleged for an individual receiving resource coordination services. Such requests will be based on the protocol outlined above.
- F. For any IR submitted by a Resource Coordinator, a subsequent AIR must be completed and submitted as required by Appendices 2A-L of this policy.

#### **IV. SUPPORT BROKER RESPONSIBILITIES—SELF-DIRECTED SERVICES**

Services provided to individuals through DDA-funded self-directed waivers are subject to compliance with this policy. As indicated in Support Broker training, incidents as denoted in this policy are reportable to DDA. DDA will determine the need for follow-up actions.

#### **V. INVESTIGATION, FOLLOW-UP AND RECORDS MAINTENANCE REQUIREMENTS**

- A. The primary concern of the agency regarding incidents shall be the health, safety and/or well-being of the individual(s). The agency director/designee shall always assure prompt treatment and care and the protection of all individuals from further harm.
- B. No one may participate in an investigation of an incident in which there is a conflict of interest, such as an incident in which he/she was directly involved or in which a spouse or other family member was involved.
- C. No member of a standing committee of an agency may participate in the decision making process for any incident in which there is a conflict of interest, or in which the committee member was involved.
- D. All documentation regarding incidents shall be retrievable by the complete name of the individual and, if used, by a file number or other identification code. When an event/situation involves more than one individual, records shall be retrievable by file number or identification code, if utilized, in addition to being retrievable by each individual's name.
- E. Any incident report and/or documentation of an investigation shall be maintained confidentially.
- F. All relevant records, including but not limited to, reports, investigations, interview notes, and meeting minutes shall be available to OHCQ, DDA, and/or SMA staff upon request. Any appropriate internal or external authorities may interview any individual, staff or other relevant parties regarding an internal or reportable incident. Reviews and/or investigations conducted by OHCQ and/or DDA shall assure confidentiality, except when reporting to other authorities as indicated in this policy.
- G. All records relevant to an internally investigated or a reportable incident, including but not limited to, reports, investigations, meeting minutes, interview records, and

documentation of corrective, preventive and/or disciplinary action or any other follow-up activity shall be submitted to the agency's standing committee within 7 calendar days of the closure of the matter. For internally investigated incidents, closure means the completion of the agency investigation. For reportable incidents, a two-fold review may occur. The standing committee shall review the incident upon completion of the agency investigation, and should the incident be externally investigated by OHCQ, DDA, SMA, or other external authorities, the Standing Committee shall re-evaluate the incident upon receipt of reports indicating closure of the investigation by the external party. The agency should also share any information regarding unusual incidents not addressed in the policy and any follow-up actions implemented to inform the standing committee how the agency addressed those matters.

## **VI. ADMINISTRATION PRIORITIZATION and INVESTIGATION PROCEDURES**

### **A. Purpose.**

- a. Outline Administration Process:** The purpose of this Prioritization Protocol ("Protocol") is to outline the screening and prioritization process for reportable incidents and complaints; delineate the roles and responsibilities of the OHCQ, DDA, and any other entities involved in investigations; establish timelines for the investigation and issuance of reports related to certain specified reportable incidents; and, identify the procedures for monitoring the implementation of plans of correction.
- b. Insight:** The protocol establishes how the Administration reviews, evaluates, and prioritizes incidents for investigation. The protocol does not include procedures to be followed when an incident or complaint is referred to another unit within OHCQ or appropriate external agency.
- c. Administrative Responsibilities:** The OHCQ investigates Type 1 incidents, events or problems involving an individual in an agency based on their scope and severity. The DDA evaluates Type 2 incidents to determine appropriate follow-up. The OHCQ, DDA, and SMA have the prerogative and authority to investigate any incident, including those which are not reported to OHCQ and/or DDA.

### **B. Incident Screening and Evaluation Process:** OHCQ reviews and prioritizes reportable incidents as described in Appendices 1A-1G: abuse, neglect, death, hospital admissions, injuries, medication errors, and choking as well as all community complaints (collectively, "Type 1" incidents). DDA reviews and prioritizes reportable incidents as described in Appendices 1H-1L: incidents requiring law enforcement/fire department/EMS, theft, unexpected or risky absence, restraints, and other (collectively, "Type 2" incidents).

- a. Submission:** All support brokers, licensed providers, state residential centers, and forensic residential centers (collectively, "agency") are required to identify, report, investigate, review, correct and monitor any event that threatens the health, safety or well-being of individuals receiving services. Agency requirements for the submission of reportable incidents to DDA and OHCQ are outlined in DDA's PORII, under "General Requirements" and under "Appendices 1 and 2."
- b. Initial Screening:** Agency self-reported incidents and community complaints are reviewed within one working day of receipt by OHCQ and/or DDA triage staff to ensure that those incidents posing immediate jeopardy to the individual are immediately

investigated. A triage unit staff reviews each report and notifies the DD Investigations Unit Manager (at OHCQ) or the QA Coordinator (at DDA regional offices) of the need to evaluate the report for appropriate assignment based upon the severity and scope of the incident. (See Section (c), below). The content of the written report is evaluated to ensure the following information is included:

- i. The individual is not in immediate danger;
- ii. When applicable, law enforcement and/or adult/child protective services have been contacted;
- iii. Staff suspected of abuse or neglect have been suspended from *independent* duty;
- iv. The individual has received needed intervention and health care;
- v. Systemic and/or environmental issues have been identified and emergently handled.

If this information is not available in the report, the triage staff corresponds with the agency to ascertain the status of the individual and ensure health and safety. An inability to obtain this information from the agency within a reasonable timeframe (generally no more than 48 hours of initial review of the report), will influence the decision to begin an on-site investigation or activity more quickly.

- c. **Incident/Complaint Evaluation-OHCQ:** A triage committee meets to review self-reported Type 1 incidents or complaints, including those that may have been assigned on an emergency basis. The committee ensures a comprehensive review of reported incidents and community complaints has occurred.

The committee takes into consideration the number and frequency of reportable incidents or complaints attributed to the agency and the quality of the agency's internal investigations. The committee also reviews submitted AIRs, to ensure appropriate actions were taken by the agency. Incidents which may have been previously determined to not require investigation may be re-categorized based on information received in an AIR.

- d. **Incident Evaluation-DDA:** Agency self-reported Type 2 incidents are reviewed within one working day of receipt by DDA Regional QA staff to ensure that those incidents posing immediate jeopardy to the individual receive immediate follow up. Each report is reviewed for completeness and for evidence of agency intervention that safeguards the health and safety of the individual. An initial review determines if intake information is sufficient to determine dangerous conditions are not present and ongoing. If, based on review of the IR, the DDA Regional QA staff is unable to determine that action has been taken by the agency to protect the participant from harm; the DDA Regional QA staff will intervene. Intervention may be via contact with the licensee by email or telephone or an on-site visit. An IR that is incomplete or contains errors will result in an email from the DDA Regional QA staff to the agency requesting revision to the IR and resubmission of a complete and correct IR. Based upon their review and/or if an IR is submitted incorrectly (the classification should be a Type I incident, not a Type II), DDA may refer an incident to OHCQ for further review and possible investigation.
- e. **DDA Determination:** When an agency reports three or more incidents that involve the same individual within a four week period, DDA will determine, based upon the agency's compliance history and nature of the incidents, whether an on-site visit is warranted.
- f. **Referrals:** When an incident is alleged to have occurred outside of a site or service licensed by DDA, and the agency has not yet done so, the OHCQ or DDA refers it to the appropriate entities or jurisdictions for their review and investigation. When indicated,

incidents are referred to the Attorney General's Medicaid Fraud Control Unit for consideration of filing criminal charges. When an incident involves legal issues for the individual, it may be referred to the Maryland Disability Law Center (MDLC).

- g. Deaths:** All deaths are submitted to the OHCQ Mortality Investigation Unit for review and investigation. The OHCQ Mortality Investigation Unit evaluates death reports, determines priority for investigations and conducts investigations using its own policies and procedures. Findings are submitted to the DHMH Mortality and Quality Review Committee (MQRC). The MQRC is independent of OHCQ and DDA and reviews the investigations of all deaths of individuals that occur in DDA-licensed settings and services.

**C. OHCQ Incident Prioritization and Guidelines for Investigation.** The OHCQ assigns a priority level based on the following:

<b><u>PRIORITY DESCRIPTION</u></b>	<b><u>CLASSIFICATION CRITERIA TO DETERMINE PRIORITY LEVEL OF INCIDENT</u></b>	<b><u>RESPONSE TIME</u></b>
<b>Immediate Jeopardy</b>	Definition: the incident presents an immediate and serious threat of injury, harm, impairment or death of an individual.	<b>OHCQ will initiate an on-site investigation within 2 working days of receipt.</b>
<b>High</b>	Definition: the individual is not in imminent danger, but the incident presents a situation where a serious threat exists to the individual's health and/or safety or harm that could significantly compromise an individual's physical and/or mental health.	<b>OHCQ will initiate an on-site investigation within 10 working days of receipt.</b>
<b>Medium</b>	Definition: the incident involves a situation or presents an opportunity for harm that did not affect or would minimally affect an individual's physical and/or mental health.	<b>OHCQ will initiate an on-site investigation within 30 working days of assignment.</b>
<b>Administrative Review</b>	Definition: The incident presents minimal risk for harm or no harm and an on-site investigation is not necessary. A provider submits documentation that indicates situation has been addressed through the implementation of corrective and preventive measures.	<b>OHCQ will electronically correspond with the licensee to ascertain the status of the individual. In some instances, submission of an acceptable AIR may be sufficient to determine appropriate actions have been taken by the agency.</b>
<b>Referrals</b>	Definition: The incident involves a situation or presents an opportunity where criminal issues, issues that may require legal advocacy or the incident is outside of the OHCQ jurisdiction are present. Referrals may be made on an immediate jeopardy basis. Referrals include other units within OHCQ when determined the incident occurred outside the purview of DDA services and referrals to other divisions of the DD Unit (licensure and mortality)	<b>OHCQ will make referrals, within 1 working day of triage committee review to appropriate internal unit or appropriate agency for follow-up.</b>  <b>Incidents referred to the DD Licensure unit will be reviewed during the next re-licensure</b>

<b><u>PRIORITY DESCRIPTION</u></b>	<b><u>CLASSIFICATION CRITERIA TO DETERMINE PRIORITY LEVEL OF INCIDENT</u></b>	<b><u>RESPONSE TIME</u></b>
		<b>survey.</b>
<b>No Further Action Necessary (NFA)</b>	Definition: The incident involves a situation that has been resolved satisfactorily and appropriately at the time of reporting or within a short timeframe. The individual's health and safety are assured and the agency has implemented corrective action.	<b>The AIR is reviewed by the DDA Regional Office. The Regional Office will notify the OHCQ within 5 working days of the receipt of any additional information that may require the OHCQ re-evaluate or investigate the incident.</b>

#### **D. Roles and Responsibilities:**

- a. During the investigation of an incident an OHCQ investigator reviews the AIR, if already completed, and related documentation. The investigator(s) will make his or her best effort to interview all persons with knowledge of the incident, including, but not limited to: the individual receiving services, her/his guardian or family member(s), the agency's direct care and administrative staff who were involved in the incident, etc. The investigator also makes direct observations of the individual in her/his environment. When possible, evidence is corroborated between interviews, record reviews, and observations. Deficiencies are, to the extent practicable, cited at an exit conference held upon completion of the on-site investigation. Investigations are completed, whenever possible, within 45 working days of initiation.
- b. The OHCQ may require an agency, depending on the severity of the incident, to make immediate correction to ensure the health and safety of the individual. This may occur at any time upon receipt of a report of an incident.
- c. When an investigation results in deficiencies, the agency's Plan of Correction (POC) is due to the OHCQ within 10 working days of the exit conference. The POC due date may be sooner than 10 working days when the nature of the deficiency warrants a more immediate response. The investigator reviews the POC to: verify that all deficiencies have been addressed, review proposed corrective and preventative measures for appropriateness, and determine if responsible parties have been identified. The investigator reviews each POC, to the extent practicable, within 10 working days of its receipt.
- d. If a POC is deemed unacceptable, the OHCQ will send notice to the agency in writing within 5 working days of review to detail the issues which require further review and consideration. The agency must submit a revised POC to OHCQ within five working days of receipt of notification that a POC is not accepted. The investigator reviews the revised POC with procedures outlined in "c" above. These timeframes may be extended upon request with good cause shown.
- e. Upon acceptance of an agency POC, OHCQ will send the Statement of Deficiency (SOD) and the approved POC within 10 working days to the:
  - i. Agency;
  - ii. Complainant;
  - iii. Agency's Executive Director and Board President;
  - iv. DDA Regional Office;

- v. Maryland Disability Law Center, if appropriate;
  - vi. Medicaid Fraud Control Unit of the Attorney General's Office, if appropriate;
  - vii. Office of the Inspector General, if appropriate; and
  - viii. Any other parties deemed appropriate by the OHCQ.
- f. The agency shall provide a copy of the SOD and the POC to the individual receiving services who is specifically the subject to the deficient practice, and to their resource coordinator, guardian or family, as appropriate.
- g. The SOD and POC are also sent to any requesting party under the Public Information Act. In addition, the DDA Regional Office Representative and the MDLC Representative may receive a copy of the Investigation Summary completed by the OHCQ investigator when deficiencies are not cited. This summary is not a public document pursuant to the Md. Code Ann., Health Occ. Art., 1-401(a)(3) and may not be re-disclosed.
- h. Methods of Investigation. OHCQ shall conduct investigations through:
  - i. On-site inspections;
  - ii. Interviews; or
  - iii. Reviews of relevant records and documents.
- i. The agency and OHCQ may receive extensions of the time periods set forth in this policy for good cause shown.

#### **E. Follow-Up Procedures.**

- a. Staff from the DDA Regional Office (RO) conducts site visits; review quality assurance plans and provide technical assistance to agencies. These activities are designed to improve the agency's quality assurance plan and procedures to ensure that systems are in place for preventing the reoccurrence of incidents or patterns of deficiencies within an agency.
- b. DDA Regional Office staff review IRs and AIRs and determine what follow-up from the Regional Office is appropriate, for example: no further action required, contact the agency, conduct an on-site visit, or discuss the need for further investigation with OHCQ. The Regional Office will forward pertinent information to the OHCQ within 5 working days of receipt with a recommendation that the OHCQ re-evaluate or investigate an incident.
- c. The OHCQ and/or SMA will conduct follow-up monitoring for all Priority A incidents and identify a 10-percent targeted sample taken from the B Priority incidents to be completed within six months of approval of the POC to determine whether or not the agency has implemented the POC. The OHCQ, in collaboration with the SMA and DDA, will identify the targeted sample based on criteria which include, but are not limited to: agency history, severity of the incident, and investigator recommendation.

#### **F. Information Sharing.**

- a. OHCQ will forward information to MDLC as required by law or on request, if legally permissible.
- b. The DDA and OHCQ will have quarterly meetings to facilitate the exchange of pertinent information.

- c. The DDA, OHCQ and MDLC will have quarterly meetings to facilitate the exchange of pertinent information.
- d. The OHCQ, DDA, agencies and advocates will meet annually to share information and trends found during the survey process.

