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| Topic: Reportable Incidents – Significant | Department: All programs and services |
| Original effective date: 7/2013 | Last revision date: 5/9/2023 |
| Owner: Incident Manager | Frequency of reviews: As needed |
| Internal/Regulatory Reference(s) (all that apply): OPWDD Regulation-Part 624 | |
| Related documents/Links: OPWDD Form 147, Instructions for completing form OPWDD 147, Event Report, Preliminary Assessment, Supplemental Notification Form, Notification Form, Missing Person Protocol | |

Policy

People are free from abuse and neglect.

Additional Information

As mandated by OPWDD Regulation-Part624 and the NYS Justice Center, the following situations shall be filed as 147- Reportable – Significant Incidents per the procedure below:

- **Conduct between individuals receiving services:**

Physical abuse between individuals supported is an intentional physical interaction between individuals, which results in an injury requiring more than first aid. Is considered a reportable incident, and must be reported to the Justice Center, and OPWDD’s Incident Management Unit.

Sexual contact between individuals supported that is either unwanted or in which one or both individuals are not able to consent. Is considered a reportable incident, and must be reported to the Justice Center, and OPWDD’s Incident Management Unit.

Please Note: Sexual contact is defined by OPWDD as the “touching or fondling of the sexual or other intimate parts of a person, not married to, for the purpose of gratifying the sexual desire of either party, whether directly or through clothing. Sexual contact also includes causing a person to touch anyone else for the purpose of arousing or gratifying personal sexual desires.” Incidents in which sexual contact is involved requires a notification to police.

- **Seclusion:** the placement of a person receiving services in a room or area from which he or she cannot, or perceives that he or she cannot, leave at will.
- **Unauthorized use of time-out:** the use of a procedure in which a person receiving services is removed from regular programming and isolated in a room or area for the convenience of a custodian, or as a substitute for programming but shall not include the use of a time-out as an emergency intervention to protect the health or safety of the individual or other persons.
- **Medication error with adverse effect:** the unanticipated and undesirable side effect from the erroneous administration of a particular medication which unfavorably affects the well-being of a service recipient.
- **Inappropriate use of restraints:** the use of any manual, pharmacological or mechanical measure or device to immobilize or limit the ability of a person receiving services to freely move his or her arms, legs or body, for the convenience of staff, as a substitute for programming.

- **Mistreatment:** Other conduct on the part of a custodian, inconsistent with the individual’s plan of services, generally accepted treatment practices, and/or applicable federal or state laws, regulations, or policies, and that impairs or creates a reasonably foreseeable potential to impair the health, safety, or welfare of an individual receiving services, except as described in any other provision of this subdivision
- **Missing Person:** the whereabouts of a person supported are not known AND; the person’s decreased supervision or other defined and documented supervision guidelines have been exceeded AND; the person is at risk of harm.
- **Choking, with known risk:** in the event of someone choking – and they do have eating guidelines. Partial or complete blockage of the upper airway by an inhaled or swallowed foreign body, including food, that leads to a partial or complete inability to breathe. If someone cannot cough, speak or breathe, it must be assumed that their airway is blocked. These are the times when the Heimlich Maneuver must be performed, and these are the circumstances after which the choking episode must be reported. If the person is breathing and coughing to dislodge the item, and if they can dislodge the item by coughing, the Heimlich Maneuver should not be performed and the incident would not be filed.
- **Self-abusive behavior with injury:** any self-abusive behavior that requires treatment that consists of more than first aid.
- **Injury:** any injury which requires admission to the hospital or retention overnight in the hospital for observation.
Please note: Illnesses for which people supported are hospitalized ARE NOT considered serious reportable events. This includes any known condition such as seizure disorders, psychiatric conditions, mental hygiene arrest, or chronic or acute health conditions (heart disease, heart attacks, diabetes). Please see related policy and procedure on simple and intermediate events.
- **Unauthorized Absence:** a missing person, not at risk of injury to themselves but at risk of hurting others. Determine via community supervision guidelines.
- **Choking with no known risk:** in the event of someone choking – and they do not have eating guidelines. Partial or complete blockage of the upper airway by an inhaled or swallowed foreign body, including food, that leads to a partial or complete inability to breathe. If someone cannot cough, speak or breathe, it must be assumed that their airway is blocked. These are the times when the Heimlich Maneuver must be performed, and these are the circumstances after which the choking episode must be reported. If the person is breathing and coughing to dislodge the item, and if they can dislodge the item by coughing, the Heimlich Maneuver should not be performed and the incident would not be filed.
- **Theft / Financial Exploitation:** theft of individual funds/property or financial exploitation of more than \$100.00 in value or involving debit, credit or benefit cards in any amount, or a pattern of theft in any amount. The police and CFO/Designee must be notified.
- **Other significant incident:** an incident that occurs under the auspices of an agency, but that does not involve conduct on the part of a custodian, and does not meet the definition of any other incident described in this subdivision, but that because of its severity or the sensitivity of the

situation may result in, or has the reasonably foreseeable potential to result in, harm to the health, safety, or welfare of a person receiving services.

