Incident Reporting / PRAISE

Advocacy and Resource Center

SDS Employee Training
Incident Reporting and PRAISE (Promoting Relationships and Implementing Safe Environments) are required training for all employees. Both are incorporated into this power point. All services and supports are based upon person centered services. Positive Approaches is the basis for all interactions staff have with the people they work with.
As an employee (or “custodian” in regulation language), you are a “Mandated Reporter” and as such you have an obligation to properly report all Incidents (as we will define later in this presentation). Failure to report may result in possible criminal charges. You are also obligated to report any incidents you witness by other mandated reporters regardless of where the incident occurs.
Reporting: All incidents must be reported to the Regulatory Affairs Department of the Advocacy and Resource Center. Monday through Friday 8-4:30pm you should call: 518-563-0930 and speak with JoeAnna Fitzpatrick or Michelle Tallman. After hours and on weekends, you should contact Michelle Tallman at 518-534-5474. You will be required to leave a detailed message and a call back number.
OPWDD (Office for People with Developmental Disabilities) classifies Incidents according to how serious the incident is and where it occurred. The types of Incident Classifications are:

* Internals (N/A to CSS Employees)
* Events/Situations (OPWDD 150)
* Notable Occurrences (Serious and Minor)
* Reportable Incidents (Abuse/Neglect and Significant Incident)

The later two categories are filed on an OPWDD 147
Events/Situations

* Incidents in this category are that in which the agency staff was not involved in or responsible for the event or situation. However, they are still required to be reported if the person receives services. They are to be documented on the OPWDD 150 form and must be reported to Michelle Tallman: (518) 534-5474 as other notifications may be required and ensure proper follow up.

See next slide for a sample of the OPWDD 150
Please fill out the following form. You can save data typed into this form.

Form OPWDD 150 (rev. 9/2013)
For additional guidance in completing this form please see line by line instructions:

1. REPORTING AGENCY
2. PROGRAM TYPE
3. PROGRAM ADDRESS
4. ADDRESS WHEN EVENT/SITUATION OCCURRED
5. PHONE
6. EVENT/SITUATION REFERENCE NUMBER
7. PERSON COMPLETING REPORT

TO BE COMPLETED BY STAFF DESIGNATED IN POLICY

8. NAME OF INVOLVED INDIVIDUAL (Last, First)
9. DATE OF BIRTH
10. GENDER
11. ID T I.D. OF APPLICABLE
12. DATE & TIME EVENT/SITUATION WAS
13. DATE AND TIME EVENT/SITUATION OCCURRED (IF KNOWN)

14. PRELIMINARY CLASSIFICATION (X ONE)
   1. Active Neglect
   2. Death
   3. Emotional Abuse
   4. Financial Exploitation
   5. Passive Neglect
   6. Physical Abuse
   7. Self-Neglect
   8. Sexual Abuse
   9. Other

15. REFERRALS (if applicable)
   1. Adult Protective Services
   2. Family Members
   3. Hospital
   4. Law Enforcement
   5. Office of Professional Discipline
   6. School
   7. Statewide Central Register of Child Abuse and Maltreatment

16. ACTION TAKEN
   1. Assessing and monitoring the individual
   2. Educating the individual about choices/decisions
   3. Interview involved individuals and/or witnesses
   4. Offering to make referrals to appropriate service providers
   5. Reviewing records and other relevant documentation
   6. Other

17. DESCRIPTION OF EVENT/SITUATION (Initial Findings in BRM)

18. SUMMARY OF RESOLUTION OF EVENT/SITUATION (Conclusions in BRM)

19. NOTIFICATIONS. Please list notifications made to address the event/situation (e.g. SCR, APS, law enforcement, family member).
   Note: the notifications are not required by Part 625 except as necessary to address the event/situation.

CONTACT
DATE
TIME
PERSON CONTACTED
REPORTED BY
METHOD

20. PRINT NAME OF PARTY COMPLETING FORM

TITLE
DATE
Categories of Events/Situations:

1. Any event or situation that exclusively involves the family, friends, employers or co-workers of the person receiving services, whether or not in the presence of agency personnel or at a certified site.