**TYPE I INCIDENTS**  
**Primary Reviewer: OHCQ**  
Appendices 1A-1G

Abuse

Neglect

Death

Hospital Admissions/Emergency Room Visits

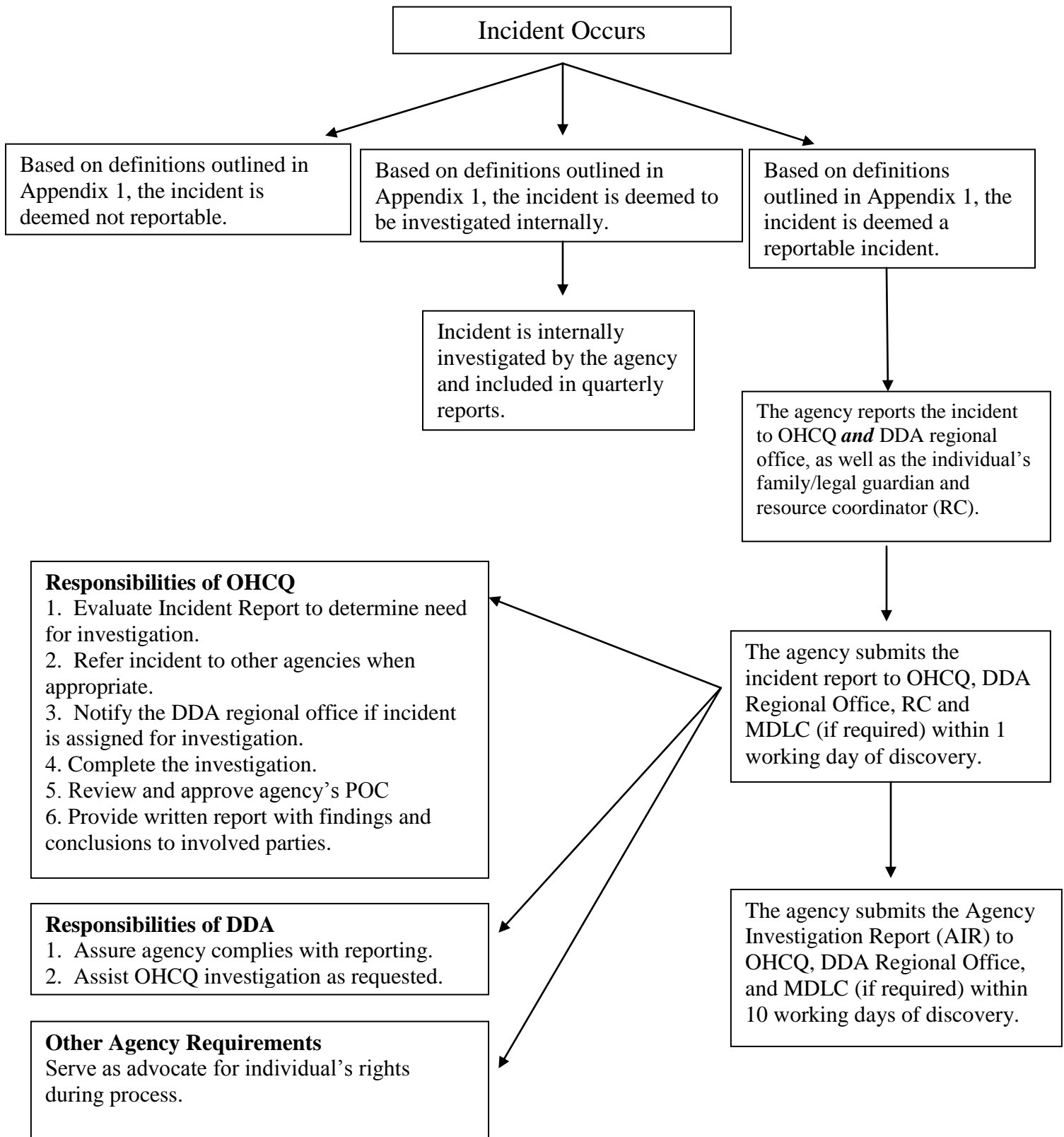
Injury

Medication Error

Choking



## Type I Incident



## Appendix 1A

### **ABUSE**

(Type I)

Abuse means the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Actions considered willful include, but are not limited to, physical abuse; verbal abuse/Mental abuse; sexual abuse; involuntary seclusion. The failure of a witness or resident to report an allegation of abuse, neglect, mistreatment, or misappropriation of property does not refute that it has occurred. [e.g.,] if a nurse aide witnesses an act of abuse but fails to report the incident, the failure to report does not support a conclusion that the abuse did not occur. If an individual is abused..., the individual's inability to provide information about the incident is immaterial when the abuse is substantiated by other supporting evidence.

<b><i>INTERNALLY INVESTIGATED INCIDENTS</i></b>	<b><i>REPORTABLE INCIDENTS</i></b>	
<p>Any suspected or confirmed incident of abuse is a reportable incident, with the exception noted in Appendix 2A which says:</p> <p><b><u>Reporting History of Unsubstantiated Abuse</u></b> For an individual who repeatedly alleges unsubstantiated abuse, which is documented in the Individual Plan, addressed in a behavior plan and reviewed annually by the interdisciplinary team (to determine if it is still applicable); allegations of abuse may be treated as internally investigated incidents.</p> <p><b><u>Physical Aggression</u></b> An incident involving physical contact or alleged physical contact between two or more individuals that does not result in injury or if an injury is sustained, it is defined as an internally investigated injury* may be treated as an internally investigated incident.</p> <p>* See Appendix 1E – Internally Investigated Injuries</p> <p><i>Even though an incident may meet the requirements to be treated as internally investigated, the scope (frequency of occurrence), severity, and/or evidence of a pattern of the incident occurring may indicate that the incident instead be treated as a reportable incident.</i></p>	<p>Any suspected or confirmed incident of the following involving <b>staff and individuals</b>, such as:</p> <p><b><u>PHYSICAL ABUSE</u></b> - Physical contact, which may include, but is not limited to, hitting, slapping, pinching, kicking, biting, strangling, pushing, shoving or otherwise mishandling an individual; physical contact that is not necessary for the safety of the individual and causes discomfort to the individual; the handling of an individual with more force than is reasonably necessary.</p> <p><b><u>SEXUAL ABUSE</u></b> - Any sexual activity between an individual receiving DDA funded services and an employee, intern, volunteer, consultant, or contractor of an agency who provides care or supports or has the responsibility for the supervision of a vulnerable individual, whether consensual or not, is considered to be sexual abuse AND IS PROHIBITED.</p> <p>Any sexual activity between individuals receiving DDA funded services and others; or between individuals receiving DDA funded services is considered sexual abuse unless the involved individuals are consenting adults.</p> <p>Any touching or fondling of an individual directly or through clothing for the arousing or gratifying of sexual desires and/or causing an individual to touch another person for the purpose of arousing or gratifying sexual desires.</p> <p><b><u>PSYCHOLOGICAL ABUSE</u></b> - Psychological abuse, also referred to as emotional or mental abuse, is a sustained and repetitive form of mistreatment to cause mental or emotional anguish by threat, intimidation, humiliation, isolation or other verbal or nonverbal conduct in order to systematically diminish another. It can include bullying, rejecting, degrading, terrorizing, isolating, corrupting/exploiting and "denying emotional responsiveness."</p> <p>Emotional abuse includes verbal abuse such as yelling, name-calling, blaming, and shaming. Abusive statements are intended to humiliate or infantilize, and include insults, threats of</p>	<p>Any suspected or confirmed incident of the following involving <b>two or more individuals</b>, such as:</p> <p><b><u>PHYSICAL ABUSE</u></b> - An incident involving physical contact or alleged physical contact between two or more individuals that results in a moderate or severe injury.*</p> <p><b><u>SEXUAL ABUSE</u></b> - Any sexual activity between an individual receiving DDA funded services and others; or among individuals receiving DDA funded services is sexual abuse unless the individuals involved are consenting adults with the cognitive ability to make a judgment; any touching or fondling of a non-consenting individual directly or through clothing for the arousing or gratifying of sexual desires; causing an individual to touch a non-consenting person for the purpose of arousing or gratifying sexual desires;</p> <p><b><u>INHUMANE TREATMENT</u></b> - Any deliberate act of cruelty that endangers the physical or emotional well-being of an individual.</p> <p><b><u>VIOLATION OF INDIVIDUAL RIGHTS</u></b> - Any action or inaction that deprives an individual of the ability to exercise his or her legal rights, as articulated in state or federal law.</p>

	<p>abandonment or institutionalization and other controlling, dominant or jealous behavior.</p> <p><b><u>USE OF AVERSIVE TECHNIQUES</u></b> - The application of painful or noxious stimuli to the body which is intrusive upon an individual's physical, mental or emotional well-being in order to terminate challenging behavior.</p> <p><b><u>INHUMANE TREATMENT</u></b> - Any deliberate act of cruelty that endangers the physical or emotional well-being of an individual; the deliberate and willful determination of an agency to follow treatment practices (a) that are contraindicated by the individual plan, (b) that violate an individual's human rights or (c) do not follow accepted treatment practices and standards in the field of developmental disabilities.</p> <p><b><u>SECLUSION</u></b> - Keeping an individual involuntarily apart from others in a separate room or space, e.g., the involuntary placement of an individual alone in a room.</p> <p><b><u>VIOLATION OF INDIVIDUAL RIGHTS</u></b> - Any action or inaction that deprives an individual of the ability to exercise his or her legal rights, as articulated in state or federal law.</p>	<p><i>* See Appendix 1E - Reportable Injuries</i></p>
--	--	---

## Appendix 1B

### **NEGLECT** (Type I)

The failure to provide proper care and attention to an individual that results in significant harm or jeopardy of harm to the individual's health, safety, or well-being; failure to provide necessities such as food, clothing, essential medical treatment, adequate supervision, shelter or a safe environment.

<b><i>INTERNALLY INVESTIGATED INCIDENTS</i></b>	<b><i>REPORTABLE INCIDENTS</i></b>
N/A	Any suspected or confirmed incident of neglect or any known or suspected mistreatment of an at-risk adult and circumstances or conditions which may reasonably result in mistreatment as per the above definition.

Appendix 1C

**DEATH**  
(Type I)

<b><i>INTERNALLY INVESTIGATED INCIDENTS</i></b>	<b><i>REPORTABLE INCIDENTS</i></b>
N/A	All loss of life, regardless of cause, is considered a reportable incident.

Appendix 1D

**HOSPITAL ADMISSIONS/EMERGENCY ROOM VISITS**  
(Type I)

<b><i>INTERNALLY INVESTIGATED INCIDENTS</i></b>	<b><i>REPORTABLE INCIDENTS</i></b>
<p>An unexpected and/or unplanned hospital admission for treatment of a medical or a psychiatric issue for an individual whose IP <b>documents</b> a need for frequent/repeated hospitalizations because of a chronic condition. e.g., neurological, mental health, respiratory, cardiac, impaction</p> <p>An emergency room visit that does not result in a hospital admission and /or may be the result of a moderate injury or illness, not related to abuse, neglect or restraint use, or that may be secondary to a behavioral outburst or mental health issue. Whether or not the 911 system was activated must be denoted on the report.</p> <p><i>*Refer to Appendices 1E and 2E</i></p>	<p>An unexpected and/or unplanned hospital admission or in-patient service for an individual who's IP <b>does not document</b> the need for frequent/repeated hospitalizations because of a chronic somatic or psychiatric condition.</p>

## Appendix 1E

### **INJURY** (Type I)

Any physical harm, hurt or damage to an individual caused by an act of that person or others, whether or not the cause can be identified

Note: In the text of this policy, injuries have been categorized as to level of severity for the purpose of providing a guideline to agencies in determining the appropriate reporting and investigating requirements. The agency should therefore be alerted to exercise cautious judgment in determining the extent of medical attention that is required for any injury in determining the appropriate reporting and investigating requirements.

**For Additional information, please refer to “The American Red Cross First Aid and Safety Handbook.”**

<b><i>INTERNALLY INVESTIGATED INCIDENTS</i></b>	<b><i>REPORTABLE INCIDENTS</i></b>
Injuries that may or may not require medical treatment, and that are not as the result of abuse or neglect*  <b>* Refer to Appendices 1A and 1B</b>	Injuries that result in medical emergencies. These injuries require immediate assessment and intervention. Virtually any injury in the extreme, including those in other categories, should be considered a reportable injury.

## Appendix 1F

### **MEDICATION ERROR** (Type I)

The failure to administer medications as prescribed and/or the administration of medication not prescribed by a licensed physician/nurse practitioner/physician's assistant, e.g. incorrect dosage, time of administration and/or route, and omission of dosages.

<b><i>INTERNALLY INVESTIGATED INCIDENTS</i></b>	<b><i>REPORTABLE INCIDENTS</i></b>
A medication error with no adverse effects and that does not require nursing or medical interventions including observations beyond notification of the incident.	Any significant medication error that has the potential to cause harm or: <ul style="list-style-type: none"><li>• results in an individual requiring nursing, medical or dental observation and/or treatment by a physician, physician's assistant or nurse;</li><li>• any medication error that results in the admission of an individual to a hospital or 24-hour infirmary for treatment or observation.</li></ul> e.g., the wrong dosage given to an individual over a period of time causing side effects to occur.

**CHOKING**  
(Type I)

**Choking** is the obstruction of the flow of air from the environment into the lungs. Choking prevents breathing, and can be partial or complete, with partial choking allowing some, although inadequate, flow of air into the lungs.

<b><i>INTERNALLY INVESTIGATED INCIDENTS</i></b>	<b><i>REPORTABLE INCIDENTS</i></b>
The person chokes, requiring intervention such as the Heimlich maneuver or Foreign-Body Airway Obstruction interventions based on current acceptable standards, and the intervention is successful. The choking is not due to lack of staff training and or implementation of identified eating/feeding protocols.	Choking occurs as a result of failure to train staff regarding a person's specialized diet, failure to chop food as required by person's documented dietary plan, failure to follow protocol for choking victim. The individual loses consciousness or receives CPR (chest compressions and/or artificial respiration) as a result of choking.