- * Requires contact with The Justice Center (for certified programs) and contact with OPWDD*
- *The Justice Center will initiate the entry into IRMA for the filing manager’s review/revision*

| Procedure | |
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| Task: | Responsible party: |
| Must step in to ensure the safety of people supported and evaluate the need to contact emergency personnel. | Staff person who becomes aware of the event |
| Contacts supervisor, manager, program director/designee, or if unavailable, the Incident Management department immediately. | Staff person who becomes aware of the event |
| Contacts the Justice Center to report their first-hand knowledge of the incident. | Staff person who becomes aware of the event |
| Documents the incident immediately: <ul style="list-style-type: none"> - Via an Event Report form (for all programs except ArcWorks and Health Homes; for these programs, a progress note must be completed) - Via the chart of the person supported or within a progress note that a 150 incident has occurred. | Staff person who becomes aware of the event |
| Submits completed event report to supervisor, program director, or designee. | Staff person who becomes aware of the event |
| Ensure that the people supported are safe and that any medical and/or emotional support has been provided to the individual as needed. | Supervisor / Site Manager |
| Secures any possible evidence therein at least until the preliminary assessment can be conducted. | Site Manager / Designee |
| Conducts preliminary assessment and documents this on the Preliminary Assessment form (see related policy). | Site Manager / Designee |
| Request of any staff member involved that they not discuss the event in question among themselves or with anyone except their supervisor or the investigator. | Site Manager / Designee |
| Contacts the Justice Center to discuss filing of the incident and safeguarding measures that have been put in place. | Site Manager / Designee |
| Completes the 147. <ul style="list-style-type: none"> - Enters the incident into the IRMA system. - If more than one person supported is involved, the 147 is completed on behalf of the person whose last name is alphabetically first with “et al” written after his/her name. - The notification form must be completed. If more than one person is involved, separate notification forms must be done for each person (see related policy). - Puts the event report (or progress note, for ArcWorks), 147, preliminary | Site Manager / Designee |

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| assessment form, supplemental notification form and the notification form together and submits them to supervisor for review and sign-off. | |
| Reviews and approves the 147 packet and IRMA entry. - Reviews the event report, 147, preliminary assessment, supplemental notification form and the notification form for accuracy and thorough completion. - Signs the 147 form as the person/party completing the review. - Submits to Incident Management within 24 hours of incident discovery, or by the end of the next business day. | Director / Designee |
| Processes the 147 packet. - Reviews all forms and IRMA entry for accuracy, thorough completion, and appropriateness. - Assigns the incident a number and enters it into the database. - Informs programs (or confirms with them) of the necessary follow-up information needed in response to the incident. - Provides a copy of the incident paperwork to the assigned investigator. | Incident Coordinator |
| Obtains, reviews, and submits (via scan/e-mail) all requested/required follow-up information in response to the incident to the Incident Coordinator. | Director / Designee |
| Receives, reviews and processes all follow-up information. - Requests any clarification or additional follow-up information, as necessary. - Attaches the follow-up information to the incident packet. | Incident Coordinator |

How To Make Contact

OPWDD:

Phone – normal business hours (7:30 am – 4 pm M-F): 518-388-3816 (Gina Winkler).
 Speak to them directly for Reportable Incidents and Serious Notable Occurrences.
 Phone – after hours/weekends: 1-888-479-6763 (IMU = Incident Management Unit)
 Via database entry

Justice Center:

Vulnerable Persons’ Central Registry (VPCR)

- 1-855-373-2122
- 1-855-373-2123 (TTY)

Deaths: 1-855-373-2124

If a death is related to abuse, both numbers must be called.

Mandated Reporting

- All employees, volunteers, and consultants with regular and substantial contact with individuals of the Arc are mandated reporters.
- Who calls the Justice Center: Every mandated reporter who witnessed or have a reasonable cause to suspect abuse, neglect, or a significant event may have occurred (in a certified program). This report can also be made via the web site, using the reporting form. <https://vpcr.justicecenter.ny.gov/WI/>
- When to call: Immediately upon discovery Required information:

- Reporting may be delayed only to prevent harm (e.g. provided needed supervision and or emergency care)
- End of shift or going off duty does not justify a reporting delay
- Under all circumstances the report must be made within 24 hours

- Required information:
 - Details regarding the victim, involved employee, and witnesses
 - Details of the incident, including the date, time, location, event description, and injury/impact to the victim
 - State agency responsible for oversight (OPWDD)
 - Name and address of the agency and/or program
 - Confirmation that immediate protections are in place for the victim
 - Any other information that may assist with the investigation and/or review of the event

- Mandated reporters are required to report to the hotline even if they may not know all of the information listed above.

- Failure to report is a serious matter and possible consequences include administrative discipline, termination, civil liability, and criminal prosecution

Document revision record:

| Revision Date | Release Date | Reason for change | Approver |
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| 10/21/19 | 10/21/19 | Update to conduct definition to match most-current OPWDD guidance (11/2/18). | Deanna Crosser |
| 2/10/2020 | 2/10/2020 | Clarified timeline for completion and submission of paperwork. | Deanna Crosser |
| 3/29/2022 | 3/29/2022 | Update to mistreatment definition. | Deanna Crosser |
| 7/21/2022 | 7/21/2022 | Updated OPWDD contact information. | Deanna Crosser |
| 12/5/2022 | 12/5/2022 | Updated OPWDD contact information. | Deanna Crosser |
| 5/9/2023 | 5/9/2023 | Updated OPWDD contact information. | Deanna Crosser |