

Disclaimer: This sample policy is provided for informational purposes only. Please be aware that policies and contract standards are subject to change, and this document may not encompass all the requirements of the most current contract standards. We recommend consulting with a legal professional or the relevant regulatory authority to ensure compliance with the latest requirements and to make any necessary updates to this policy.

Sample Policy: Health, Safety and Welfare Policy (includes Critical Incident Reporting Procedures)

Policy:

[Insert Agency Name] staff will monitor the program participants' health, safety, and welfare throughout service delivery. [Insert Agency Name] staff are accountable for identifying and reporting all critical incidents. The necessary follow-up and monitoring will be provided to promote the safety and welfare of program participants.

Purpose:

To identify, investigate, and resolve incidents jeopardizing a program participant's health, safety, and welfare.

Procedure:

1. Agency staff will receive training and information regarding health, safety, and welfare, including critical incident identification, reporting, and prevention.
2. All staff will be trained in policies and procedures for reporting suspected abuse, neglect, and/or exploitation of vulnerable adults in accordance with federal and state laws.
3. It is the responsibility of all staff to report critical incidents.
4. All critical incidents are documented on a [Insert Agency Form Name] and reported to [Insert Agency Role] for investigation and follow-up. [Insert Agency Role] ensures the incident report has been completed and received.
5. All staff responsible for documenting critical incidents will be trained to utilize the [Insert form name].
6. Suspicious or unexpected death of NEMCSA participants must be reported to NEMCSA within seven (7) business days of the unexpected death.
7. All other Critical Incidents of NEMCSA participants must be reported to NEMCSA within 30 calendar days of the Critical Incident.

8. Critical incidents involving NEMCSA participants will be reported to the appropriate NEMCSA Supports Coordinator for investigation and follow-up. Agency staff reporting the incident should provide a summary of the incident, any steps taken to prevent further incidents, and, if the incident is already resolved, the final incident resolution. Once the support coordinator is contacted, they will take over the primary responsibility for monitoring the incident.
9. For all other program participants, it is the responsibility of [Insert Agency Role] to take action, investigate, and follow up on critical incidents. [Insert Agency Role] will ensure that the internal investigation begins within two (2) business days of the reported incident.
10. Regardless of the participant funding source, incidents may need to be reported to APS and/or law enforcement. All real or suspected abuse, neglect, and exploitation must be reported to the MDHHS Central Intake for Adult Protective Services (APS). [Insert Agency Role] reports to APS.
11. Types of critical incidents and events that bring harm or potential harm to a participant are:

Critical Incident Type	Additional Reporting*
Critical No Show	Potentially APS
Eviction	Potentially APS
Exploitation	APS, potentially law enforcement
Illegal Activity in the home	Law enforcement, potentially APS
Medication Error	Potentially APS
Missing Person / Elopement	Law enforcement
Neglect	APS, potentially law enforcement
Physical Abuse	APS, potentially law enforcement
Sexual Abuse	APS, potentially law enforcement
Suicide Attempts (including Self-Harm)	Potentially law enforcement
Theft	Law enforcement, potentially APS
Unexpected / Unexplained Death (including Death by Suicide)	Law enforcement
Use of Restraints / Restrictive Interventions / Seclusions	APS, potentially law enforcement
Verbal Abuse	APS, potentially law enforcement
Worker drugs/alcohol	Potentially law enforcement
Other	Potentially, APS and/or law enforcement

* This list is not all-inclusive. Each circumstance could warrant additional reporting.

