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Reportable Event Management

Reportable Event Management Staff

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Reportable Event Management (REM)

- Replaced Protection from Harm (PFH) as the reporting system for Home and Community Based Service (HCBS) providers within the DIDD system on 9/1/2021.
- Services the 1915c, Intermediate Care Facilities (ICF/IID), Katie Beckett, Self Determination (SD Waiver), and Employment and Community First (ECF) CHOICES Benefit Programs.
- CHOICES added 1/1/2022

REM: Background and Objectives

Reportable Event Management (REM) is one important component of an overall approach for ensuring the health, safety, individual freedom, and quality of life of people participating in home and community-based services (HCBS).

➤ **Collaborative Partnership:**

- ✓ TennCare
- ✓ Department of Intellectual and Developmental Disabilities (DIDD)
- ✓ Managed Care Organizations (MCOs)
- ✓ Home and Community Based Services (HCBS) providers

REM: Background and Objectives

The CHOICES, Employment and Community First (ECF) CHOICES, Katie Beckett, and the 1915(c) Waiver programs are designed to:

- ✓ Balance health and safety with happiness and personal fulfillment
- ✓ Ensure persons achieve the best possible employment and community living outcomes
- ✓ Exceed expectations through opportunities to develop and use the gifts, skills, and capacities they have, to achieve a unique and fulfilling life

Reportable Event Management is expected to reinforce and advance these goals.

Why do we report events?

- First and foremost, protecting a person's health, safety, and human rights is a critical part of the job
- Accountability – for providers, MCO's, support staff, and the person supported
- Continuous improvement – reporting events makes it possible to track trends and analyze data. This information can influence quality improvement plans, training needs, policy development, and much more!

Categories of Reportable Events

Tier 1 Reportable Event:

- Tier 1 Reportable Events: shall mean the alleged wrongful conduct affecting the person by acts or omissions of abuse, neglect, exploitation, or misappropriation of money or property, that resulted in one or more of the following consequences to the person: death, serious injury, or physical harm; physical or sexual abuse; significant pain, intimidation or mental anguish that required medical intervention or loss of funds or property greater than \$1,000 in value.

Tier 1 Reportable Events Reporting & Investigation Process

Reporting Requirements for Tier 1 Reportable Events:

- Tier 1 Reportable Events must be reported to DIDD's Abuse Hotline (1-888-633-1313) as soon as possible, but no later than four (4) hours after the occurrence of the event or the discovery thereof

Process for Investigation of Tier 1 Reportable Events:

- DIDD shall complete a thorough investigation within thirty (30) calendar days of the anchor date, unless an approved extension is granted.

Tier 1 Reportable Events Reporting & Investigation Process

- Allegations of Abuse, Neglect, and Exploitation received into the DIDD Abuse Hotline are also referred to APS.
- When applicable, allegations are also shared with Local Law Enforcement agencies, the Tennessee Bureau of Investigations.
- Representatives from DIDD's Office of Investigations attend VAPIT Meetings for all districts, where service recipients reside.

Tier 1 Reportable Events Reporting & Investigation Process

Tier 1 Reportable Event Policy on Administrative Leave or Non-Direct Contact:

- Excluding when an exception is granted by DIDD, providers are required to immediately remove an employee or volunteer alleged to have acted in a manner consistent with sexual abuse or physical abuse resulting in medical treatment

Tier 2 Reportable Events

Tier 2 Reportable Events is defined as the **alleged** wrongful conduct affecting the person by acts or omissions of abuse, neglect, exploitation, or misappropriation of money or property, which resulted in one or more of the following consequences to the person, and **the person did not require medical intervention/treatment and is not at continued risk of serious harm.**

- Intimidation or mental anguish
- Probable risk of serious harm
- Loss of funds or property between \$250 and \$1,000 in value or prescription-controlled medications regardless of value
- Through supervision neglect harming a citizen in the community
- Engaging in criminal acts resulting in arrest and confinement.

All Tier 2 reportable event categories are provided in the REM Protocol Definitions document.

Tier 2 Reportable Events Reporting & Investigation Process

Reporting Tier 2 Events:

- A Reportable Event Form (REF) should be submitted by close of the next business day after occurrence/discovery of occurrence via DIDD REM Information System.
- The submitted Tier 2 REF is reviewed by the DIDD Investigations Specialist (IS) and MCO REM to ensure correct classification.
- The Provider will be made aware of the classification of the REF.

Tier 2 Reportable Events Reporting & Investigation Process

Provider Investigation Process:

- Only a DIDD Certified Provider Investigator (CPI) is permitted to conduct investigations of Tier 2 events.