**TYPE II INCIDENTS**  
**Primary Reviewer: DDA**  
Appendices 1H-1L

Law Enforcement/Fire Department/Emergency Medical Services

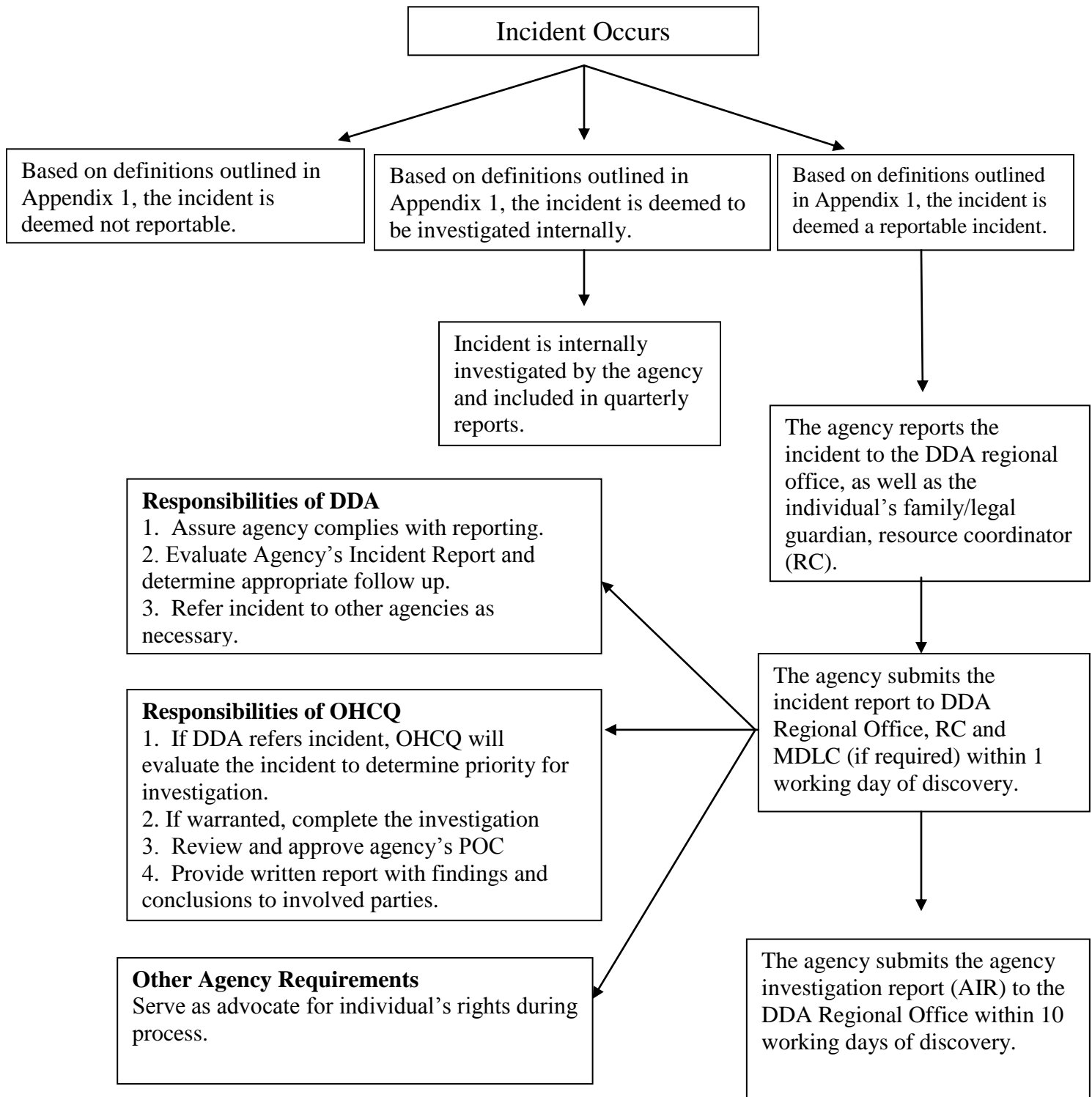
Theft of an Individual's Property or Funds

Unexpected or risky absence

Restraints

Other

## Type II Incident





**INCIDENTS REQUIRING SERVICES OF A LAW  
ENFORCEMENT AGENCY OR FIRE DEPARTMENT/EMERGENCY MEDICAL  
SERVICES (EMS)**  
(Type II)

<b>POLICE</b>	
<b><i>INTERNALLY INVESTIGATED INCIDENTS</i></b>	<b><i>REPORTABLE INCIDENTS</i></b>
<p>Police visits to a licensed site/service that <b><u>did not result</u></b> in a police report being taken.</p> <p>Incidents where the police are responding to the individual exhibiting out of control behaviors at the licensed site/service, there is a BP in place to address the behaviors, the BP was implemented, and/or the individual is judged <b><u>not to be</u></b> a safety risk to self or others. In these incidents the police usually have a brief discussion with the individual and leave without further intervention. Incidents where the individual calls the police as a means of attention getting and there are no safety risks identified.</p>	<p>Police visits to a licensed site/service that <b><u>resulted</u></b> in a police report being taken. These visits may have resulted in the police responding to a possible crime at the licensed site/service and/or at another location in the community (e.g. in response to an individual exhibiting out of control behavior.) Some police visits will result in the individual being taken to the police station or a hospital for psychiatric evaluation... (Incidents where the police are responding to theft are to be reported under <b><u>Reportable – Theft.</u></b>)</p> <p>Incidents where the police are responding to the individual exhibiting out of control behaviors at the licensed site/service, there is no BP in place to address the behaviors, the BP was not implemented, and/or the individual is judged <b><u>to be</u></b> a safety risk to self or others.</p>

**FIRE DEPARTMENT/EMS**  
(Type II)

<b><i>INTERNALLY INVESTIGATED INCIDENTS</i></b>	<b><i>REPORTABLE INCIDENTS</i></b>
<p>For ambulance service provided by the fire department, which is not related to a fire, refer to appendix 1D – Hospital admissions/Emergency Room Visits.</p>	<p>Any incident requiring the services of a fire department is a reportable incident.</p>

Appendix 1I

**THEFT OF AN INDIVIDUAL'S PROPERTY OR FUNDS**

(Type II)

Any suspected or confirmed misappropriation of an individual's personal property or money

<b><i>INTERNALLY INVESTIGATED INCIDENTS</i></b>	<b><i>REPORTABLE INCIDENTS</i></b>
Any suspected or confirmed incident of theft of an individual's property or funds valued at less than \$50 per incident.	Any suspected or confirmed theft of an individual's property or funds valued at \$50 or more per incident or \$100 or more over the course of a 30-day period.

Appendix 1J

**UNEXPECTED OR RISKY ABSENCE**

(Type II)

The unexpected or unauthorized absence of an individual who's IP does not indicate the person has unsupervised time.

<b><i>INTERNALLY INVESTIGATED INCIDENTS</i></b>	<b><i>REPORTABLE INCIDENTS</i></b>
The unexpected or risky absence of an individual for less than 4 hours.	<p>The unexpected or risky absence of an individual for more than four hours;</p> <p>The unexpected or risky absence of any duration for an individual whose absence constitutes an immediate danger to that individual or others, e.g., an individual who has brittle diabetes missing while on an outing, an individual who has a history of sexual predation, and individual with Alzheimer's Disease, an individual who is court committed, an individual leaving house in 20° weather in a t-shirt, an individual not able to cross street independently.</p>

Appendix 1K

**RESTRAINTS**  
(Type II)

Any physical, chemical or mechanical intervention used to impede an individual's physical mobility or limit free access to the environment and /or to control acute, episodic behavior including those that are approved as part of an individual's plan or those used on an emergency basis.

<b><i>INTERNALLY INVESTIGATED INCIDENTS</i></b>	<b><i>REPORTABLE INCIDENTS</i></b>
<b><i>N/A</i></b>	<p><b><u>UNAUTHORIZED/ INAPPROPRIATE USE OF RESTRAINTS-</u></b></p> <ul style="list-style-type: none"> <li>- The use of mechanical devices or physical interventions to restrain a person <b>without</b> having a behavior plan which has been reviewed and approved by the standing committee or use of a restraint without documentation of a mechanical support plan.</li> <li>-The use of physical interventions that are <b>not</b> part of the DDA approved curriculum – Behavioral Principles and Strategies.</li> <li>-The use of mechanical devices, physical interventions or psychotropic medication to restrict the movement of a person for the convenience of staff, as a substitute for programming or for disciplinary/punishment purposes.</li> </ul> <p><b><u>CHEMICAL INTERVENTION-</u></b> The use of any medication as an intervention that is not considered a chemical support to sedate, calm or manage acute, episodic behavior, even if part of an approved plan, which restricts the movement or function of a person.</p> <p><b><u>USE OF RESTRAINTS THAT RESULT IN ANY TYPE OF INJURY -</u></b> The use of a mechanical or physical restraint which results in an injury, of any level, to the person.</p>

**OTHER**  
(Type II)

Any incident not otherwise defined in this policy that impacts or may impact the health or safety of an individual person.

<b><i>INTERNALLY INVESTIGATED INCIDENTS</i></b>	<b><i>REPORTABLE INCIDENTS</i></b>
Family/domestic issues that overflow into the agency; such as: <ul style="list-style-type: none"><li>• APS/CPS involvement in home environment related to home visits by individual;</li><li>• Lack of appropriate supervision while on home visit(s) resulting in involvement of law enforcement either as a missing person, victim or perpetrator of a crime.</li></ul>	Examples of incidents in this category are: <ul style="list-style-type: none"><li>• Suicide threat/attempt;</li><li>• An outbreak of a communicable disease as require by CDC/local health department guidelines*;</li><li>• Three (3) internally investigated incidents within a four-week period</li></ul> <p>* Additional reporting requirements can be found at the Office of Epidemiology &amp; Disease Control Program's website: <a href="http://phpa.dhmf.maryland.gov/SitePages/reportable-diseases.aspx">http://phpa.dhmf.maryland.gov/SitePages/reportable-diseases.aspx</a></p>

## TYPE I INCIDENTS: Appendices 2A-2G

### Appendix 2A-ABUSE-Type I

REPORTABLE INCIDENT	REPORT TO	TIME FRAMES	RESPONSIBILITIES OF OHCQ	RESPONSIBILITIES OF DDA REGIONAL OFFICE	OTHER AGENCY REQUIREMENTS
<p><b>ABUSE - Physical and sexual between staff and individuals in DDA funded services or sexual abuse between two or more individuals in DDA funded services.</b></p> <p><b>Physical abuse between two or more individuals in DDA funded services that results in a reportable injury.</b></p> <p><b>Any action or inaction that deprives an individual in DDA funded services of the ability to exercise his or her legal rights, as articulated in state or federal law.</b></p> <p><b>ABUSE – Psychological abuse, use of aversive techniques or inhumane treatment involving staff and individuals in DDA funded services or inhumane treatment involving two or more individuals in DDA funded services.</b></p>	<p>Law enforcement, local department of social services (Adult Protective Services (APS)), OHCQ, DDA regional office, family/legal guardian/advocate(s), case manager/resource coordinator, State protection and advocacy agency (MDLC), MBON (when applicable).FRCs and SRCs must also report all incidents to Resident Grievance System (RGS).</p> <p>OHCQ, DDA regional Office, family/legal guardian/advocate (s), case manager/resource coordinator, state protection and advocacy agency (MDLC), and MBON when applicable.</p> <p>SRCs must also report incident to Resident Grievance System (RGS).</p>	<p><u>Initial report</u> - may be verbal, or e-mail using DDA format, reported immediately.</p> <p><u>Completed Incident Report</u> - must be received by OHCQ, State protection and advocacy agency (MDLC), RC, and DDA regional office within 1 working day of discovery.</p> <p><u>AIR</u> - must be received by OHCQ, State protection and advocacy agency (MDLC), and DDA regional office within 10 working days of discovery.</p>	<ol style="list-style-type: none"> <li>1. Evaluate the Agency's Incident Report and any subsequent correspondence and determine whether OHCQ will investigate.</li> <li>2. Refer the matter to other agencies, e.g., law enforcement, protective services, etc., initially or at any time during the review and/or investigation process, if warranted.</li> <li>3. Notify the DDA regional office of incidents assigned for on-site and administrative investigation.</li> <li>4. If OHCQ investigates, the investigation must be initiated in accordance with the timeframes established in this policy.</li> <li>5. The written report with findings and conclusions is provided to interested/involved parties as delineated in this policy</li> </ol>	<ol style="list-style-type: none"> <li>1. Assure that the Agency complies with reporting and investigating requirements.</li> <li>2. At the discretion of the Regional Director and in coordination with OHCQ, assist in investigating incident and/or conduct inquiries in addition to those of OHCQ and/or other agencies, and/or refer the matter to additional agencies, as indicated.</li> </ol>	<ol style="list-style-type: none"> <li>1. THE SAFETY OF ALL INDIVIDUALS IS OF PARAMOUNT CONCERN. RELOCATION OF THE STAFF OR INDIVIDUAL MAY BE NECESSARY.</li> <li>2. Other individuals in DDA funded services who may have had contact with the alleged perpetrator should be evaluated to determine if they, too, may have been abused.</li> <li>3. If the agency is aware of a confirmed diagnosis of a sexually transmitted disease in an individual, it is incumbent upon the agency to investigate the possibility of sexual abuse.</li> <li>4. Any allegation of sexual contact between an individual receiving services and a minor must be reported to a law enforcement agency and the Department of Social Services, Child Protective Services.</li> <li>5. Any allegation of an incident of sexual abuse that occurred when an individual with a developmental disability is not under the care or supervision of an agency must be reported to the Department of Social Services, Adult Protective Services.</li> <li>6. Certificate holders who are found to be in violation of the Certified Nursing Assistants/Certified Medication Technicians (CNA/CMT) — Code of Ethics (COMAR 10.39.07) shall be reported to the Maryland Board of Nursing</li> <li>7. For an individual who repeatedly alleges unsubstantiated abuse, which is documented by the interdisciplinary team, addressed in a behavior plan and reviewed annually by the interdisciplinary team (to determine if it is still applicable); allegations of abuse may be reported as internally investigated incidents.</li> <li>8. An incident involving physical contact or alleged physical contact between two or more individuals that does not result in injury or if an injury is sustained, it is defined as an internally investigated injury* may be reported as an internally investigated incident.</li> <li>9. As required by Article - Health – General; Title 7. Developmental Disabilities Law; Subtitle 10. Rights of Individuals §7–1005. (b) (1) In addition to any other reporting requirement of law, a person who believes that an individual with developmental disability has been abused promptly shall report the alleged abuse to the executive officer or administrative head of the licensee.</li> </ol> <p>* See Appendix 1E - Internally Investigated Injuries</p> <p><i>Responsibility of RC: Serve as advocate for individual's rights during process. Ensure immediate health and safety through communication with the individual, agency, and others, as appropriate.</i></p>

## Appendix 2B-NEGLECT (Requiring Notification of Law Enforcement) -Type I

REPORTABLE INCIDENT	REPORT TO	TIME FRAMES	RESPONSIBILITIES OF OHCQ	RESPONSIBILITIES OF DDA REGIONAL OFFICE	OTHER AGENCY REQUIREMENTS
<b>NEGLECT (with notification to the police):</b> The failure to provide proper care, attention, supervision to an individual that results in: 1) the existence of an immediate, risk of life-threatening harm to an adult in need of protective services or 2) circumstances or conditions which might reasonably result in mistreatment and could cause injury.	OHCQ, DDA regional office, family/legal guardian/advocate(s), case manager/ Resource coordinator, state protection and advocacy agency (MDLC), local department of social services (Adult Protective Services (APS)), law enforcement, MBON (when applicable).  FRC/SRCs must also report incident to Resident Grievance System (RGS).	<u>Initial report</u> - may be verbal or e-mail using DDA format, reported immediately.  Incident Report- must be received by OHCQ, State protection and advocacy agency (MDLC), RC and the DDA regional office within 1 working day of discovery.  <u>AIR</u> - must be received by OHCQ, State protection and advocacy agency (MDLC), and DDA regional office within 10 working days of discovery.	1. Evaluate the Agency's Incident report and any subsequent correspondence and determine whether OHCQ will investigate.  2. Refer the matter to other agencies, e.g., law enforcement, protective services, etc., initially or at any time during the review and/or investigation process, if warranted.  3. Notify the DDA regional office of incidents assigned for on-site and administrative investigation.  4. If OHCQ investigates, the investigation must be initiated in accordance with the timeframes established in this policy. 5. The written report with findings and conclusions is provided to interested/involved parties as delineated in this policy.	1. Assure that Agency complies with reporting and investigating requirements.  2. At the discretion of the Regional Director and in coordination with OHCQ, assist in investigating incident and/or conduct inquiries in addition to those of OHCQ and/or other agencies, and/or refer the matter to additional agencies, as indicated.	Certificate holders who are found to be in violation of the Certified Nursing Assistants/Certified Medication Technicians (CNA/CMT) — Code of Ethics (COMAR 10.39.07) shall be reported to the Maryland Board of Nursing  <i>Responsibility of RC: Serve as advocate for individual's rights during process. Ensure immediate health and safety through communication with the individual, agency, and others, as appropriate.</i>