2. Any event or situation that occurs in at a place where they are subject to the oversight of a State agency other than OPWDD (e.g. hospital, physician’s office,) whether or not in the presence of agency personnel.

3. Any allegation of neglect that is based on conditions in a private home, such as with their family.

4. Death of an individual who received OPWDD services but did not occur in a certified site.
Categories of Events/Situations

These are the following incidents that need to be reported.

- **Physical Abuse**: the non-accidental use of force that results in bodily injury, pain or impairment, including but not limited to being slapped, burned, cut, bruised or improperly physically restrained.
- **Sexual Abuse**: non-consensual sexual contact of any kind, including but not limited to, forcing sexual contact or focusing sex with a third party.
- **Emotional Abuse**: the willful infliction of mental or emotional anguish by threat, humiliation, intimidation, or other abusive conduct, including but not limited to, frightening or isolating an adult.
- **Active Neglect**: the willful failure by the caregiver to fulfill the care-taking functions and responsibilities assumed by the caregiver, including but not limited to, abandonment, willful deprivation of food, water, heat, clean clothing and bedding, eyeglasses or dentures, or health related services.
Categories of Events/Situations Cont’d

- **Passive Neglect**: the non-willful failure of a caregiver to fulfill caretaking functions and responsibilities assumed by the caregiver, including but not limited to, abandonment or denial of food or health related services because of inadequate caregiver knowledge, infirmity, or disputing the value of prescribed services.

- **Self neglect**: an adult’s inability, due to physical and/or mental impairments, to perform tasks essential to caring for oneself, including but not limited to, providing essential food, clothing, shelter, and medical care, obtaining food and services necessary to maintain physical health, mental health, emotional well-being, and general safety; or managing financial affairs.

- **Financial exploitation**: the use of an adult’s funds, property or resources by another individual, including but not limited to, fraud, false pretenses, embezzlement, conspiracy, forgery, falsifying records, coerced property transfers, or denial of access to assets.

- **Death**: the end of life, expected or unexpected, regardless of cause.
Notable Occurrences

* There are two types of Notable Occurrences: Minor and Serious.

* Most (but not all) of the incidents in this class are emergency room visits due to injury that require more than first aid.

* Minor Notable Occurrences are reported “As Soon As Possible” which means the same day if possible or by the end of the next work day.

* Serious Notable Occurrences are reported “Immediately”

* They are reported on the form OPWDD 147

See the next slide for a sample of the OPWDD 147.
Form OPWDD 147 (Revised 6/2013)

For additional guidance in completing this form please see line by line instructions.

NOTE: This form only contains the information available at the time of its completion.

State of New York
OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

REPORTING FORM: 14 NYCRR Part 624 - Reportable Incidents and Notable Occurrences

<table>
<thead>
<tr>
<th>1. AGENT COMPLETING FORM</th>
<th>2. FACILITY (if applicable)</th>
<th>3. PROGRAM TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. ADDRESS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. PHONE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. MASTER INCIDENT NUMBER</td>
<td>7. AGENCY INCIDENT NUMBER</td>
<td>8. WAS A RELATED INCIDENT PREVIOUSLY REPORTED?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. YES 2. NO</td>
</tr>
</tbody>
</table>

TO BE COMPLETED BY STAFF DESIGNATED IN POLICY

9. NAME OF PERSON(S) RECEIVING SERVICES (Last, First) 10. DATE OF BIRTH 11. GENDER 1. MALE 2. FEMALE

12. TABS ID (if applicable)

13. RECEIVED MEDICATION: 1. YES 2. NO 3. UNKNOWN BY PERSON COMPLETING THIS FORM

14. DATE & TIME INCIDENT WAS 1. OBSERVED 2. DISCOVERED

15. DATE AND TIME INCIDENT OCCURRED

16. NUMBER OF PERSONS RECEIVING SERVICES PRESENT AT TIME OF INCIDENT

17. NUMBER OF EMPLOYEES PRESENT AT TIME OF INCIDENT

18. PRELIMINARY CLASSIFICATION (X ONE)

In addition to other required notifications REPORTABLE INCIDENTS must be reported to the Justice Center if the program is certified or operated by OPWDD.