12. The [Insert Agency Role] or designee will monitor and track all critical incidents until they are resolved or classified as unsubstantiated. This includes reviewing documentation to evaluate if the interventions are working. Strategies are implemented to prevent future incidents from recurring to the extent possible. All known critical incidents must be resolved to the satisfaction of participants.
13. Incidents typically should be resolved or classified as unsubstantiated within 60 days from the date of notification.
14. NEMCSA Participants have the right to refuse services even if doing so will result in detrimental consequences to the participant. When staff at [Agency Name] identify potential risks, they should contact the waiver participants' support coordinators (SC) so they can develop strategies to mitigate them while enabling them to live as they choose in the community. When risks are identified, the SC will explain the potential detrimental consequences and document the participant's informed choice.
15. Non-NEMCSA participants also have the right to refuse services even if doing so will result in detrimental consequences to the participant. It is the [Insert Agency Role] responsibility to identify potential risks to participants and develop strategies to mitigate them while enabling them to live as they choose in the community. When risks are identified, [Insert Agency Role] will explain the potential detrimental consequences and document the participant's informed choice.
16. MDHHS does not consider self-neglect a critical incident. When a participant is their own person, they maintain the right to choose even when they make choices [the agency] does not agree with, or choices are contrary to what others believe are in the participant's best interest.

Critical Incident Definitions:

Critical No Show - Instances when a provider is scheduled to be at participant's home but does not come and back-up service plan is either not put into effect or fails to get an individual to the participant's home in a timely manner. This becomes a critical incident when the participant is bed-bound or in critical need and depends on others.

Eviction - Instances when a participant is forced to leave the place they have been living. (Report only when the eviction occurs not when a notice is served.)

Exploitation - An action that involves the misuse of an adult's funds, property, or personal dignity by another person.

Illegal Activity in the home - Any illegal activity in the home that puts the participant or the workers coming into the home at risk.

Medication Error - Wrong medication, wrong dosage, double dosage, or missed dosage which resulted in death or loss of limb or function or the risk thereof.

Missing Person / Elopement - When a participant has left their designated location without notification, and their whereabouts are unknown.

Neglect - Harm to an adult's health or welfare caused by the conduct of a person who assumes responsibility for a significant aspect of the adult's health or welfare. Neglect includes the failure to provide adequate food, clothing, shelter, or medical care.

Other - Event that creates a significant or potential risk of substantial or serious harm to the physical or mental health, safety or well-being of a waiver participant not already listed (fire, drive by shooting, car accident, etc.) Before selecting this option, please thoroughly analyze the incident to determine if it should fit in one of the specified categories.

Physical Abuse - The use of unreasonable force on a participant with or without apparent harm.

Self-Harm – When one harms their own body on purpose, such as, by cutting or burning to cope with emotional pain. This is not the same as self-neglect.

Sexual Abuse - Any act of a sexual nature that a person did not consent to. This can include rape, sexual assault, sexual exploitation, sexual harassment, and taking or sharing sexual images without someone's consent.

Suicide Attempts – 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.

Theft – A person intentionally and fraudulently takes the personal property of another without permission or consent and with the intent to convert it to the taker's use (including potential sale).

Unexpected / Unexplained Death - Deaths that are determined to be “unusual, suspicious, sudden and unexpected, or potentially preventable, including all deaths alleged or suspected to be associated with neglect, abuse, or criminal acts.”

Death by **suicide** is classified as unexpected / unexplained death for the purposes of critical incident reporting. This includes all instances of death caused by injuring oneself with the intent to die.

Use of Restraints / Restrictive Interventions -

- Personal - the application of pressure, except physical guidance or prompting of brief duration, that restricts the free movement of part or all of an individual's body.
- Mechanical - the use of a device that restricts the free movement of part or all of an individual's body. Such a device does not include one used to provide support

for functional body position or proper balance, such as a wheelchair belt or one used for medical treatment, such as a helmet used to prevent injury during a seizure.

- Chemical - the use of a chemical, including a pharmaceutical, to control an individual's activity and which is not a standard treatment for the individual's medical or psychiatric condition.

Seclusions - Involuntary confinement in a room where the person is physically prevented from leaving. This also includes isolation (forced separation or failure to include the person in the social surroundings of the setting or community).

Verbal Abuse - Intimidation or cruel punishment that causes or is likely to cause mental anguish or emotional harm. Use of words to harm, intimidate or control a participant.

Worker drugs / alcohol - Use of any illegal drugs or alcohol on the job, or any medications that would affect the abilities of the worker to do his or her job.