## NEGLECT (Not requiring Notification to law Enforcement) -Type I

<b>Neglect</b> (without notification of the police): The failure to provide proper care, attention or supervision to an individual that results in jeopardy of harm	OHCQ, DDA regional office, family/legal guardian/advocate(s), case manager/ Resource coordinator, state protection and advocacy agency	<u>Initial report</u> - may be verbal or e-mail using DDA format, reported immediately.  Incident Report- must be received by OHCQ, State protection and advocacy agency (MDLC), RC, and	1. Evaluate the Agency's Incident report and any subsequent correspondence and determine whether OHCQ will investigate.  2. Refer the matter to other agencies, e.g., law	1. Assure that Agency complies with reporting and investigating requirements.  2. At the discretion of the Regional Director and in coordination with OHCQ, assist in investigating incident and/or conduct	Certificate holders who are found to be in violation of the Certified Nursing Assistants/Certified Medication Technicians (CNA/CMT) — Code of Ethics (COMAR 10.39.07) shall be reported to the Maryland Board of Nursing  If, during the course of the investigation, the existence of an immediate, substantial risk of life-threatening harm to an adult in need of protective services or circumstances
--	--	--	---	---	--

	(MDLC).  FRC/SRCs must also report incident to Resident Grievance System (RGS).	the DDA regional office within 1 working day of discovery.  <u>AIR</u> - must be received by OHCQ, State protection and advocacy agency (MDLC), and DDA regional office within 10 working days of discovery.	enforcement, protective services, etc., initially or at any time during the review and/or investigation process, if warranted.  3. Notify the DDA regional office of incidents assigned for on-site and administrative investigation.  4. If OHCQ investigates, the investigation must be initiated in accordance with the timeframes established in this policy. 5. The written report with findings and conclusions is provided to interested/involved parties as delineated in this policy	inquiries in addition to those of OHCQ and/or other agencies, and/or refer the matter to additional agencies, as indicated.	or conditions which might reasonably result in mistreatment and could cause injury is discovered, the police must then be notified.  <i>Responsibility of RC: Serve as advocate for individual's rights during process. Ensure immediate health and safety through communication with the individual, agency, and others, as appropriate.</i>
Examples of jeopardy of harm include: Lack of supervision (according to the ratios identified in the IP) that does not result in death, hospitalization or ER visit; Medicare/Medicaid fraud; failure to provide physical aids as indicated by LHCP or recommendations as documented in the IP, inappropriate clothing related to weather conditions.					

## Appendix 2C-DEATH-Type I

REPORTABLE INCIDENT	REPORT TO	TIME FRAMES	RESPONSIBILITIES OF OHCQ	RESPONSIBILITIES OF DDA REGIONAL OFFICE	OTHER AGENCY REQUIREMENTS
<b>DEATH – Unusual, suspicious or due to unnatural causes</b>	OHCQ, DDA regional office, DDA headquarters, family/legal guardian/advocate(s), case manager/ resource coordinator, State protection and advocacy agency (MDLC), local health departments, law enforcement (required by Health General §7–206) . <u>ALL</u> deaths of individuals receiving supports through DDA are to be reported to the Office of the Chief Medical Examiner immediately. It is imperative that notification to the Medical Examiner be made immediately after death to provide the Examiner's	<u>Initial report</u> - may be verbal or e-mail using DDA format, reported immediately.  <u>Completed Incident Report</u> - must be received by OHCQ, State protection and advocacy agency (MDLC), RC, the DDA regional office, and DDA headquarters, within 1 working day of discovery.  <u>AIR</u> must be received by OHCQ, State protection and advocacy agency (MDLC), and DDA regional office within 10 working days of discovery.	1. Evaluate the Agency's Incident report and any subsequent correspondence and determine whether OHCQ will investigate.  2. Refer the matter to other agencies, e.g., law enforcement, protective services, etc., initially or at any time during the review and/or investigation process, if warranted.  3. If OHCQ investigates, the investigation must be initiated in accordance with the timeframes established in this policy.	1. Assure that agency complies with reporting and investigating requirements.  2. At the discretion of the Regional Director and in coordination with OHCQ, assist in investigating incident and/or conduct inquiries in addition to those of OHCQ and/or other agencies, and/or refer the matter to additional agencies, as indicated.	If an individual's death occurs in the hospital the agency shall inform the hospital that the individual was receiving services from or residing in a state-funded and/or state operated facility.  10.35.01.18B: Notification and Investigation. The sheriff, police, or chief law enforcement officer, in the jurisdiction where a death occurs, shall notify the medical examiner whenever a death that constitutes a medical examiner's case occurs in a State-funded or State-operated facility. If the death may have occurred by violence, by suicide, by casualty, suddenly when

<b>DEATH – expected due to terminal illness</b>	Office with time to determine the need for autopsy. For additional information on this requirement, please refer to COMAR 10.35.01.18  FRC/SRCs must also report incident to Resident Grievance System (RGS).		4. Upon completion of each investigation, the Office of Health Care Quality submits to the Mortality Review Committee its final report for each death, Health General Article § 5-805.  5. The written report with findings and conclusions is provided to interested/involved parties as delineated in this policy	the person was in apparently good health, not attended by a physician, or in any suspicious or unusual manner  <i>Responsibility of RC: Assist in family/guardian contact and final arrangements, as needed and warranted.</i>
---	---	--	---	--

## Appendix 2D-HOSPITAL ADMISSIONS-Type I

REPORTABLE INCIDENT	REPORT TO	TIME FRAMES	RESPONSIBILITIES OF OHCQ	RESPONSIBILITIES OF DDA REGIONAL OFFICE	OTHER AGENCY REQUIREMENTS
<b>HOSPITAL ADMISSION – an unexpected and/or unplanned hospital admission or in-patient service for an individual whose IP does not document the need for frequent/repeated hospitalizations because of a chronic condition</b>  An unexpected and/or unplanned hospital admission for a medical or a psychiatric problem of an individual whose IP documents a need for frequent/repeated hospitalizations because of a chronic condition must be internally investigated and the agency must complete an AIR for their files,  An emergency room visit that does not result	OHCQ, DDA regional office, family/legal guardian/advocate(s), case manager/resource coordinator, State protection and advocacy agency (MDLC).  FRC/SRCs must also report incident to Resident Grievance System (RGS).	<u>Incident Report</u> - must be received by OHCQ, State protection and advocacy agency (MDLC), RC, and the DDA regional office within 1 working day of discovery.  <u>AIR</u> must be received by OHCQ, State protection and advocacy agency (MDLC), and DDA regional office within 10 working days of discovery.	. 1. Evaluate the Agency's Incident report and any subsequent correspondence and determine whether OHCQ will investigate.  2. Refer the matter to other agencies, e.g., law enforcement, protective services, etc., initially or at any time during the review and/or investigation process, if warranted.  3. Notify the DDA regional office of incidents assigned for on-site and administrative investigation.  4. If OHCQ investigates, the investigation must be initiated in accordance with the timeframes established in this policy.  5. The written report with findings and conclusions is provided to interested/involved parties as delineated in this policy	1. Assure that the agency complies with reporting and investigating requirements.  2. At the discretion of the Regional Director and in coordination with OHCQ, assist in investigating incident and/or conduct inquiries in addition to those of OHCQ and/or other agencies, and/or refer the matter to additional agencies, as indicated.	1. Advocate for the provision of appropriate supports for an individual who requires assistance during a hospital stay that does not interfere with the provision of needed somatic or mental health treatment.  2. Ensure involvement of agency professionals, as indicated, in treatment and/or discharge planning.  3. <i>Responsibility of RC: Serve as advocate for individual's rights during process. Ensure immediate health and safety through communication with the individual, agency, and others, as appropriate.</i>



in a hospital admission and /or may be the investigated injury\* not result of an internally related to abuse, neglect or restraint use, or that may be secondary to a behavioral outburst or mental health issue must be internally investigated and the agency must complete an AIR for their files. The reports must denote if the 911 system was utilized.

*\*Refer to Appendices 1E and 2E*

## Appendix 2E-INJURY-Type I

REPORTABLE INCIDENT	REPORT TO	TIME FRAMES	RESPONSIBILITIES OF OHCQ	RESPONSIBILITIES OF DDA REGIONAL OFFICE	OTHER AGENCY REQUIREMENTS
<b>INJURY</b> Injuries that result in medical emergencies, requiring immediate assessment and intervention. Virtually any injury in the extreme should be considered a reportable injury.	OHCQ, DDA regional office, family/legal guardian/ advocate(s), case manager/resource coordinator, State protection and advocacy agency (MDLC).  FRC/SRCs must also report incident to Resident Grievance System (RGS).	<u>Incident Report</u> – must be received by OHCQ, State protection and advocacy agency (MDLC), RC, and the DDA regional office within 1 working day of discovery.  <u>AIR</u> must be received by OHCQ, State protection and advocacy agency (MDLC), and DDA regional office within 10 working days of discovery.	1. Evaluate the Agency’s Incident report and any subsequent correspondence and determine whether OHCQ will investigate.  2. Refer the matter to other agencies, e.g., law enforcement, protective services, etc., initially or at any time during the review and/or investigation process, if warranted.  3. Notify the DDA regional office of incidents assigned for on-site and administrative investigation.  4. If OHCQ investigates, the investigation must be initiated in accordance with the timeframes established in this policy. 5. The written report with findings and conclusions is provided to interested/involved parties as delineated in this policy	1. Assure that Agency complies with reporting and investigating requirements.  2. At the discretion of the Regional Director and in coordination with OHCQ, assist in investigating incident and/or conduct inquiries in addition to those of OHCQ and/or other agencies, and/or refer the matter to additional agencies, as indicated.	<b>1.</b> Any injury that results from a suspected or confirmed abuse, whether or not it results in a hospitalization, must be reported as an incident of abuse.  <b>2.</b> Any injury that results from a suspected or confirmed neglect, whether or not it results in a hospitalization, must be reported as an incidence of neglect.  <b>3.</b> As part of the internal quality assurance plan, an annual report must be sent to DDA by the agency which documents injuries of unknown origin, identifies and analyzes trends and outlines a plan of action to reduce or eliminate the possibility of similar future injuries.  <b>4.</b> <i>Responsibility of RC: Serve as advocate for individual’s rights during process. Ensure immediate health and safety through communication with the individual, agency, and others, as appropriate.</i>

## Appendix 2F-MEDICATION ERROR-Type I

REPORTABLE INCIDENT	REPORT TO	TIME FRAMES	RESPONSIBILITIES OF OHCQ	RESPONSIBILITIES OF DDA REGIONAL OFFICE	OTHER AGENCY REQUIREMENTS
<b>Medication Error</b> Any significant medication error that has the potential to cause harm or: 1. results in an individual requiring nursing, medical or dental observation and/or treatment by a physician, physician's assistant or nurse; 2. any medication error that results in the admission of an individual to a hospital or 24-hour infirmary for treatment or observation.	OHCQ, DDA regional office, family/legal guardian/advocate(s), case manager/resource coordinator, State protection and advocacy agency (MDLC).  FRC/SRCs must also report incident to Resident Grievance System (RGS).	<u>Incident Report</u> – must be received by OHCQ, State protection and advocacy agency (MDLC), RC, and the DDA regional office within 1 working day of discovery.  <u>AIR</u> – must be received by OHCQ, State protection and advocacy agency (MDLC), and DDA regional office within 10 working days of discovery.	1. Evaluate the Agency's Incident report and any subsequent correspondence and determine whether OHCQ will investigate.  2. Refer the matter to other agencies, e.g., law enforcement, protective services, etc., initially or at any time during the review and/or investigation process, if warranted.  3. Notify the DDA regional office of incidents assigned for on-site and administrative investigation.  4. If OHCQ investigates, the investigation must be initiated in accordance with the timeframes established in this policy.  5. The written report with findings and conclusions is provided to interested/involved parties as delineated in this policy	1. Assure that agency complies with reporting and investigating requirements.  2. At the discretion of the Regional Director and in coordination with OHCQ, assist in investigating incident and/or conduct inquiries in addition to those of OHCQ and/or other agencies, and/or refer the matter to additional agencies, as indicated.	1. All medication errors, whether or not there are effects, must be reported to the agency's delegating RN, and/or the FRC/SRC licensed health care practitioner for review.  2. Any medication error that results in the admission of an individual to a 24-hour infirmary or a hospital for observation and/or treatment should be reported as a medication error.  3. <i>Responsibility of RC: Serve as advocate for individual's rights during process. Ensure immediate health and safety through communication with the individual, agency, and others, as appropriate.</i>

## Appendix 2G-CHOKING-Type I

REPORTABLE INCIDENT	REPORT TO	TIME FRAMES	RESPONSIBILITIES OF OHCQ	RESPONSIBILITIES OF DDA REGIONAL OFFICE	OTHER AGENCY REQUIREMENTS
<b>CHOKING</b> As a result of failure to train staff regarding a person's specialized diet, failure to chop food as required by person's documented dietary plan, failure to follow protocol for choking victim. The individual loses consciousness or receives CPR (chest compressions and/or artificial respiration) as a result of choking.	OHCQ, DDA regional office, family/legal guardian/advocate(s), case manager/resource coordinator.  If incident is the result of neglect, MDLC must be notified.	<u>Incident Report</u> – must be received by OHCQ, RC, and the DDA regional office within 1 working day of discovery.  <u>AIR</u> – must be received by OHCQ and DDA regional office within 10 working days of discovery.	1. Evaluate the Agency's Incident report and any subsequent correspondence and determine whether OHCQ will investigate.  2. Refer the matter to other agencies, e.g., law enforcement, protective services, etc., initially or at any time during the review and/or investigation process, if warranted.  3. Notify the DDA regional office of incidents assigned for on-site and administrative investigation.  4. If OHCQ investigates, the investigation must be initiated in accordance with the timeframes established in this policy.  5. The written report with findings and conclusions is provided to interested/involved parties as delineated in this policy	1. Assure that Agency complies with reporting and investigating requirements.  2. At the discretion of the Regional Director and in coordination with OHCQ, assist in investigating incident and/or conduct inquiries in addition to those of OHCQ and/or other agencies, and/or refer the matter to additional agencies, as indicated.	1. <i>Responsibility of RC: Serve as advocate for individual's rights during process. Ensure immediate health and safety through communication with the individual, agency, and others, as appropriate.</i>