- DIDD IS confirms the provider's CPI access to the REM Information System and provides the investigative report template to the CPI. This initiates the "anchor date" of the Provider Investigation.

Tier 2 Reportable Events Reporting & Investigation Process

Provider Investigation Process (cont.):

- The provider has up to 25 calendar days to submit the completed provider investigation report and all supporting documents via DIDD REM Information System.
- If at any time during the course of the investigation evidence is discovered that would result in the allegation rising to a Tier 1 event, the CPI should stop the investigative process immediately and notify the IS (if during normal business hours) or the DIDD Abuse Hotline.

REM: Substantiated Events Classification

There are two classifications of Substantiated Events, Class 1 and Class 2 Events. A final investigative report reflects that the evidence supports the identified staff acted in accordance with each definition noted below.

- **Class 1 Events:**

The wrongful conduct affecting the person constituted abuse, neglect, exploitation, or misappropriation of money or property, AND resulted in one or more of the following consequences:

1. Death
2. Serious injury
3. Physical harm

REM: Substantiated Events Classification

- **Class 1 Events continued:**

4. Physical Abuse
5. Sexual Abuse
6. Significant pain
7. Intimidation or mental anguish
8. Probable risk of serious harm
9. Loss of funds or property greater than \$1,000 in value
10. Prescription controlled medications regardless of value
11. When supervision neglect of the person occurs AND;
 - a community citizen is harmed, or
 - a criminal act occurs with resulting arrest and confinement

REM: Substantiated Events Classification

■ **Class 2 Events:**

The wrongful conduct affecting the person constituted abuse, neglect, exploitation, or misappropriation of money or property, BUT resulted in:

1. Minimal or no physical harm or injury
2. Minimal or no pain or mental anguish
3. A minimal risk of serious harm
4. Loss of funds or property between \$250 and \$1000 in value
5. Violation of plans of care with minimal or no adverse consequences

Wrongful conduct in the Class 2 category is of the nature that disciplinary action and/or additional training may reasonably be deemed sufficient to address.

REM: Substantiated Events Classification

A comprehensive approach to Class 1 and Class 2 Events include:

- Understanding and preventing future occurrences of the substantiated event
- Identifying applicable system policies, rules, guidance, or other system processes and procedures that may have contributed to the Reportable Event and resulting substantiation

Reportable Events: Investigation Follow-Up and Action Plan

ACTION PLAN:

- Upon acceptance of the final investigative report, the provider will have an additional ten (10) days to complete the Action Plan, which will be tracked by the date in which the Final Investigative Report was closed.

- The provider will continue to discuss the outcome of the investigation with the person(s) supported and invite the person's legal representative and/or primary contact, if any, to participate in this discussion.

Reportable Events: Investigation Follow-Up and Action Plan

COMPONENTS of ACTION PLAN shall include the following information:

- The procedures that have been implemented to mitigate future risks to the person, including steps to prevent similar occurrences in the future;
- Verification that the substantiated perpetrator(s) was notified of the outcome of the investigation;
- A statement of what, if any, disciplinary action, training, reassignment, or any other remediation occurred as a result of the findings of the investigation;
- A response to any informational findings contained in the investigation report.

Reportable Events: Investigation Follow-Up and Action Plan

RESPONSE to ACTION PLAN:

- The DIDD Regional Event Management Coordinator (EMC) and respective MCO(s) will review the Action Plan, which shall include any concerns or issues identified.
- DIDD Regional EMC will include the respective MCO when asking for any additional information within 10 calendar days if the Action Plan submitted does not sufficiently address the identified concerns.
- The provider has ten (10) calendar days to provide the additional information.
- The DIDD Regional EMC or designee has forty-five (45) calendar days from the date of closure (release of the Final Investigative Report) to provide a Closure Letter.

What if...

What if your money was always kept in an envelope where you couldn't get it?

What if you spent three hours every day just waiting?

What if you got into trouble and were sent away and you couldn't come back because they always remember your "trouble"?

What if you never got to make a mistake?

What if you had no privacy?

What if you were never given a chance to do well at something?

What if the only risky thing you could do was to act out?

What if you grew old and never knew adulthood?

What if you were always treated like a child?

What if you took the wrong bus once and now you can't take another one?

What if the job you did was not useful?

What if you couldn't go outside because the last time you went it rained?

What if your only chance to be with people different from you was with your own family?

What if you never got to make a decision?

Dignity of Choice

Thoughts to keep in mind....