REPORTABLE INCIDENT - Abuse/Neglect

1. Physical abuse
2. Sexual abuse
3. Psychological abuse
4. Deliberate inappropriate use of restraints
5. Use of aversive conditioning
6. Obstruction of reports of reportable incidents
7. Unlawful use or administration of a controlled substance
8. Neglect

REPORTABLE INCIDENT - Significant Incidents

1. Conduct between individuals receiving services
2. Secession
3. Unauthorized use of time-out
4. Medication error with adverse effect
5. Inappropriate use of restraints
6. Other mistreatment
7. Missing Person
8. Choking with known risk
9. Self-abusive behavior with injury

NOTABLE OCCURRANCES

1. Injury
2. Unattended absences
3. Deaths
4. Choking, with no known risk
5. Theft/Financial exploitation
6. Sensitive Situation
7. ICF violations
8. Other (specify)

19. SPECIFIC LOCATION WHERE INCIDENT OCCURRED

1. Living Room
2. Bedroom
3. Kitchen
4. Bathroom
5. Hallway
6. Staircase
7. Dining Room
8. Program Room
9. Recreation Area
10. Off Facility Property
11. Unknown
12. Vehicle
13. Other (specify)

20. BRIEF DESCRIPTION OF THE INCIDENT

21. LIST ALL THE IMMEDIATE CORRECTIVE/PROTECTIVE ACTIONS THAT HAVE BEEN TAKEN TO SAFEGUARD THE PERSONS. THIS INCLUDES, BUT IS NOT LIMITED TO, ANY FIRST AID, MEDICAL/DENTAL TREATMENT OR COUNSELING PROVIDED.

(Continue on separate sheet if necessary)
These are Minor Notable Occurrences:

Report them as soon as possible!

1. Injury that requires medical or dental treatment by a physician, dentist, physician’s assistant or nurse practitioner, and which such treatment is more than first aid.

2. Theft/Financial Exploitation involving values more that $15 but less than $100.
These are Serious Notable Occurrences:

*Report them immediately!*

1. An injury which results in hospitalization.
2. Unauthorized absence of a person which necessitates formal search procedures. Especially when the person may be a danger to themselves or others.
3. Death of an individual
4. Choking with No Known Cause
5. Theft of an individual served personal property or financial exploitation, involving a value of more than $100.00.
6. A sensitive situation which you feel needs to be reported immediately.
Reportable Incidents

- These are the most serious incidents.
- They include Significant Incidents and all Abuse and/or Neglect Categories.
- All incidents in this class receive a thorough investigation.
- They are reported to the Office for People with Developmental Disabilities and possibly the Justice Center immediately.
- They must be reported to Michelle Tallman or Regulatory Affairs immediately.

This is the same form as the one for Notable Occurrences–The OPWDD 147
What is a Reportable Incident?

Reportable Incidents are divided into two categories:

- Abuse and Neglect
- Significant Incidents

All definitions come from NYS Regulations.
Abuse and Neglect Definitions

- **Physical Abuse**: Conduct by a custodian intentionally or recklessly causing, by physical contact, physical injury or serious or protracted impairment of the physical, mental, or emotional condition of the individual receiving services, or causing the likelihood of such injury or impairment. Such conduct may include, but is not limited to: slapping, hitting, kicking, biting, choking, smothering, shoving, dragging, throwing, punching, shaking, burning, cutting, or the use of corporal punishment. Physical abuse shall not include reasonable emergency interventions necessary to protect the safety of any party.
**Sexual Abuse:** Any sexual contact between an individual receiving services and a custodian of the program or facility which provides services to that individual whether or not the sexual contact would constitute a crime. However, if the individual receiving services is married to the custodian the sexual contact shall not be considered sexual abuse. Further, for purposes of this subparagraph only, a person with a developmental disability who is or was receiving services and is also an employee or volunteer of an agency shall not be considered a custodian if he or she has sexual contact with another individual receiving services who is a consenting adult who has consented to such contact and/or any conduct by a custodian that subjects a person receiving services to any offense defined in article 130 (sexual intercourse) or section 255.25, 255.26, or 255.27 (incest) of the penal law, or any conduct or communication by such custodian that allows, permits, uses or encourages a person receiving services to engage in any act described in articles 230 (prostitution) or 263 (child pornography) of the penal law.
**Psychological Abuse:** Includes any verbal or nonverbal conduct that may cause significant emotional distress to an individual receiving services. Examples include, but are not limited to, taunts, derogatory comments or ridicule, intimidations, threats or the display of a weapon or other object that could reasonably be perceived by an individual receiving services as a means for infliction of pain or injury, in a manner that constitutes a threat of physical pain or injury.
**Deliberate inappropriate use of restraints:** The use of a restraint when the technique that is used, the amount of force that is used, or the situation in which the restraint is used is deliberately inconsistent with an individual’s plan of services (e.g. ISP or Hab Plan) or behavior support plan, generally accepted treatment practices, and/or applicable federal or state laws, regulations or policies, except when the restraint is used as a reasonable emergency intervention to prevent imminent risk of harm to a person receiving services or to any other party. A restraint shall include 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.
Use of aversive conditioning: The application of a physical stimulus that is intended to induce pain or discomfort in order modify or change behavior of a person receiving services. Aversive conditioning may include, but is not limited to, the use of physical stimuli such as noxious odors, noxious tastes, blindfolds, and the withholding of meals and the provision of substitute foods in an unpalatable form. The use of aversive conditioning is prohibited by OWPDD.
Obstruction of reports of reportable incidents: Conduct by a custodian that impedes the discovery, reporting, or investigation of the treatment of a service recipient by falsifying records related to the safety, treatment, or supervision on an individual receiving services; actively persuading a custodian or other mandated reports from making a report of a reportable incident to the statewide vulnerable persons’ central register (VPCR) or OPWDD with the intent to suppress the reporting of the investigation of such incident; intentionally making a false statement, or intentionally withholding material information during an investigation into such a report; intentional failure of a supervisor or manager to act upon such a report in accordance with OPWDD regulations, policies or procedures; or, for a custodian, failing to report a reportable incident upon discovery.
Unlawful use of administration of a controlled substance: Any administration by a custodian to a service recipient of a controlled substance without a prescription or other medication not approved for any use by the federal FDA. It also shall include a custodian unlawfully using or distributing a controlled substance at the workplace or while on duty.
**Neglect**: Any action, inaction, or lack of attention that breaches a custodian’s duty and that results in or is likely to result in physical injury or serious or protracted impairment of the physical, mental, or emotional condition of the service recipient. It shall include, but is not limited to:

- Failure to provide proper supervision, including a lack of proper supervision that results in conduct between persons receiving services that would constitute abuse as described above if committed by a custodian;
- Failure to provide adequate food, clothing, shelter or medical, dental, optometric or surgical care, and provided that the agency has reasonable access to the provision of such services and that necessary consents to any such medical, dental, optometric or surgical treatment have been sought and obtained from the appropriate parties; or
- Failure to provide access to educational instruction, by a custodian with a duty to ensure that an individual receives access to such instruction in accordance with the provisions of the education law and/or the individual’s individualized education program.
Significant Incidents

- **Conduct between persons receiving services** would be any instance of physical, psychological, or sexual abuse committed by a person receiving services that would be consider abuse if committed by a staff, an exception would be sexual activity involving adults who are capable of consenting and consent to the activity.

- The alleged abuse between persons receiving services also needs to included intentional or reckless behaviors as defined by penal law.
• **Seclusion** Placement of an individual receiving services in a room or area from which he or she cannot or perceives that he or she cannot, leave at will. OPWDD prohibits the use of seclusion.