## TYPE II INCIDENTS: Appendices 2H-2L

### Appendix 2H-INCIDENTS REQUIRING SERVICES OF LAW ENFORCEMENT, FIRE DEPARTMENT, EMS-Type II

REPORTABLE INCIDENT	REPORT TO	TIME FRAMES	RESPONSIBILITIES OF OHCQ	RESPONSIBILITIES OF DDA REGIONAL OFFICE	OTHER AGENCY REQUIREMENTS
<b>Incident, including a crime, reported to/requiring services of a law enforcement agency or a fire department</b>	<p>DDA regional office, family/legal guardian/advocate(s), case manager/resource coordinator.</p> <p>If incident is the result of abuse or neglect, MDLC must be notified, and OHCQ must receive the report (refer to appendix 2A).</p> <p>SRCs must also report incident to Resident Grievance System (RGS).</p>	<p><u>Incident Report</u> - must be received by the DDA regional office and RC within 1 working day of discovery.</p> <p><u>AIR</u> – must be received by DDA Regional Office within 10 working days of discovery.</p>	<ol style="list-style-type: none"> <li>1. Upon referral from DDA, prioritize incident according to guidelines of this policy.</li> <li>2. If OHCQ investigates, the investigation must be initiated in accordance with the timeframes established in this policy.</li> <li>3. The written report with findings and conclusions is provided to interested/involved parties as delineated in this policy</li> </ol>	<ol style="list-style-type: none"> <li>1. Assure that agency complies with reporting and investigating requirements.</li> <li>2. Evaluate the Agency's Incident report and any subsequent correspondence and determine appropriate DDA follow-up which may include investigation, generalized training, agency-specific training or technical assistance.</li> <li>3. Refer the matter to other agencies, e.g., OHCQ, law enforcement, protective services, etc., initially or at any time during the review and/or investigation process, if warranted.</li> </ol>	<ol style="list-style-type: none"> <li>1. The agency must submit to DDA the police report # or preferably the report if received.</li> <li>2. The agency must submit to DDA the report from the Fire Marshall, if received.</li> <li>3. <i>Responsibility of RC: Serve as advocate for individual's rights during process. Ensure immediate health and safety through communication with the individual, agency, and others, as appropriate.</i></li> </ol>

## Appendix 2I-THEFT-Type II

REPORTABLE INCIDENT	REPORT TO	TIME FRAMES	RESPONSIBILITIES OF OHCQ	RESPONSIBILITIES OF DDA REGIONAL OFFICE	OTHER AGENCY REQUIREMENTS
<b>Suspected or confirmed theft or misuse of an individual's property or funds valued at \$50 or more per incident or \$100 or more over the course of a 30 day period.</b>	<p>Law enforcement agency, , DDA regional office, family/legal guardian/advocate(s), case manager/resource coordinator, and MBON (when applicable)</p> <p>If theft or misuse of an individual's property or funds is the result of abuse or neglect, MDLC must be notified, and OHCQ must receive the report (see Appendices 2A and 2B).</p> <p>FRCs and SRCs must also report incident to Resident Grievance System (RGS).</p>	<p><u>Incident Report</u> - must be received by the DDA regional office and RC within 1 working day of discovery.</p> <p><u>AIR</u> must be received by DDA regional office within 10 working days of discovery.</p>	<p>.</p> <ol style="list-style-type: none"> <li>1. Upon referral from DDA, prioritize incident according to guidelines of this policy.</li> <li>2. If OHCQ investigates, the investigation must be initiated in accordance with the timeframes established in this policy.</li> <li>3. The written report with findings and conclusions is provided to interested/involved parties as delineated in this policy</li> </ol>	<ol style="list-style-type: none"> <li>1. Assure that Agency complies with reporting and investigating requirements.</li> <li>2. Evaluate the Agency's Incident report and any subsequent correspondence and determine appropriate DDA follow-up which may include investigation, generalized training, agency-specific training or technical assistance.</li> <li>3. Refer the matter to other agencies, e.g., OHCQ, law enforcement, protective services, etc., initially or at any time during the review and/or investigation process, if warranted.</li> </ol>	<ol style="list-style-type: none"> <li>1. The agency must submit to DDA the police report # or preferably the report if received.</li> <li>2. Certificate holders who are found to be in violation of the Certified Nursing Assistants/Certified Medication Technicians (CNA/CMT) — Code of Ethics (COMAR 10.39.07) shall be reported to the Maryland Board of Nursing</li> <li>3. <i>Responsibility of RC: Serve as advocate for individual's rights during process. Ensure immediate health and safety through communication with the individual, agency, and others, as appropriate.</i></li> </ol>

## Appendix 2J-UNEXPECTED OR RISKY ABSENCE-Type II

REPORTABLE INCIDENT	REPORT TO	TIME FRAMES	RESPONSIBILITIES OF OHCQ	RESPONSIBILITIES OF DDA REGIONAL OFFICE	OTHER AGENCY REQUIREMENTS
<b>Unexpected or risky absence</b>	<p>Law enforcement, DDA regional office, family/legal guardian/advocate(s) , case manager/resource coordinator.</p> <p>If elopement is the result of abuse or neglect, MDLC must be notified, and OHCQ must receive the report (see Appendices 2A and 2B).</p> <p>FRC/SRCs must also report incident to Resident Grievance System (RGS).</p>	<p><u>Incident Report</u> – must be received by the DDA regional office and RC within 1 working day of discovery.</p> <p><u>AIR</u> – must be received by DDA regional office within 10 working days of discovery.</p>	<ol style="list-style-type: none"> <li>1. Upon referral from DDA, prioritize incident according to guidelines of this policy.</li> <li>2. If OHCQ investigates, the investigation must be initiated in accordance with the timeframes established in this policy.</li> <li>3. The written report with findings and conclusions is provided to interested/involved parties as delineated in this policy</li> </ol>	<ol style="list-style-type: none"> <li>1. Assure that Agency complies with reporting and investigating requirements.</li> <li>2. Evaluate the Agency’s Incident report and any subsequent correspondence and determine appropriate DDA follow-up which may include investigation, generalized training, agency-specific training or technical assistance.</li> <li>3. Refer the matter to other agencies, e.g., OHCQ, law enforcement, protective services, etc., initially or at any time during the review and/or investigation process, if warranted.</li> <li>4. Assist the agency in developing material or implementing a system to canvass area and search for a missing individual, if warranted and recommended by law enforcement.</li> </ol>	<ol style="list-style-type: none"> <li>1. If elopement is result of abuse or neglect, it must be reported as abuse or neglect.</li> <li>2. The agency shall contact the DDA and RC upon the individual’s return to the program or the home.</li> <li>3. <i>Responsibility of RC: Serve as advocate for individual’s rights during process. Assist the agency in developing material or implementing a system to canvass area and search for a missing individual, if warranted and recommended by law enforcement. Ensure well-being of individual through communication with the individual, agency, and others, as appropriate upon the individual’s return to the site/service.</i></li> </ol>

## Appendix 2K-RESTRAINTS-Type II

REPORTABLE INCIDENT	REPORT TO	TIME FRAMES	RESPONSIBILITIES OF OHCQ	RESPONSIBILITIES OF DDA REGIONAL OFFICE	OTHER AGENCY/SRC/FRC REQUIREMENTS
<b>Restraint</b>	DDA regional office, family/legal guardian/advocate(s) case manager/resource coordinator, State protection and advocacy agency (MDLC).  FRC/SRCs must also report incident to Resident Grievance System (RGS).	<u>Incident Report</u> – must be received by the State protection and advocacy agency (MDLC), RC, and the DDA regional office within 1 working day of discovery.  <u>AIR</u> must be received by the State protection and advocacy agency (MDLC) and DDA regional office within 10 working days of discovery.	1. Upon referral from DDA, prioritize incident according to guidelines of this policy.  2. If OHCQ investigates, the investigation must be initiated in accordance with the timeframes established in this policy.  3. The written report with findings and conclusions is provided to interested/involved parties as delineated in this policy.	1. Assure that Agency complies with reporting and investigating requirements.  2. Evaluate the Agency's Incident report and any subsequent correspondence and determine appropriate DDA follow-up which may include investigation, generalized training, agency-specific training or technical assistance.  3. Refer the matter to other agencies, e.g., OHCQ, law enforcement, protective services, etc., initially or at any time during the review and/or investigation process, if warranted.	<b>1. Unauthorized/inappropriate use of restraints:</b> 10.22.10.06C. The licensee shall: (a) Convene the team within 5 calendar days after an emergency use of a restrictive technique to review the situation and action taken; (b) Determine subsequent action include whether the development or modification of a BP is necessary; and (c) Document that the requirements of this regulation have been met.  <i>2. Responsibility of RC: Serve as advocate for individual's rights during process. Ensure immediate health and safety through communication with the individual, agency, and others, as appropriate.</i>

## Appendix 2L-OTHER-Type II

REPORTABLE INCIDENT	REPORT TO	TIME FRAMES	RESPONSIBILITIES OF OHCQ	RESPONSIBILITIES OF DDA REGIONAL OFFICE	OTHER AGENCY/SRC/FRC REQUIREMENTS
<b>Other – examples:</b>  Suicide threat/attempt  An outbreak of a communicable disease	DDA RO, family/legal guardian/advocate(s), case manager/RC.  If incident is the result of abuse or neglect, MDLC must be notified and OHCQ must receive a report (see Appendices 2A & 2B).  SRCs must also report incident to Resident Grievance System.	<u>Incident Report</u> – must be received by the DDA regional office within 1 working day of discovery.  <u>AIR</u> – must be received by DDA regional office within 10 working days of discovery.	1. Upon referral from DDA, prioritize incident according to guidelines of this policy.  2. If OHCQ investigates, the investigation must be initiated in accordance with the timeframes established in this policy.  3. The written report with findings and conclusions is provided to interested/involved parties as delineated in this policy	1. Assure that Agency complies with reporting and investigating requirements.  2. Evaluate the Agency's Incident report and any subsequent correspondence and determine appropriate DDA follow-up which may include investigation, generalized training, agency-specific training or technical assistance.  3. Refer the matter to other agencies, e.g., OHCQ, law enforcement, etc., initially or at any time during the review and/or investigation process, if warranted.	1. Communicable diseases have additional reporting requirements beyond the scope of this policy. Additional reporting requirements can be found at the Office of Epidemiology & Disease Control Program's website: <a href="http://phpa.dhmmh.maryland.gov/SitePages/reportable-diseases.aspx">http://phpa.dhmmh.maryland.gov/SitePages/reportable-diseases.aspx</a>  <i>2. Responsibility of RC: Serve as advocate for individual's rights during process. Ensure immediate health and safety through communication with the individual, agency, and others, as appropriate.</i>

## Incident Reporting Tips

The goal is that people are safe and others who need to be involved (e.g. police) are promptly notified, as required. When a person may be at risk, it is not prudent for the Administration (DDA, OHCQ, and SMA) to wait 10 days for the agency to submit the AIR. When drafting an incident report, please complete all sections of the report—especially the narrative sections, as thoroughly as possible.

**Abuse and Neglect:** Include in the narrative the immediate actions taken to ensure the affected individual(s) health and safety and any systemic measures taken emergently to protect all individuals supported by your agency. In addition, indicate how the safety of the affected individual(s) will be maintained during the agency internal investigation and if law enforcement or other authorities have indicated the agency should not begin or continue an internal investigation. Include answers to the following:

- Were the police notified? If yes, please include the police information (name, badge, report #.)
- If applicable, were APS/CPS notified? If yes, please provide name and office that was contacted.
- Indicate how the safety of the individual will be maintained during the investigation

**Choking:** Does the individual have a history of choking or on a specialized diet?

**Death:** In the location section, please indicate the exact location, i.e. Lorian Nursing Home, Suburban Hospital, etc. This will aid OHCQ in obtaining information related to the death without requiring further effort on the agency's part.

**Diagnoses:** Please include a short synopsis of the individuals' somatic and mental health diagnoses, especially if they are pertinent to the reported incident. Do not use acronyms, and if an individual has a rare diagnosis, a short description is helpful in determining the need for further investigation.

**Emergency Services Information:** Whenever law enforcement, fire, emergency medical personnel are called to the scene, please indicate the emergency personnel's name and provide the report number. If possible, scan and e-mail the report to OHCQ and DDA with an e-mail subject line denoting it's attachment to the submitted incident.

**Hospitalizations:** If the unplanned hospital admission was a **Psychiatric admission** please make this clear on your report. Also include:

- What was the admitting diagnosis or rule out diagnosis?
- Does the individual have a psychiatric history, psychiatric diagnosis or on psychiatric medications?
- Name of Hospital



**Inappropriate/ Unauthorized Use of Restraints:** This includes physical, mechanical and chemical restraints. Please address, as applicable:

- Does the individual have a BP?
- Will the team be convened within 5 calendar days to review the situation & action taken?
- Is development of a BP necessary?
- What restraint was utilized?
- Is the behavior targeted in the BP?
- Who provided the chemical intervention?
- What medication was administered?
- What was the setting in which the intervention occurred?
- Purpose of intervention?
- Route of medication?

**Initiation of Internal Investigation:** Ensure that statements are obtained from any involved staff or witnesses as soon as possible after the incident. Inclusion of space on internal incident reports for multiple witness statements is recommended.

**Injuries:** Please list the applicable injury. If the injury is due to ingestion of dangerous object or ingestion of toxic substance, please also note the following:

- Does the individual have a history of pica?
- Does the individual have a BP which addresses pica?

**Unexpected or Risky Absence:** Please remember, *the unexpected or risky absence of any duration for an individual whose absence constitutes an immediate danger to that individual or others* is a reportable incident. Therefore, the unexpected absence of a person who has **no** unsupported time (as indicated in the IP or a conditional release) is reportable. An individual in the community subject to court orders may not have any unsupervised time. Please indicate in the narrative:

- Does the individual have any team- or court-approved unsupported or unsupervised time in the community?
- Were the police notified? If yes, send the police information.

**Medication Errors:** Please address:

- What medication/treatment was involved?
- Indicate when the delegating nurse was informed
- How will the safety of the individual be maintained during the investigation?

**Other:** This can include the following:

- **Three incidents (involving the same person) within a 4-week period:**
  - What were the other 2 incidents?
  - When did the other 2 incidents occur?
- **Suicide threat:**
  - Does the individual have a history of suicidal ideation?
  - If yes, how is it addressed, i.e. suicidal protocol, BP?
- **Suicide attempt:**
  - Does the individual have a history or family history of suicidal ideation/attempts?

- If yes, how is it addressed, i.e. suicidal protocol, BP?
- **An outbreak of a communicable disease:**
  - See <http://www.edep.org> regarding further reporting requirements.
- **Family/domestic issues that overflow into the community agency/SRC**

**Questions from OHCQ or DDA:** Please answer any questions posed by DDA or OHCQ as quickly as possible. The information contained in your initial report provides a basis for both OHCQ and DDA to determine the need for investigation or other follow-up. Incomplete information, inadequate follow-up information, or lack of responsiveness will engender the need for closer monitoring by DDA and increased on-site investigations by OHCQ in order to ensure the health and safety of the individuals supported by your agency.

State of Maryland, Department of Health and Mental Hygiene  
Developmental Disabilities Administration  
Incident Reporting Form

Was more than one individual involved in this incident? ☐ Yes ☐ No

If Yes, submit a separate Incident report form for each individual involved in space provided below. In order to link all individuals in one incident, please provide the name and social security number for each additional individual. (If more than 3, please go to page EX-I)

If Yes, how many other individuals are involved?

0) this individual

1) name:

2) name:

3) name:

**I) Individual Information**

Name:  SSN:  Gender: ☐ Male ☐ Female

Date of birth:

Date and time incident occurred:  ☐ Estimated.

If different, when was incident discovered:

# of individuals present at the time of incident:

# of staff present at time of incident:

Incident occurred at: ☐ Home ☐ Site ☐ Neither

--	--	--

Is the address where the incident occurred a DDA licensed site/service? : ☐ Yes ☐ No

What type of service is provided for this individual?

