

# HELPING HEART, LLC

## Incident Reporting Policy & Procedure

I understand that Helping Heart, LLC is bound by the State laws of Florida and by the policies and procedures of the Agency for Persons with Developmental Disabilities in accordance with the Agency For Health Care Administration as written in the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook (May 2010) to keep incident reports.

I or my legal guardian has read or it has been explained to me or my legal guardian the following:

### a. Critical Incidents

- (1) Critical incidents must be reported to the appropriate APD Area Office by telephone or in person within one hour of becoming aware of the incident. If this occurs after normal business hours or on a weekend or holiday the person reporting the incident shall call the APD after-hours designee. If the incident occurs between the hours of 8:00pm and 8:00am, an oral report may be submitted no later than between 8:00am and 9:00am of the following day. It shall be within the provider's discretion and judgment to determine the appropriateness of waiting until the following morning.
- (2) The oral report must be followed by an APD Incident Reporting Form (Appendix 1), submitted to the APD Area Office at the earliest opportunity but no later than the next business day. Whenever possible, the form should be completed electronically and submitted as an e-mail attachment to the Area Office. If handwritten, it must be legible. The first page of the form must be completed in its entirety by the person who initiated the original verbal report.
- (3) The APD Area Office Administrator or designee will immediately inform APD's Deputy Director for Operations or designee at the Central Office in Tallahassee of the critical incident.
- (4) The reporter must also provide immediate notification to the consumer's support coordinator and to a child's or incompetent adult's parent or guardian. If the child is in the custody of the Department of Children and Family Services, the child's family services counselor (or DCF after-hours on-call staff) must be immediately notified.
- (5) Follow-up measures taken by the provider (or APD staff as appropriate) to protect consumers, gain control or manage the situation must be noted on the second page of the Incident Reporting Form which may be completed at a later date. The measures must specify what actions will be taken to mitigate a recurrence of a similar incident.
- (6) **Critical Incidents include:**
  - (a) **Consumer Death**- The death of a person who is receiving services from an APD operated, licensed or contracted provider, Medicaid waiver provider, or ICF/DD that occurs due to or allegedly due to an accident, act of abuse, neglect, or other unexpected incident.
  - (b) **Sexual Misconduct**- Any sexual activity, as described in s. 393.135, F.S., between a provider and a consumer, regardless of the consent of the consumer, or incidents of nonconsensual sexual activity between consumers. A provider is any paid staff member, volunteer, or intern; any person under contract with APD; or any person providing care or support to a consumer on behalf of APD.
  - (c) **Missing Child or Adult Who Has Been Adjudicated Incompetent**- The unauthorized absence or unknown whereabouts of a minor or an adult who has been adjudicated incompetent who is receiving services from an APD operated, licensed or contracted provider, Medicaid waiver provider, or ICF/DD (see additional procedures below).
  - (d) **Media**- An unusual occurrence or circumstance that may initiate unfavorable media attention.

### b. Reportable Incidents

- (1) Other reportable incidents that are not critical incidents must be reported within one business day to the appropriate APD Area Office through the completion of an APD Incident Reporting Form (Appendix 1).
- (2) The form may be faxed, electronically mailed, or personally delivered to the Area Office. If handwritten, it must be legible. The first page of the form must be completed in its entirety by the person who is initiating the report.
- (3) Follow-up measures taken by the provider (or APD staff as appropriate) to protect consumers, gain control or manage the situation must be noted on the second page of the Incident Reporting Form which may be completed at a later date. The measures must specify what actions will be taken to mitigate a recurrence of the same type of incident.
- (4) The reporter must also provide notification to the consumer's support coordinator, and to a child or incompetent adult's parent or guardian. If the child is in the custody of the Department of Children and Family Services, the child's family services counselor must be notified.
- (5) These incidents will be managed at the area level, and only aggregate data on such incidents will be reported to APD's Deputy Director for Operations.
- (6) **Reportable incidents include:**
  - (a) **Altercations**- A physical confrontation occurring between a consumer and a member of the community, a consumer and provider, or two or more consumers at the time services are being rendered and that results in law enforcement contact. If the altercation results in the consumer's injury requiring medical attention in an urgent care, emergency room or physician office setting, it is to be reported as a Consumer Injury. If the altercation results in consumer arrest, it is to be reported as a Consumer Arrest.
  - (b) **Consumer Injury**- An injury sustained or allegedly sustained due to an accident, act of abuse, neglect or other incident occurring while receiving services from an APD operated, licensed or contracted provider, Medicaid waiver provider, or ICF/DD that requires medical attention in an urgent care center, emergency room or physician office setting.

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- (c) **Consumer Arrest**– An incident resulting in the arrest of a consumer who is receiving services from an APD operated licensed or contracted provider, Medicaid waiver provider, or ICF/DD.
- (d) **Missing Competent Adult**- The unauthorized absence or unknown whereabouts beyond eight hours (or less time if the person is known to lack capacity to make safe decisions) of a legally competent adult who is receiving services from an APD operated, licensed or contracted provider, Medicaid waiver provider, or ICF/DD. Local providers should refer to their Area Office procedures to determine if they are required to report missing persons sooner than the time frame stated above.
- (e) **Suicide Attempt**- An act which clearly reflects the physical attempt by a consumer to cause his or her own death while receiving services from an APD operated, licensed or contracted provider, Medicaid waiver provider, or ICF/DD
- (f) **Other** - Any event not listed above that jeopardizes a consumer’s health, safety or welfare. Examples may include but are not restricted to severe weather condition damage (e.g. tornadoes or hurricanes), criminal activity by providers or employees, fires or other hazardous events or conditions, etc. If the event may generate unfavorable media attention, it is to be reported as a critical incident (see ‘Media’ above).

## **Procedures for Missing Children or Incompetent Adults.**

Upon discovering that a minor or adult who has been adjudicated incompetent is missing, staff of an APD operated, licensed or contracted provider, Medicaid waiver provider, or ICF/DD who is responsible for the consumer’s care, shall:

- a. Immediately call local law enforcement and ask the officer to:
  - (1) Take a report of the missing child or incompetent adult.
  - (2) Assign a case number and provide the number to the person reporting the child or incompetent adult as missing.
  - (3) Provide a copy of the law enforcement missing person report, when it is available.
  - (4) If the responding law enforcement officer refuses to take a missing person report, for any reason, the person making the report will document the name of the officer’s and the responding local law enforcement agency and request to speak to the appropriate Watch Commander.
- b. The person will then immediately notify the APD’s Area Office Administrator (or after-hours designee) and provide all the information listed above, including the case number. If the law enforcement officer refused to take the missing person report, the staff person shall inform the Area Office Administrator or designee and the Administrator will contact the law enforcement agency to request assistance in filing the report.

The consumer/legal guardian understands that the above policies and procedures have been adapted from APD Operating Procedure 10-002 and that Helping Heart, LLC will follow the same policies and procedures.

\_\_\_\_\_

Consumer

\_\_\_\_\_

Date

\_\_\_\_\_

Parent/Guardian/Caregiver

\_\_\_\_\_

Date