• **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.
• **Administration of a prescribed or over-the-counter medication, which is inconsistent with a prescription or order and has an adverse effect (unanticipated and undesirable side effect from the administration of the med which unfavorable affects the wellbeing of a person) on an individual receiving services.**

• **Inappropriate use of restraints**  Use of a restraint (any manual, pharmacological, mechanical measure) when the technique that is used, the amount of force that is used, or the situation in which the restraint is used is inconsistent with an individual’s plan of service, generally accepted treatment practices and/ or applicable laws, regulations or policies.
• **Other Mistreatment** Conduct on part of a custodian, that is inconsistent with the individual’s plan of services, generally accepted treatment practices, and/or applicable federal or state laws, regulations or policies, and which impairs or creates a reasonably foreseeable potential to impair the health, safety or welfare of an individual receiving services.

• **Missing Person** The unexpected absence of an individual receiving services that, based on the person’s history and current condition, exposes him or her to risk of injury;
• **Choking with known risk** 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, involving an individual with a known risk for choking and a written directive addressing that risk.

• **Self-abusive behavior with injury** A self-inflicted injury to an individual receiving services that requires medical care beyond first aid.
As a CSS employee, the services you provide do not qualify as a “certified site”, therefore, reportable incidents do not require notification to the Justice Center. However, they are required to be reported to the agency immediately.

As an employee of the agency, if you witness any employee who is providing a “certified site” service engage in any behavior defined in the “Reportable Incident” categories, you would be expected to report them immediately, which would include the Justice Center.
When is a Reportable Incident reported to the Justice Center?

- When the Reportable Incident (See slides 15-22 for definitions of Reportable Incidents.) occurs in a Certified Site.

What is a Certified Site?

- Any of our Residential Home (IRAs)
- Both Respite Homes
- CVI (Prevocational Services, CVI Day Hab, and PEP)
- PATH (Day Habilitation)
How to contact the Justice Center

- Their 24/7 Hotline Number
  1-855-373-2122
- Their Web Intake Form
  https://vpcr.justicecenter.ny.gov/wi

All witnesses must contact the Justice Center independently.
What is a noncertified site?

- Supported Employment
- Medicaid Service Coordination
- Community Habilitation
- Hourly Respite
- CSS Services

All allegations of abuse or neglect must be reported regardless of where they occurred. If you see anything you feel needs to be reported, contact Michelle Tallman at 518-534-5474.
You are not expected to **prove** that something happened in order to report it.

Each report will be investigated thoroughly to determine if the incident occurred and if the incident comprises abuse according to the policy definitions.
You are expected to report an incident even if it involves a friend or co-worker.

Although this may be a very difficult thing for you to do. It is very important that we maintain a standard of reporting that will protect those who are unable to protect themselves. At the same time, our investigation process must be (and is) thorough, objective, and impartial.
*Our agency must report all Reportable Incidents of Abuse/Neglect and Significant Incidents in Certified Sites as soon as we know about these incidents to the Justice Center.
*Reports of these incidents are immediately called into the Justice Center Hotline or via the Justice Center Web Intake Form.
*The Justice Center has an investigative bureau and will investigate some of the Reportable Incidents in our agency.
The Justice Center issued a Code of Conduct for Custodians of People with Special Needs. You are a “custodian” since you are an employee providing services in the OPWDD system. Although Reporting requirements to the Justice Center are reserved for certified sites, the code of conduct highlights the important areas needed to promote self-directed, meaningful lives and protect people from harm. It is included in this training packet and must be read, signed and returned.
Regulations require that our agency report all Reportable Incidents, Serious Notable Occurrences, and Events/Situations to OPWDD as soon as we know about those incidents regardless of what site they occur at.

Reports of Reportable Incidents, Serious Notable Occurrences, and Events/Situations are immediately entered into the OPWDD database known as IRMA (Incident Report and Management Application).
Congratulations!

You have completed the training:

**Incident Reporting**

If you have questions about any of the material in this training program, please contact the Regulatory Affairs Department at 563-0930.

This training program and the accompanying written materials are the property of the

**Advocacy and Resource Center**

**231 New York Road**

**Plattsburgh, New York 12903**