**II) Agency Information**

Name:  Provider #:  OHCQ Provider #:

Site Address:  Site #:  OHCQ Site #:

Is this a DDA licensed site? ☐ Yes ☐ No

Agency provides the following services:

Date and time of Initial Report:

## II) Agency Information (cont'd)

### Contact Person

Name (Last, First):	<input type="text"/>		
Title/relationship:	<input type="text"/>		
Address:	<input type="text"/>		
Phone:	<input type="text"/>	Fax:	<input type="text"/>
E-mail:	<input type="text"/>		

## III) Type of incident

### Primary incident category that indicates the suspected or known cause of the incident:

- |  |   |
|--|---|
| <input type="radio"/> Abuse  | Answer questions on page Q-I  |
| <input type="radio"/> Choking  | Answer questions on page Q-I  |
| <input type="radio"/> Death  | Answer questions on page Q-I  |
| <input type="radio"/> Fire department  |   |
| <input type="radio"/> Hospital admission / emergency room visit                      | Answer questions on page Q-II   |
| <input type="radio"/> Hospital admission / psychiatric admission                     | Answer questions on page Q-ii   |
| <input type="radio"/> Injury   | Answer questions on page Q-III  |
| <input type="radio"/> Medication error   | Answer questions on page Q-III  |
| <input type="radio"/> Neglect  | Answer questions on page Q-III  |
| <input type="radio"/> Other - not specified  | Answer questions on page Q-III  |
| <input type="radio"/> Other / individual committed a crime                           | Answer questions on page Q-III  |
| <input type="radio"/> Other / outbreak of a communicable disease                     | See <a href="http://www.edep.org">http://www.edep.org</a> regarding further reporting requirements. |
| <input type="radio"/> Other / suicide attempt  | Answer questions on page Q-IV   |
| <input type="radio"/> Other / suicide threat   | Answer questions on page Q-IV   |
| <input type="radio"/> Other / three of a kind  | Answer questions on page Q-IV   |
| <input type="radio"/> Police   | Please answer questions under XII) Law Enforcement.   |
| <input type="radio"/> Restraint - chemical intervention                              |   |
| <input type="radio"/> Restraint - unauthorized/inappropriate use of restraints       | Answer questions on page Q-V  |
| <input type="radio"/> Restraint - use of restraint that result in any type of injury | Answer questions on page Q-V  |
| <input type="radio"/> Theft of individual's property or funds                        | Please answer questions under XII) Law Enforcement.   |
| <input type="radio"/> Unexpected or risky absence / (absent >= 4 hours)              | Answer questions on page Q-V  |
| <input type="radio"/> Unexpected or risky absence / (individual in immediate danger) | Answer questions on page Q-V  |

**IV) Briefly describe the circumstances of the incident:**

--

**V) Briefly describe status of individual at the time of report:**

--

**VI) Describe the agency's immediate response to the incident:**

--

Will a team meeting be held? ☐ Yes ☐ No**VII) Does this individual have a behavior support plan (BSP)?**☐ Yes ☐ No ☐ Not relevant to this incident

If yes, list behaviors addressed in the BSP

--

**VIII) Witnesses to the incident** (go to page Ex-II for more space)

Name	Address	Phone	Interviewed

**IX) Please list all staff on duty at time of incidents:** (go to page Ex-III for more space)

Name	Job Title	Interviewed

**X) Skip****XI) Please provide any other relevant information**

--

**XII) Notifications**Does individual have family or guardian? ☐ Yes ☐ NoIs family/guardian involved with individual? ☐ Yes ☐ No

If family/guardian is involved, when were they notified?

mm/dd/yyyy hh:mi AM

Please write notified family/guardian's name:

Has advocate, other than family/guardian been notified? ☐ Yes ☐ No

If yes, please write advocate's name:

When was advocate notified?

**XII) Law Enforcement**Was this incident reported to a law enforcement agency? ☐ Yes ☐ No ☐ Not relevant

If yes, write officer's name:

Jurisdiction:

Report #:

Please write other law enforcement information, if available.

If No, Explain why law enforcement was not notified

**List of People to be notified** (go to page Ex-IV for more space)

Name	Relationship/Agency	E-mail
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

The following must be reported to MDLC: All Deaths, Hospital Visits, Medication Errors, Reportable Restraint Use, Reportable injury and any incident that may be the result of abuse or neglect.

Incidents must be reported to CPS/APS per: Irregular situation - section 1A and Appendix 2A - Sections 6 & 7 of Other Agency/SRC requirements.

**XIII) Agency/SRC staff person completing this initial report:**

### III) Type of incident (cont'd)

**Primary incident category: Abuse**

Who was involved? Individual was victim of ☐ Staff ☐ Individual ☐ Non-staff/Non-individual

Indicate Primary Abuse Category ☐ Inhumane treatment ☐ Physical abuse ☐ Psychological abuse

☐ Seclusion ☐ Sexual abuse

☐ Use of aversive technique ☐ Violation of individual rights

How will the safety of the individual be maintained during the investigation? (attach additional pages if more space is needed)

Please answer the following questions, if the primary abuse is "Physical abuse"

If applicable, were APS/CPS notified? ☐ Yes ☐ No (Answer if individual was victim of "non-staff/non-individual")

\* Please answer questions under XII) Law Enforcement.

Please answer the following questions, if the primary abuse is "Psychological Abuse"

Does the individual have a behavior plan(BP) which addresses unsubstantiated allegations of sexual or verbal abuse? ☐ Yes ☐ No

Please answer the following questions, if the primary abuse is "Sexual abuse"

Note: If the sexual activity is consensual, it is not sexual abuse.

If applicable, were APS/CPS notified? ☐ Yes ☐ No (Answer if individual was victim of "non-staff/non-individual")

Does the individual have a behavior plan(BP) which addresses unsubstantiated allegations of sexual or verbal abuse? ☐ Yes ☐ No

\* Please answer questions under XII) Law Enforcement.

**Primary incident category: Choking**

Does the individual have a history of choking or on a specialized diet? ☐ Yes ☐ No

### III) Type of incident (cont'd)

**Primary incident category:**    **Death**

Location of death:

Date of death:

Was the death a result of unusual, suspicious or unnatural causes?:    ☐ Yes    ☐ No

Was death reported to local law enforcement agency?:    ☐ Yes    ☐ No

Was hospice involved?:    ☐ Yes    ☐ No

Has an autopsy been requested?:    ☐ Yes    ☐ No

Was the death anticipated?:    ☐ Yes    ☐ No

Was medical examiners office notified?:    ☐ Yes    ☐ No

Was EMT unit involved?:    ☐ Yes    ☐ No

If Yes, identify EMT unit:

Did individual have a guardian?    ☐ Yes    ☐ No

Did the individual have a DNR?    ☐ Yes    ☐ No

Legal name of the person who signed DNR:

What is the relationship to the person who signed DNR?

**Primary incident category:**    **Hospital Admission / emergency room visit**

Was the individual admitted into the hospital?    ☐ Yes    ☐ No

Name of hospital:

What was the admitting diagnosis or rule out diagnosis?

**Primary incident category:**    **Hospital Admission / psychiatric admission**

Does the individual have a psychiatric history, psychiatric diagnosis or on psychiatric medications?    ☐ Yes    ☐ No

Name of hospital:



### III) Type of incident (cont'd)

**Primary incident category: Injury**

Indicate the injury type? ☐ Dislocation ☐ Eye emergency ☐ Electric shock  
☐ Fracture ☐ Ingestion of dangerous object or toxic substance  
☐ Injury with loss of consciousness ☐ Lost of body part  
☐ Tearing of body part ☐ Third degree burn

Please answer the following question if injury type is "Ingestion of dangerous object or toxic substance"

Does the individual have a history of pica? ☐ Yes ☐ No

Does the individual have a behavior plan(BP) which addresses pica? ☐ Yes ☐ No

**Primary incident category: Medication error**

What medication/treatment was involved?

Was the delegating nurse informed? ☐ Yes ☐ No

**Primary incident category: Neglect**

How will the safety of the individual be maintained during the investigation?

**Primary incident category: Other - Not specified**

Please describe "Other"

**Primary incident category: Other / individual committed a crime**

Location/status of individual?

What is the IP required staffing ratio?

\* Please answer questions under XII) law enforcement.

Q-III

### III) Type of incident (cont'd)

**Primary incident category: Other / suicide attempt**

Does the individual have a history or family history of suicidal ideation/attempts? ☐ Yes ☐ No

If yes, how is it addressed, i.e. suicidal protocol, behavior plan?

**Primary incident category: Other / suicide threat**

Does the individual have a history or family history of suicidal ideation? ☐ Yes ☐ No

If yes, how is it addressed, i.e. suicidal protocol, behavior plan?

**Primary incident category: Other / three of a kind**

List all 3 minor incidents

- 1)
- 2)
- 3)

Choose from the following list of minor incidents.

Abuse  
Choking  
Hospital treatment for chronic condition  
Hospital visit  
Injury  
Medication error  
Other internally investigated incident  
Physical aggression  
Planned use of restraint  
Police  
Theft of individuals' property or fund  
Unexpected or risky absence - absent < 4 hours

### III) Type of incident (cont'd)

**Primary incident category: Restraint - Unauthorized/ Inappropriate Use Of Restraints**

Does the individual have a behavior plan(BP) with restraints? ☐ Yes ☐ No

Is the behavior targeted in the BP? ☐ Yes ☐ No

Will the team be convened within 5 calendar days to review the situation & action taken? ☐ Yes ☐ No

Is development of a behavior plan necessary? ☐ Yes ☐ No

What restraint was utilized?

**Primary incident category: Restraint - Use of restraint that result in any kind of injury**

Does the individual have a behavior plan(BP) with restraints? ☐ Yes ☐ No

**Primary incident category: Unexpected or risky absence / (absence >= 4 hours)**

Does the individual have any unsupervised time in the community? ☐ Yes ☐ No

How vulnerable is the individual?

What is IP required staffing ratio?

\* Please answer questions under XII) Law Enforcement.

**Primary incident category: Unexpected or risky absence / (individual in immediate danger)**

What is IP required staffing ratio?

Was this ratio being provided at time of incident? ☐ Yes ☐ No

\* Please answer questions under XII) Law Enforcement.

Q-V

submit a separate Incident report form for each individual involved in space provided below. In order to link all individuals in one incident, please provide the name and social security number for each additional individual. (Cont'd)

4) name:	<input type="text"/>
5) name:	<input type="text"/>
6) name:	<input type="text"/>
7) name:	<input type="text"/>
8) name:	<input type="text"/>
9) name:	<input type="text"/>
10) name:	<input type="text"/>
11) name:	<input type="text"/>
12) name:	<input type="text"/>
13) name:	<input type="text"/>
14) name:	<input type="text"/>
15) name:	<input type="text"/>
16) name:	<input type="text"/>

## Appendix 5

### Appendix 5

Rev: 10/2007

### Quarterly Incident Report for Internally Investigated/Reviewed Incidents

For DDA & OHCQ Use Only

Date Received:

Provider #

This form is to be submitted to OHCQ and DDA within 15 days of the end of each quarter of the fiscal year (Oct 15, Jan 15, April 15, and July 15). Each line on the form represents one internally investigated or reviewed incident. Incidents should be listed chronologically. A full incident report must be completed for all internally investigated incidents as detailed in the policy and maintained on file for review by DDA and/or OHCQ personnel.

Agency Name:

Fiscal Year:

Quarter Ending : ☐ Sept ☐ Dec

☐ Mar ☐ June

Address:

Phone #:

Executive Director:

Individual's Name	Individual's SSN	Individual's Address	Date	Time	Type of incident *#	Location where incident occurred (unless same as column 3)

\* Categories of Internally Investigated Incidents are Physical Aggression, Injury, Theft <\$50, Medication Error requiring R.N. Consult, Leave Without Notification- <4hrs, Hospital Treatment for chronic condition, Police Dept visit - report not taken and Emergency Room Visit due to mild or moderate injury.  
#Categories of Internally Reviewed Incidents is planned use of restraint and chemical supports. For planned use of restraints, include the number of times each restraint was used during this period. Attach a copy of your Standing Committee's review for each individual.

## Appendix 6

## **Incident Reporting Tips**

(Agency Investigation Report “AIR”)

**As part of a quality agency investigation, please determine and report: If a similar event occurred in the past, what were the previous action plans and were these actions effective.**

**Abuse and Neglect: Please include the following points in your narrative, as applicable, in the appropriate sections:**

- ⊙ Was the victim taken to the ER and/or was the victim seen by a clinician/physician? If so, when?
- ⊙ Did the accused staff work with other people at your agency? If yes, have they been interviewed?
- ⊙ When was the accused staff person hired?
- ⊙ Was the criminal background check clear on hire?
- ⊙ Did the accused staff have all required training?
- ⊙ What were the staff evaluations like? Any performance issues?
- ⊙ Was there oversight of his work by your agency based upon your policies & procedures?
- ⊙ Were there any other reported events involving this staff?
- ⊙ If staff is a CMT, was the MBON notified for **substantiated** abuse<sup>1</sup>?
- ⊙ Describe all supports that were/will be provided to the victim to assist him/her in coping with any physical or psychological trauma.

**Choking<sup>2</sup>: Please include the following points in your narrative, as applicable, in the appropriate sections:**

- ⊙ Document the prescribed diet, e.g.: puree, ground, chopped, bite size, regular.
- ⊙ Review the staff ratio as well as the training and performance of staff on duty.
- ⊙ Was the person supported during the meal/incident according to needs identified in the IP/nursing plan of care? Was the prescribed diet noted in Section X followed?
- ⊙ Did the staff on duty have all required training?
- ⊙ Have staff evaluations been completed? Were performance issues identified & addressed?
- ⊙ Was there oversight of the staff member’s work by your agency based upon your Policies and Procedures?
- ⊙ Were there any other similar events involving this staff?

**Hospital Admission: Please include the following points in your narrative, as applicable, in the appropriate sections:**

- ⊙ The name of the hospital
- ⊙ What was the hospital discharge diagnosis?
- ⊙ Please note the preventative steps that were offered/taken related to the diagnosis, if any. (i.e.: If a person is admitted to the hospital with pneumonia, did he receive the Pneumococcal vaccination?)

---

<sup>1</sup> Please see COMAR 10.39.07.02 Ethical Responsibilities.

<sup>2</sup> Please refer to the 08/31/2005 Educational Alert re: Choking at [http://dhmh.maryland.gov/ohcq/DD/docs/alerts\\_transmittals/dd08312005.pdf](http://dhmh.maryland.gov/ohcq/DD/docs/alerts_transmittals/dd08312005.pdf) and the updated 2012 Educational Alert at <http://dda.dhmm.maryland.gov/SitePages/Developments/Jan2012/Memo-January-30-2012.pdf>

**Injury: Please indicate if the person was supervised during the incident according to needs identified in the IP and nursing plan of care.**

**Medication Error: Please include the following points in your narrative, as applicable, in the appropriate sections:**

- ⊙ Did the staff on duty have all required training?
- ⊙ Have staff evaluations been completed? Were performance issues identified & addressed?
- ⊙ Was there oversight of the staff member's work by the delegating nurse as required by 10.27.11.05<sup>3</sup>?
- ⊙ Were there any other similar events involving this staff?
- ⊙ If indicated, were reports made to the Maryland Board of Nursing?
- ⊙ *In cases of pharmacy error*, was the pharmacy board notified? ([mdbop@dhmh.state.md.us](mailto:mdbop@dhmh.state.md.us))

**Restraints That Result in Any Type of Injury: Please include the following points in your narrative, as applicable, in the appropriate sections:**

- ⊙ Include the date the team meeting was held.
- ⊙ Document the recommendations made at the team meeting.
- ⊙ At the time of the incident, had the staff that used the restraint completed BPS training?
- ⊙ Following the incident, did the staff who used the restraint receive additional training?
- ⊙ Have staff evaluations been completed? Were performance issues identified & addressed?
- ⊙ Was there oversight of the staff member's work by your agency based upon your Policies and Procedures?
- ⊙ Were there any other similar events involving this staff?