- ✓ People need to be able to make choices
- ✓ Overprotection might seem kind, but it might smother a person
- ✓ Letting people try things that may seem risky or scary for parents or professionals [is important for growth]
- ✓ [Dignity of Risk] allows people to “Get Out Of Their Comfort Zone” to try new things
Example: moving to a new state or city
- ✓ Being able to make choices and live the consequences of choices promotes **Self Determination** and **High Expectations**

Adapted from National Center on Advancing Person-Centered Practices and Systems (NCAPPS). Finding the Balance Webinar. Dec 2019. Available at: <https://ncapps.acl.gov/webinars.html>

The Principle of Dignity of Choice

- Supporting dignity of choice means honoring a person's right to make choices and engage in activities that may involve risk associated with these types of choices and activities, and committing to assist the person to identify, consider, and implement strategies to mitigate the identified potential negative consequences of these choices.
- According to the Center for Medicare and Medicaid Services (CMS), **Dignity of risk** is the idea that self-determination and the right to take reasonable risks are essential for dignity and self esteem and so should not be impeded by caregivers, concerned about their responsibility to ensure health and welfare.

Dignity of Choice Emphasizes:

Dignity of choice closely aligns with the values of person-centered thinking and the concept of self-determination.

- All three person-centered philosophies emphasize:
 - Valuing the autonomy of the individual
 - The critical importance of providing people with well-supported opportunities to learn to make good choices and informed decisions through experience and practice, just as others do
 - Supporting individuals to live the life of their choice and strive to reach one's potential

Supporting Dignity of Choice

Supporting dignity of choice means:

- Recognizing that a certain amount of risk is involved in all life experiences that offer the opportunity for personal growth and positive change
- Honoring a person's right to make choices and engage in activities that involve risk
- Assisting the person with strategies to reduce the identified potential negative consequences

Additional Reportable Events & Interventions

Additional Reportable Events and Interventions:

- The One Reportable Event Management Definitions document details the required Additional Reportable Events and Interventions
- Not related to abuse, neglect, or exploitation
- By close of the next business day, via the DIDD REM Information System, the EMC or Designee submits a REF to both DIDD and the MCO

Additional Reportable Events & Interventions

- **Reportable Behavioral Event:** is an event in which a person presents a challenging action(s) which requires use of a behavior safety intervention or a restrictive behavioral procedure.
- **Reportable Psychiatric Event:** an event in which a person presents evidence of psychiatric destabilization which **requires the use of a psychiatric intervention or crisis services** that is not captured as an appropriate response in a plan(s) of care (ex. PCSP, BSP, Behavioral Health Plan of Care, etc.) that pertain(s) to that person.
- **Self-Injurious Behavior (SIB):** shall mean a self-inflicted physical injury
Note: For SIB to be reportable via REF, there must be an injury that requires assessment and treatment beyond basic first aid that can be administered by a lay person.

Additional Reportable Events & Interventions

- **Sexual Aggression:** shall mean acts of a sexual nature, associated with potentially violent behavior of a person supported, regardless of the desire for participation on the part of the other person.
- **Suicide Attempt**
- **Reportable Medical Events:**
 - ✓ Death (other than those that are unexpected/unexplained)
 - ✓ Fecal impaction
 - ✓ Flu
 - ✓ Insect or animal bite requiring treatment by a medical professional
 - ✓ MRSA
 - ✓ Cellulitis
 - ✓ Choking episode requiring physical intervention

Other Reportable Events?

Additional Other Reportable Events include:

- **Administration of Routine Psychotropic Medication without Consent -All events are reportable**
- **Positive COVID-19 Test Results**-Positive Results of supported persons only
- **Emergency Situations, including fire, flooding, and serious property damage, that result in harm or risk of harm to persons supported-All events are reportable**
- **Fall with Injury** -Minor (an injury that is treatable by a lay person) and Serious (resulting in medical intervention and treatment) -**All falls with injury, whether serious or minor injuries, are reportable.**

Other Reportable Events?

Additional Other Reportable Events include:

- **Medication Variance and Omission:** when serious injury or harm is inflicted on a person as a result of improper, or absence of, medication administrations.

Note: In all cases, medication administration by a person who is not trained and certified through the DIDD Medication Administration Program; authorized under Title 71 Self-Directed Health Care; or is not licensed by the State of Tennessee to administer medications requires the completion of a Reportable Event Form (REF) for alleged training neglect and could result in a Tier 1 or Tier 2 investigation depending on the findings during the triage process.

Other Reportable Events?

Medication Variance and Omission continued...

