

Bureau of Long Term Care

Critical Incident Provider Help Aid

Purpose

This Help Aid is intended to support *Home and Community Based Services (HCBS) Providers in the definition and necessary response to Critical Incidents pertaining to participants of Aged and Disabled (A&D) Waiver services.

*Providers delivering services to Medicaid participants on the A&D Waiver or State Plan Personal Care Services

Overview

Critical Incident

A "Critical Incident" is any actual or alleged event, situation, or traumatic event outside the normal range of experience of a waiver participant that creates an actual or potential risk of substantial or serious harm to their physical or mental health, safety or wellbeing.

Any individual who, in good faith, reports an incident or makes an allegation of abuse, neglect, or exploitation will be free from any form of retaliation.

Examples of Reportable Critical Incidents

1. Abuse
2. Neglect
3. Exploitation
4. Rights Violations
5. Serious Injury
6. Missing Person
7. Environmental Hazards
8. Suspicious Death
9. Medical Emergency
10. Injury caused by Restraints
11. Medical Errors
12. Law Enforcement Contact
13. Suicide Attempt

Who is supposed to report a critical incident?

Any person who becomes aware of critical incidents as defined in this help aid. Personal Care Agencies, caregivers, and participants are required to report incidents.

How to report a critical incident

Providers should report all Critical Incidents to Adult Protection and/or Law Enforcement if applicable and should also report to the Medicaid Complaint Submission System located at www.medicaidcomplaints.dhw.idaho.gov.

Critical Incident Definitions

- Abuse
 - The intentional or negligent infliction of physical pain, injury or mental injury, (Idaho Code 39-5302(1)).
Example:
 - Denying the use of equipment or devices that may increase independence (glasses, wheelchairs, walkers, canes), sexual abuse, humiliation, intimidation.
- Neglect
 - Failure of a caretaker to provide food, clothing, shelter or medical care reasonably necessary to sustain life and health of a vulnerable adult or child, or the failure of a vulnerable adult to provide those services to himself/herself, (Idaho Code 39-5302 (8)).
Examples:
 - Not providing food, water, clothing, etc.
 - Allowing participant to live in uninhabitable or unstable living conditions.
- Exploitation
 - An action which may include, but is not limited to, the misuse of a vulnerable adult's funds, property, or resources by another person for profit or advantage, (Idaho Code, 39-5302 (7)).
Examples:
 - Caregiver taking money from participant; utilizing participant vehicle for personal travel.
- Rights Violations
 - Through omission or commission, the failure to comply with the rights to which an individual with a is entitled as established by law, rule, regulation, or policy.
Examples:
 - Forced servitude, Violation of HCBS (Home and Community Based Services) rights.
- Serious Injury
 - Regardless of the cause or setting in which it occurred, when an individual sustains an injury that requires professional medical treatment, (e.g. hospitalizations, fractures, and wounds requiring stitches). Serious injuries are those that require treatment from a hospital or outside medical professional. Medical professionals include but are not limited to MDs, RNs, and LPNs.
Examples:
 - Broken bones, concussion, stitches, etc.
- Missing Person
 - A participant's whereabouts is unknown whatever the circumstances of disappearance.
Example:
 - Participant usually goes to the senior center 3 days a week but has not been in a week.
- Environmental Hazards

- An unsafe condition that creates an immediate threat to the life or health of a participant such as exposure to bodily waste, unsafe housing condition, or any other hazard resulting from chemical, biological, or physical agents that poses a risk to an individual.
Examples:
 - Participant is exposed to toxic chemicals, biological waste, etc.
 - Participant home is condemned or presents unsafe living conditions due to disrepair.
- Suspicious Death
 - A death is labeled suspicious when either a crime is involved, an accident has occurred, the death is not from an expected medical prognosis, a participant dies unexpectedly under care, or when a participant's death occurs because of trauma in a medical setting.
- Medical or Psychiatric Emergency
 - Admission of an individual to a hospital or psychiatric facility or the provision of emergency medical services (treatment by EMS) that results in medical care which is unanticipated and/or unscheduled for the individual and which would not routinely be provided by a primary care physician. Including, but not limited to, Emergency Medical Services, Emergency Psychiatric Services, Life Saving Intervention.
Example:
 - Participant makes comments concerning suicide.
- Injury caused by Restraints
 - An injury to a participant is caused by any of the following restraints:
 - Manual or physical restraint is any hands-on technique that involuntarily restricts the movement or function of an individual or portion of an individual's body;
Example:
 - Caregiver physically touches and gains control over a participant.
- Mechanical restraint is any device used to control acute, episodic behavior that involuntarily restricts the movement or function of an individual or a portion of an individual's body.
Examples:
 - Use of handcuffs, leather restraints, rope, etc.
- Chemical restraint is any drug used to involuntarily restrict the movement or function of an individual;
Example:
 - Use of sedatives to calm participant.
- Medical Errors
 - Any type of medical related mistake that may negatively impact a participant's health or cause him/her serious injury.
Examples:
 - Avoidable delays in treatment, unnecessary treatment, medication mistakes, error in the performance of an operation, a test, or procedure.
- Law Enforcement Contact

- A participant is charged with a crime or is the subject of a police investigation, which may lead to criminal charges (misdemeanor or felony); an individual is a victim of a crime against the person; crisis intervention involving police or law enforcement personnel.

Examples:

- Participant is charged with a criminal offense by law enforcement, is a suspect in a police investigation, etc.
 - Participant is violently attacked, reports money is stolen, etc.
- Suicide Attempt
 - The intentional attempt to take one's own life. A suicide attempt is limited to the actual occurrence of an act and does not include verbal suicidal threats by a person receiving services.