**Theft of Individual's Property \$50+: Please include the following points in your narrative, as applicable, in the appropriate sections:**

- ⊙ What were the results of the police investigation?

---

<sup>3</sup> COMAR 10.27.11.05:B. The nurse may delegate treatments of a routine nature if:

(4) There is a quality assurance mechanism in place to assure the function is performed safely and client outcomes meet accepted professional nursing standards including, but not limited to:

(a) An ongoing formalized documented performance appraisal mechanism designed to assure that unlicensed individual or certified nursing assistant's revalidation of continued competency is a component of the quality assurance mechanism; and

(b) Client outcomes meeting accepted professional standards, as reflected by:

(i) Infection rates; (ii) Rates of adverse events; (iii) Error rates; and (iv) Patient satisfaction surveys.

*If agency staff was accused of theft, please address the following:*

- ⊙ When was the accused staff person hired?
- ⊙ Was the criminal background check clear on hire?
- ⊙ Have staff evaluations been completed? Were performance issues identified & addressed?
- ⊙ Was there oversight of the staff member's work by your agency based upon your Policies and Procedures?
- ⊙ Were there any other reported events involving this staff?
  
- ⊙ Was the property/money returned to the person from whom it was stolen?
- ⊙ If staff is a CMT, was the MBON notified about for **substantiated** theft<sup>4</sup>?

Appendix 7

---

<sup>4</sup> Please see COMAR 10.39.07.02 Ethical Responsibilities.



State of Maryland, Department of Health and Mental Hygiene  
Developmental Disabilities Administration  
Agency Investigation Reporting Form

Was more than one individual involved in this incident? ☐ Yes ☐ No

If Yes, submit a separate Incident report form for each individual involved in space provided below. In order to link all individuals in one incident, please provide the name and social security number for each additional individual. (If more than 3, please go to page EX-I)

If Yes, how many other individuals are involved?

**0) this individual**

1) name:

2) name:

3) name:

**I) Individual Information**

Name:  SSN:  Gender: ☐ Male ☐ Female

Date of birth:

Date and time incident occurred:  ☐ Estimated.

If different, when was incident discovered:

# of individuals present at the time of incident:

# of staff present at time of incident:

Individual's level of supervision as indicated in the IP:  # of staff : # of individual

Individual's level of supervision at the time the incident occurred:  # of staff : # of individual

Incident occurred at: ☐ Home ☐ Site ☐ Neither

--	--	--

Is the address where the incident occurred a DDA licensed site/service? : ☐ Yes ☐ No

What type of service is provided for this individual?

**II) Agency Information**

Name:  Provider #:  OHCQ Provider #:

Site Address:  Site #:  OHCQ Site #:

Is this a DDA licensed site? ☐ Yes ☐ No

## II) Agency Information (cont'd)

Agency provides the following services:

Date and time of Initial Report:

Date and time of Agency Investigation Report:

### Contact Person

Name (Last, First):

Title/relationship:

Address:

Phone:

Fax:

E-mail:

## III) Type of incident

**Primary incident category that indicates the suspected or known cause of the incident:**

- |  |   |
|--|---|
| <input type="radio"/> Abuse  | Answer questions on page Q-I  |
| <input type="radio"/> Choking  | Answer questions on page Q-I  |
| <input type="radio"/> Death  | Answer questions on page Q-I  |
| <input type="radio"/> Fire department  |   |
| <input type="radio"/> Hospital admission / emergency room visit                      | Answer questions on page Q-II   |
| <input type="radio"/> Hospital admission / psychiatric admission                     | Answer questions on page Q-ii   |
| <input type="radio"/> Injury   | Answer questions on page Q-III  |
| <input type="radio"/> Medication error   | Answer questions on page Q-III  |
| <input type="radio"/> Neglect  | Answer questions on page Q-III  |
| <input type="radio"/> Other - not specified  | Answer questions on page Q-III  |
| <input type="radio"/> Other / individual committed a crime                           | Answer questions on page Q-III  |
| <input type="radio"/> Other / outbreak of a communicable disease                     | See <a href="http://www.edep.org">http://www.edep.org</a> regarding further reporting requirements. |
| <input type="radio"/> Other / suicide attempt  | Answer questions on page Q-IV   |
| <input type="radio"/> Other / suicide threat   | Answer questions on page Q-IV   |
| <input type="radio"/> Other / three of a kind  | Answer questions on page Q-IV   |
| <input type="radio"/> Police   | Please answer questions under XII) Law Enforcement.   |
| <input type="radio"/> Restraint - chemical intervention                              |   |
| <input type="radio"/> Restraint - unauthorized/inappropriate use of restraints       | Answer questions on page Q-V  |
| <input type="radio"/> Restraint - use of restraint that result in any type of injury | Answer questions on page Q-V  |
| <input type="radio"/> Theft of individual's property or funds                        | Please answer questions under XII) Law Enforcement.   |
| <input type="radio"/> Unexpected or risky absence / (absent >= 4 hours)              | Answer questions on page Q-V  |
| <input type="radio"/> Unexpected or risky absence / (individual in immediate danger) | Answer questions on page Q-V  |

**IV) Briefly describe the circumstances of the incident:**

--

**IV-a) Has your understanding of the circumstances changed since completing an internal investigation? Please explain:**

--

**V) Briefly describe status of individual at the time of report:**

--

**V-a) Describe any significant history, diagnoses, and/or contributing events that may be relevant to this incident:**

--

**V-b) Describe the long term impact of this incident for this individual and/or other involved person:**

--

**V-c) List additional services or supports that will be needed and requested by this individual as a result of this incident. Include the names/titles of the person(s) responsible for providing the service/support, current status of the service/support, and (projected)completion date. (go to page Ex-V for more space)**

Service	Provider	Status	Completion date

**VI) Describe the agency's immediate response to the incident:**

--

Will a team meeting be held? ☐ Yes ☐ No

**VI-a) Describe the preventive measures implemented individually and/or globally and any recommendations made to reduce/eliminate the risk of recurrence of this type of incident.**

--

Please indicate date of team meeting, if one was held.

--

**VII) Does this individual have a behavior support plan (BSP)?**

☐ Yes ☐ No ☐ Not relevant to this incident

If yes, list behaviors addressed in the BSP

--

**VII-a) Is behavioral intervention needed?**

☐ Yes ☐ No

Please list any additional witnesses or staff on duty that were noted during the course of your internal investigation.

**VIII) Witnesses to the incident**

(go to page Ex-II for more space)

Name	Address	Phone	Interviewed

**IX) Please list all staff on duty at time of incidents:**

(go to page Ex-III for more space)

Name	Job Title	Interviewed

**IX-a) Who was interviewed after the incident (include individuals, reporter of incident)?**

--

**If the individual is not able to communicate, how was the interview conducted?**

--

**IX-b) Explain any corrective, remedial, or disciplinary action that has occurred or will occur as a result of this incident for involved staff and/or systematically for this agency. Include a discussion of your agency's internal procedure for this type of incident, and whether staff followed the procedure.**

**X) RESULTS OF THE INVESTIGATION: Explain your findings and conclusion from this investigation**

**Were the allegations substantiated?**

☐ Yes ☐ No

**XI) Please provide any other relevant information**

**XI-b) Please provide any other relevant information for Agency Investigation Report**

**XII) Notifications**

Does individual have family or guardian? ☐ Yes ☐ No

Is family/guardian involved with individual? ☐ Yes ☐ No

If family/guardian is involved, when were they notified?

 mm/dd/yyyy hh:mi AM

Please write notified family/guardian's name:

Has advocate, other than family/guardian been notified? ☐ Yes ☐ No

If yes, please write advocate's name:

When was advocate notified?

**XII) Law Enforcement**

Was this incident reported to a law enforcement agency? ☐ Yes ☐ No ☐ Not relevant

If yes, write officer's name:  Jurisdiction:  Report #:

Please write other law enforcement information, if available.

If No, Explain why law enforcement was not notified

**List of People to be notified** (go to page Ex-IV for more space)

Name	Relationship/Agency	E-mail
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

The following must be reported to MDLC: All Deaths, Hospital Visits, Medication Errors, Reportable Restraint Use, Reportable injury and any incident that may be the result of abuse or neglect.

Incidents must be reported to CPS/APS per: Irregular situation - section 1 A and Appendix 2A - Sections 6 & 7 of Other Agency/SRC requirements.

**XIII) Agency/SRC staff person completing this initial report:**

**XIV) Staff person who completed this AIR report:**

### III) Type of incident (cont'd)

**Primary incident category: Abuse**

Who was involved? Individual was victim of ☐ Staff ☐ Individual ☐ Non-staff/Non-individual

Indicate Primary Abuse Category ☐ Inhumane treatment ☐ Physical abuse ☐ Psychological abuse

☐ Seclusion ☐ Sexual abuse

☐ Use of aversive technique ☐ Violation of individual rights

How will the safety of the individual be maintained during the investigation? (attach additional pages if more space is needed)

Please answer the following questions, if the primary abuse is "Physical abuse"

If applicable, were APS/CPS notified? ☐ Yes ☐ No (Answer if individual was victim of "non-staff/non-individual")

\* Please answer questions under XII) Law Enforcement.

Please answer the following questions, if the primary abuse is "Psychological Abuse"

Does the individual have a behavior plan(BP) which addresses unsubstantiated allegations of sexual or verbal abuse? ☐ Yes ☐ No

Please answer the following questions, if the primary abuse is "Sexual abuse"

Note: If the sexual activity is consensual, it is not sexual abuse.

If applicable, were APS/CPS notified? ☐ Yes ☐ No (Answer if individual was victim of "non-staff/non-individual")

Does the individual have a behavior plan(BP) which addresses unsubstantiated allegations of sexual or verbal abuse? ☐ Yes ☐ No

\* Please answer questions under XII) Law Enforcement.

If individual was victim of staff, was the MBON notified about the CMT for substantiated abuse? ☐ Yes ☐ No

**Primary incident category: Choking**

Does the individual have a history of choking or on a specialized diet? ☐ Yes ☐ No

Was the individual supervised during the meal/incident according to needs identified in the IP/nursing plan of care? ☐ Yes ☐ No

### III) Type of incident (cont'd)

**Primary incident category: Death**

Location of death:

Date of death:

Was the death a result of unusual, suspicious or unnatural causes?: ☐ Yes ☐ No

Was death reported to local law enforcement agency?: ☐ Yes ☐ No

Was hospice involved?: ☐ Yes ☐ No

Has an autopsy been requested?: ☐ Yes ☐ No

Was the death anticipated?: ☐ Yes ☐ No

Was medical examiners office notified?: ☐ Yes ☐ No

Was EMT unit involved?: ☐ Yes ☐ No If Yes, identify EMT unit:

Did individual have a guardian? ☐ Yes ☐ No

Did the individual have a DNR? ☐ Yes ☐ No

Legal name of the person who signed DNR:

What is the relationship to the person who signed DNR?

**Primary incident category: Hospital Admission / emergency room visit**

Was the individual admitted into the hospital? ☐ Yes ☐ No

Name of hospital:

What was the admitting diagnosis or rule out diagnosis?

What was the hospital discharge diagnosis?

**Primary incident category: Hospital Admission / psychiatric admission**

Does the individual have a psychiatric history, psychiatric diagnosis or on psychiatric medications? ☐ Yes ☐ No

Name of hospital:



### III) Type of incident (cont'd)

**Primary incident category:** Injury

Indicate the injury type? ☐ Dislocation ☐ Eye emergency ☐ Electric shock  
☐ Fracture ☐ Ingestion of dangerous object or toxic substance  
☐ Injury with loss of consciousness ☐ Lost of body part  
☐ Tearing of body part ☐ Third degree burn

Please answer the following question if injury type is "Ingestion of dangerous object or toxic substance"

Does the individual have a history of pica? ☐ Yes ☐ No

Does the individual have a behavior plan(BP) which addresses pica? ☐ Yes ☐ No

Was the individual supervised during the incident according to needs identified in the IP/nursing plan of care? ☐ Yes ☐ No

**Primary incident category:** Medication error

What medication/treatment was involved?

Was the delegating nurse informed? ☐ Yes ☐ No

**Primary incident category:** Neglect

How will the safety of the individual be maintained during the investigation?

**Primary incident category:** Other - Not specified

Please describe "Other"

**Primary incident category:** Other / individual committed a crime

Location/status of individual?

What is the IP required staffing ratio?

\*Please answer questions under XII) law enforcement.

Q-III

### III) Type of incident (cont'd)

**Primary incident category: Other / suicide attempt**

Does the individual have a history or family history of suicidal ideation/attempts? ☐ Yes ☐ No

If yes, how is it addressed, i.e. suicidal protocol, behavior plan?

**Primary incident category: Other / suicide threat**

Does the individual have a history or family history of suicidal ideation? ☐ Yes ☐ No

If yes, how is it addressed, i.e. suicidal protocol, behavior plan?

**Primary incident category: Other / three of a kind**

List all 3 minor incidents

- 1)
- 2)
- 3)

Choose from the following list of minor incidents.

Abuse  
Choking  
Hospital treatment for chronic condition  
Hospital visit  
Injury  
Medication error  
Other internally investigated incident  
Physical aggression  
Planned use of restraint  
Police  
Theft of individuals' property or fund  
Unexpected or risky absence - absent < 4 hours

### III) Type of incident (cont'd)

**Primary incident category: Restraint - Unauthorized/ Inappropriate Use Of Restraints**

Does the individual have a behavior plan(BP) with restraints? ☐ Yes ☐ No

Is the behavior targeted in the BP? ☐ Yes ☐ No

Will the team be convened within 5 calendar days to review the situation & action taken? ☐ Yes ☐ No

Is development of a behavior plan necessary? ☐ Yes ☐ No

What restraint was utilized?

**Primary incident category: Restraint - Use of restraint that result in any kind of injury**

Does the individual have a behavior plan(BP) with restraints? ☐ Yes ☐ No

Was staff trained in BPS and/or in-serviced annually? ☐ Yes ☐ No

**Primary incident category: Theft of individual's property or funds**

Please answer questions under XII: Law Enforcement.

What were the results of the police investigation?

**Primary incident category: Unexpected or risky absence / (absence >= 4 hours)**

Does the individual have any unsupervised time in the community? ☐ Yes ☐ No

How vulnerable is the individual?

What is IP required staffing ratio?

\* Please answer questions under XII) Law Enforcement.

**Primary incident category: Unexpected or risky absence / (individual in immediate danger)**

What is IP required staffing ratio?

Was this ratio being provided at time of incident? ☐ Yes ☐ No

\* Please answer questions under XII) Law Enforcement.

Q-V

State of Maryland, Department of Health and Mental Hygiene  
Developmental Disabilities Administration  
Agency Investigation Report - Addendum  
Standing Committee Review

**THIS FORM IS TO BE ATTACHED TO THE AGENCY INVESTIGATION REPORT UPON COMPLETION BY THE STANDING COMMITTEE**

Standing Committee Review: Date Scheduled  Date Completed   
1) Did the response to and investigation of this incident comply with agency policies and procedures? ☐ Yes ☐ No  
If No, Explain:

2) Did the agency's response to this incident comply with Comar Regulations? ☐ Yes ☐ No  
If No, Explain:

3) Does the incident data rule out the possibility of a pattern of this kind of incident at your agency? ☐ Yes ☐ No  
If No, Explain:

4) Are there quality assurance measures already in place to address this kind of incident? ☐ Yes ☐ No  
If No, Explain:

5) After a review of this incident the Standing Committee requests that the following action(s) be taken:

REQUESTED ACTIONS	RESPONSIBLE PARTY	DUE DATE FOR COMPLETION	ACTUAL DATE OF COMPLETION	DUE DATE FOR RETURN TO STANDING COMMITTEE

Name of Standing Committee Chairperson/Representative:

Date(s) of Standing Committee Reviews of requested actions:

Date of Final Review by Standing Committee and Signature of Standing Committee Chairperson/Representative:

Rev: 3/2009

## **Frequently Asked Questions** **(FAQs)**

### **Administrative Issues**

Q. Do we report injury to staff or others, such as community people?

A. The section of PORII on injury pertains to individuals, not staff. An incident must be reported if it involves an individual and someone in the community and/or if the police were involved.