The categories listed below shall require a call to the DIDD Investigations Hotline as soon as possible but within 4 hours, and a typed REF is submitted by the EMC to DIDD and the MCO within one (1) business day, as they are possible Tier 1 allegations that would fall under the category of possible neglect.

- 1- Variance requires intervention and caused, or is likely to cause, temporary harm to the person
- 2- Variance caused, or is likely to cause, temporary harm requiring hospitalization of the person
- 3- Variance caused, or is likely to cause, permanent harm to the person
- 4- Variance resulted in a near death event (e.g., anaphylaxis, cardiac arrest)
- 5- Variance resulted in or contributed to the person's death

Other Reportable Events?

- **Missing Person > (greater than) 1 hour:** shall mean any person receiving services who is **unexpectedly** absent for longer than 60 continuous minutes after a reasonable search was conducted.
- **Enabling Technology Remote Supports:** failure to implement Emergency Back-up Plans
- **Unsafe Environment** (lack of cleanliness/hazardous conditions not otherwise expected to normally exist in the environment). Depending on the circumstances, an unsafe environment could turn into an investigation of alleged neglect.

Reportable Example: The Person Supported was living in hazardous conditions when he fell through a weak rotted floor in his home and incurred a serious injury.

Example of event not requiring REF submission: The Person Supported had roaches crawling on the wall inside her home.

Other Reportable Events?

Additional Reportable Events continued...

- **Vehicle Accident**- Minor (not resulting in an injury; treatable by a lay person) and Serious (resulting in medical intervention and treatment)
- **Victim of fire**

REM: Non-Reportable Events

Non-Reportable Events:

- Not reportable to DIDD/MCO
- Providers are expected to internally document, perform data collection and trend analysis of these events as part of strategic quality improvement processes that lead to improved outcomes.
- Oversight and monitoring will continue to be provided by DIDD and/or the MCO during annual quality assurance surveys and/or recredentialing where applicable.

REM: Reportable Events Reported by a Person, Person's Caregiver, Family Member, or Citizen/Friend

- DIDD or the MCO, as applicable, will document and generate a REF within one (1) business day
- Entity receiving the report is responsible for sending to the other entity.
- Provider's EMC or designee will be notified of the event via Information System by close of next business day after DIDD or MCO receipt of the report.
- These will follow the same Reportable Event processes as previously mentioned.

REM: Due Process

Overview:

- DIDD Office of Administrative Appeals (OAA) unit
- For individuals with a Class 1 substantiation or who have three (3) or more Class 2 substantiations in separate investigations for events occurring/discovered within a rolling twenty-four (24) month period
- Includes the right to request a file review, through which substantiation could be upheld, modified, or overturned, and the right to request a hearing before an Administrative Law Judge (ALJ).

Substantiated Investigation Records Inquiry (SIRI):

- Accessible for all providers
- Does not include Tier 2 substantiations

REM: Reportable Event Data Review, Collection, & Analysis

The Why:

It is important that we examine the nature, frequency and circumstances of Reportable Events in an effort to prevent or reduce similar occurrences in the future, whenever possible.

REM: Reportable Event Data Review, Collection, & Analysis

The How:

- DIDD will maintain a statewide system for data collection and analysis for all Tier 1 and Tier 2 Reportable Events.
- DIDD will track and trend All Tier 1 and Tier 2 Reportable Events and data on at least a quarterly basis.
- MCOs and DIDD, in collaboration with their providers, will evaluate the trended data to achieve desired Reportable Event Management outcomes.
- DIDD will provide TennCare with comprehensive reports for all programs pursuant to the Interagency Agreement and CRA, as applicable.
- TennCare receives a trend analysis from DIDD and the MCOs on all reportable event data, including tracking and trending, on a quarterly basis.
- TennCare uses the trend analysis information to undertake program level analysis, tracking and oversight for all Reportable Events.

REM: Reportable Event Data Review, Collection, & Analysis

The How *continued*:

- When a Tier 1 or Tier 2 Reportable Event is determined to be a Class 1 or Class 2 Event the findings shall also include identification of applicable, system policies, rules, guidance or other system processes and procedures that may have contributed to the Class 1 or 2 Event.
- The provider, MCO, and/or DIDD, as applicable, shall be responsible for managing, tracking, and trending in order to prevent similar occurrences in the future.
- Each contracted provider is responsible for the designation of an **Event Management Coordinator (EMC)**.

Resources

- Information regarding REM can be found on the DIDD REM website:

(www.tn.gov/didd/providers/r-e-m.html)

- For questions related to REM can be sent to:

(DIDD.REMHelp@tn.gov)