Q. What happens if an agency deems an incident as internal and later, after further investigation, determines that the incident is reportable?

A. The licensee should report immediately upon making the re-determination. The licensee will not be penalized for not reporting the incident previously because all of the facts were not available. However, a pattern of mis-identifying incidents as non-reportable will be subject to review and possible sanctions.

Q. Who is the state protection and advocacy agency?

A. The Maryland Disability Law Center (MDLC).

Q. If you do not have any internally investigated incidents in a quarter, do you still need to complete a report?

A: Yes, on the A5 report the agency shall state that there were no internally investigated incidents during the particular quarter.

Q: Did the timeframe for submitting an Agency Investigation Report for a **reportable incident** change? Please describe the timeframe.

A: Yes, In 2013 the policy was revised. An agency is required to submit an Agency Investigation Report within 10 working days of discovery for all reportable incidents.

Q: What is the timeframe for completing the Agency Investigation Report for an **internally investigated** incident?

A: The timeframe for completion of the Agency Investigation Report for **internally investigated incidents** continues to be within 21 working days of discovery.

### **OHCQ Screening and evaluation**

Q: The OHCQ incident screening and evaluation process refers to “immediate jeopardy.” Please provide some examples of immediate jeopardy.

A: Examples of immediate jeopardy may include: fires; second and third degree burns; lack of food, medication or treatment; serious medication errors; status epilepticus; poor diabetic care or, suicide attempts.

Q: The OHCQ incident screening and evaluation process refers to “high priority incidents.” Please provide some examples of high priority incidents.

A: Examples of high priority incidents may include: being hit with an object; denied assistance with activities of daily living; or obtained suspicious injury.

Q: The OHCQ incident screening and evaluation process refers to “medium priority incidents.” Please provide some examples of medium priority incidents.

Examples of medium priority incidents may include: unplanned hospitalizations, certain rights violations; or lack of appropriate programs.

Q: When OHCQ evaluates incidents and complaints, what factors are taken into account when determining the need for investigation?

A: OHCQ takes into account many factors, including:

- i. Did the individual receive needed intervention and health care in a timely manner?
- ii. Did the agency’s staff competently respond to the incident?
- iii. Is there any indication that regulations have been violated?
- iv. Is there any evidence of a pattern of abuse or neglect?
- v. Is there a pattern of this incident type being reported by the agency?
- vi. What is the agency’s incident reporting and investigation track record?
- vii. Does the individual’s incident history add to the impact of the incident under review?
- viii. Is the agency currently under sanctions?
- ix. Does the situation indicate an on-going threat to the individual?
- x. What is the extent or severity of the incident or injury?

### **Agency Internal Protocol**

Q. Can the director designate someone within his/her agency to be contacted if he/she is not available?

A. A designee can be named in the director's absence (see page 5 of PORII). However, this needs to be addressed in the licensee's internal protocol.

Q. Who completes the reportable incident from the agency, the person who sees it or the person who reports it?

A. The licensee's internal protocol should address this issue. Keep in mind that staff should be qualified to report and investigate incidents as per page 5 of PORII.

Q. Should one person in the agency to do all the reporting?

A. This is up to the licensee's internal protocol. Keep in mind that staff should be qualified to report and investigate incidents as per page 5 of PORII.

Q. Where are the records for reportable incidents kept? In an individual's file or separate binder?

A. The licensee's internal protocol needs to address this issue. It is recommended that the agency keep the reports in a place where they are easy to locate. Reports need to be available to the individual and his/her team, but confidentiality of records also must be maintained. Records can be identified by individual name or a unique identifier. Incidents involving more than one individual must be retrievable for all individuals involved.

Q. In the situation where an individual is in residential and day services, within the same agency, who is responsible for reporting?

A. The discovering arm of the agency is responsible for reporting, but can defer to the other part of the agency, as per the licensee's internal protocol. Please remember that qualified staff from the agency must complete the reporting of all incidents. Please also refer to "Irregular Situations" below.

### **Irregular Situations**

Q: How does the policy require agencies to handle an incident that is alleged for an individual that:

- a) lives in a DDA-licensed residential site;
- b) attends a DDA-licensed day program; and/or
- c) receives a support service from a DDA-licensed provider, ***but the incident did not occur while the individual was under the direct supervision of the agency providing the service***, e.g., during a family visit, visit at a relative or friend's home, at another facility, in school, at a camp or while on a vacation trip?

A: The agency shall report to authorities and community resources, as indicated, e.g., law enforcement authorities, Protective Services, etc. and investigate per their direction.

Q: What are the reporting requirements of an agency that discovers an incident that occurred while the individual was receiving services from another agency? (For example, day program staff alleges that an incident occurred at a residential site or residential staff alleges that an incident occurred at a day program site.)

A: The discovering agency shall: (1) Document the allegation using the method determined in their internal protocol and (2) notify the other agency (agency 2) of the allegation<sup>5</sup>. Agency 2 (where the alleged incident occurred) shall report the incident, and shall investigate, correct and monitor the situation and inform the discovering agency of the progress and outcome of those activities. The IR and AIR are to be submitted to OHCQ, the DDA RO, and other authorities as dictated by the requirements of this policy. If the discovering agency is not satisfied that the event/situation is being handled appropriately, it shall bring the event/situation to the attention of OHCQ and/or the appropriate DDA regional office, by submitting an Incident Report (IR). OHCQ and/or DDA shall follow-up and take steps to assure appropriate action by agency 2.

Q: When there is disagreement between the two agencies as to the location of the incident and which agency is required to report the incident, which is required to report and investigate the incident?

A: When there is disagreement, both agencies are required to report and investigate the incident.

---

<sup>5</sup> Article - Health – General; Title 7. Developmental Disabilities Law; Subtitle 10. Rights of Individuals §7–1005. (b) (1) In addition to any other reporting requirement of law, a person who believes that an individual with developmental disability has been abused promptly shall report the alleged abuse to the executive officer or administrative head of the licensee.

## **Issues Concerning Certain Incident Types**

### **Abuse:**

Q: What does the agency do with the staff person, if accused of abuse, while the police are completing their investigation?

A: The responsibility of the licensee is to ensure the safety and well-being of all individuals involved in an incident. Licensees should address this issue and their response in their internal protocol.

Q: Where can an agency learn more about the ethical responsibilities of a certified nursing assistant (CNA) or a medication technician (CMT)?

A: COMAR 10.39.07.02 delineates the ethical responsibilities of certificate holders. (Title 10 Department of Health and Mental Hygiene, Subtitle 39 Board of Nursing-Certified nursing Assistants, Chapter 07 Certified Nursing Assistants/Certified Medication Technicians (CNA/CMT) — Code of Ethics)

Q: What is a "Certificate holder?"

A: "Certificate holder" means an individual who is certified under Health Occupations Article, §8-6A-05 or 8-6A-08, Annotated Code of Maryland, as either a certified nursing assistant in any category or a medication technician.

Q: An agency's investigation indicates a Certificate holder (CNA and CMT) has violated the Code of Ethics. Is the agency required to report to the Maryland Board of Nursing?

A: Yes. For more information please see the Appendix 2A, 2B 2I.

Q: What format are agencies required to follow when making a report to the Maryland Board of Nursing (MBON) regarding a violation of the Code of Ethics?

A: There is no prescribed format, but a complaint form is available on the MBON website. The agency's internal protocol must indicate the agency's method of reporting. At the time the PORII was revised, ethical breaches are reported via e-mail to [econe@dnhm.state.md.us](mailto:econe@dnhm.state.md.us), by fax to 410-358-3530, or by mail to

Maryland Board of Nursing  
Complaints & Investigations Division  
4140 Patterson Avenue  
Baltimore, MD 21215-2254

For more information, the MBON can be reached by calling 410-585-1925 or 1-888-202-9861.

### **Neglect:**

Q: Are all incidents categorized as *neglect* reportable to the police?

A: No, in 2013 the policy was revised. Although all allegations of neglect are categorized as reportable incidents, only the following incidents of neglect are reportable to the police. The failure to provide proper care, attention, supervision to an individual that results in:



- (1) The existence of an immediate, substantial risk of life-threatening harm to an adult in need of protective services or
- (2) Circumstances or conditions which might reasonably result in mistreatment and could cause injury.

Q: Regarding neglect, can you provide examples of, “substantial risk of life-threatening harm?”

A: Examples of substantial risk of life-threatening harm include: Death, Hospitalization, ER visit due to a reportable injury, , Human/animal bites, 1<sup>st</sup> or 2<sup>nd</sup> degree burns, Lacerations and diagnosis of malnutrition by LHCP not related to an illness.

Q: Regarding neglect, can you provide examples of, “circumstances or conditions which might reasonably result in mistreatment and could cause injury?”

A: Examples of circumstances or conditions which might reasonably result in mistreatment and could cause injury include: dehydration not related to an illness, failure to follow up with LHCP recommendations due to a life threatening condition or to rule out a life threatening condition, failure to provide essential medical treatment or follow up that is consistent with those of the general population, failure to provide a safe environment (related to IP indication of a history (e.g. PICA) or Behavior Plan guidelines (e.g.: sharps lock due to suicidal ideation) or diagnosis of severe weight loss not related to an illness. Federal guidelines define the following as severe: 1 month-over 5% body weight; 3 months-over 7.5% body weight; 6 months-over 10% body weight

## **Deaths**

Q: How and where do agencies document that family does not want to be contacted except in case of death?

A: This documentation should be kept in the individual’s file.

Q: Do natural or expected deaths have to be reported to the police?

A: All deaths that occur at a licensed site or during the provision of a licensed service must be reported to the police. Agencies must notify the police as noted in §7–206. “Upon notification of the death of an individual in a program or facility funded or operated by the Administration, the administrative head of the program or facility shall report the death immediately to the sheriff, police, or chief law enforcement official in the jurisdiction in which the death occurred.”

Q: Who notifies the Medical Examiner’s Office?

A: In accordance with § 5-309(b) The sheriff, police, or chief law enforcement officer shall inform a medical examiner, and the medical examiner, if necessary, shall conduct an investigation.

Q: Do deaths need to be reported to the health department?

A: All deaths that occur at a licensed site or during the provision of a licensed service must be reported to the health officer in the jurisdiction where the death occurred by the close of business the next working day. Agencies must notify the health department as required by §7–206.

Q: Do deaths need to be reported to the State protection and advocacy system (MDLC)?

A: All deaths that occur at a licensed site or during the provision of a licensed service must be reported to the designated State protection and advocacy system by the close of business the next

working day. Agencies must notify the State protection and advocacy system as required by §7–206.

Q: Can report of death be left on regional office voice mail?

A: Yes, you can leave a message to report a death, but remember to follow-up with an Incident Report (IR) to both OHCQ and the regional office within one working day.

Q: If the individual is living at home with family, does a report of death have to be filled out?

A: Yes, a report must be completed if the individual is receiving any type of DDA funded service.

Q: If a person receives DDA-funded residential and day services (from more than one agency), who is responsible for reporting death?

A: Both agencies are required to report.

### **Hospitalization**

Q: Do all hospital admissions meet the criteria of a reportable incident?

A: No. If a person's IP **documents** a need for frequent/repeated hospitalizations because of a chronic condition then the hospital admission is treated as an internally investigated incident

Q: How do agencies report a planned hospital admission?

A: Agencies do not report (or internally investigate) planned hospital admissions. Examples of planned hospital admissions include scheduled surgery, planned treatments such as chemotherapy, dialysis, testing such as CT scan, ultrasound, colonoscopy, etc. Documentation regarding these planned admissions must be discussed by the team and made part of each individual's IP.

### **Injury**

Q: How does an agency classify specific injury types not listed on the Appendix 1E?

A: In the text of the policy, injuries have been categorized for the purpose of providing a guideline to agencies in determining the appropriate reporting and investigating requirements. Agencies should exercise cautious judgment in determining the extent of medical attention that is required for any injury in determining the appropriate reporting and investigation requirements. For additional information on terms, consult your agency nurse or "The American Red Cross First Aid and Safety Handbook." If still unsure, agencies should consult the DDA regional office for technical assistance.

### **Incidents Reported To or Requiring Services of a Law Enforcement Agency or Fire Department**

Q. At state residential centers and forensic residential centers, where security is considered a law enforcement agency, do we report to them?

A. Yes.

Q: Must all injuries result in either an internally investigated incident or a reportable incident?

A: No. Injuries that may or may not require minor routine treatment do not require the completion of an IR. These include Minor Abrasions, Blisters (intact, unopened), Skin Irritation, Minor Bruises/contusions of known origin or the result of medical treatment, Sunburn with no peeling or blisters, Insect bites, stings, or other bites (with no evidence of allergic reaction), Minor scratches, Shaving nicks, or Paper cuts.

### **Medication Error**

Q: Are "self-medication" errors reportable incidents?

A: Yes, if adverse effects are present (see Appendix 1F).

### **Choking**

Q: Is choking reportable?

A: In 2013 the policy was revised to include choking. Please see Appendix 1G to see when choking is internally investigated and when it is reportable.

### **Resource Coordination**

Q: Are Resource Coordinators required to report incidents?

A: Yes. The responsibilities of Resource Coordinators are outlined in this policy in Section C on page 8.

Q: Does the policy require agencies send the IR to the Resource Coordinator who works with the individual identified in the Appendix 4?

A: Yes, in 2013 the policy was revised.

Q: Under what authority are agencies required to disclose Incident Reports to Resource Coordinators?

A: Disclosure of the Incident Report is required under Maryland Code Health General Title 7- Developmental Disabilities Law, Subtitle 10 - Rights of Individuals, Section 7-1010 - Records - Consent to disclosure.

Q: Does the policy require agencies send the AIR to the Resource Coordinator who works with the individual identified in the incident report?

A: No. agencies are not required to provide the Resource Coordinator with the Agency Investigation Report (AIR). Agencies are required to collaborate with Resource Coordinators to make sure that appropriate action is taken to protect the participant from harm. The agency is required to advise the Resource Coordinator of the interventions taken and follow-up plan that will prevent future recurrence.

<p style="text-align: center;"><b><i>INCIDENTS NOT REPORTED</i></b></p> <p><b><u>MECHANICAL SUPPORTS-</u></b> The use of a mechanical device to support a person's proper body position, balance or alignment, such as splints, wedges, bolsters or lap trays, or to protect a person with a continuing medical condition from sustaining an injury.</p> <p><b><u>PLANNED USE OF RESTRAINTS -</u></b> The use of a mechanical device or physical intervention that is approved as part of a person's behavior plan which has been reviewed and approved by the standing committee.</p> <p><b><u>CHEMICAL SUPPORTS –</u></b> The use of medication as an intervention to support a person for a medical appointment that would not typically require sedation which has been reviewed and approved by the standing committee.</p>
--