

# Serious Incidents and Office of Licensing Guidance

June 17, 2020

# DBHDS Office of Licensing Training

- You are encouraged to sign up for the Office of Licensing's recurring Computerized Human Rights Information System (CHRIS) trainings on Eventbrite for helpful information related to serious incident reporting.
- Training will be conducted every third (3<sup>rd</sup>) Wednesday of each month during the year of 2020
- Registration for the training is on Eventbrite
   (<a href="https://www.eventbrite.com/e/chris-training-recurring-2020-tickets-91319315531">https://www.eventbrite.com/e/chris-training-recurring-2020-tickets-91319315531</a>)
- CHRIS Training Link
  - http://www.dbhds.virginia.gov/quality-management/human-rights/shr-committee/computerized-human-rights-information-system-chris

# Training Overview

- Communication from the Office of Licensing
- Guidance on Incident Reporting Requirements
- COVID-19
- Individuals Reentering A Service
- CHRIS new fields expectations
- Reporting incidents in CHRIS
- Late Reporting
- Care Concerns
- Data

# Communication from the Office of Licensing

 The Office of Licensing (OL) will be sending out information to providers utilizing Constant Contact.

- To ensure your organization receive these email-notifications, add the following two email addresses to your "accepted list".
  - <u>licensingadminsupport@dbhds.virginia.gov</u>
  - Incident\_management@dbhds.virginia.gov

# Guidance on Incident Reporting Requirements

- The guidance on Incident Reporting Requirements is to remind DBHDS licensed providers of the requirements and expectations for reporting serious incidents to the DBHDS Office of Licensing, pursuant to 12VAC35-46-1070.C. and 12VAC35-105-160.D.2., including
  - the timeframe for reporting incidents;
  - the process for reporting incidents;
  - the allowable timeframe for adding to, amending, or correcting information reported to the Office of Licensing through the Computerized Human Rights Information System (CHRIS);
  - and to inform providers of the processes that the Office of Licensing will follow for issuing citations, repeat citations and sanctions for violations of serious incident reporting requirements.

### **CHRIS**

- It is important to note that although providers use the CHRIS system to report serious incidents to the Office of Licensing (OL), and to report allegations of abuse or neglect to the Office of Human Rights (OHR), these are two distinct reporting functions, which satisfy separate regulatory requirements.
- Reporting an allegation of abuse or neglect to OHR does not remove the need to report a Level II or Level III serious incident to the Office of Licensing, even if the serious incident report involves the same underlying facts as the abuse or neglect allegation
  - For example, an individual had a behavior which required the use of a restraint (TOVA) and in that process the person happened to have fallen resulting in a fracture to their arm. This incident would be applicable to report on the OHR side as a possible allegation of abuse/neglect for provider to investigate if staff implemented TOVA correctly and to OL as a level II serious incident.

## Non-compliant Incident Reporting

- Please note that these methods of reporting an incident in place of submitting an incident report into the CHRIS system will be deemed as noncompliant and the provider will be cited:
  - Reporting a serious incident to the provider's licensing specialist via e-mail or phone call;
  - Reporting a serious incident to the provider's human rights advocate via e-mail or phone call;
  - Reporting a serious incident to any other representative of DBHDS by any means other than the serious incident reporting function in CHRIS; and
  - Reporting an allegation of abuse or neglect that also meets the criteria for a Level II or Level III serious incident only on the DBHDS Office of Human Rights (OHR) side of CHRIS instead of reporting the incident to both the OHR and the DBHDS Office of Licensing sides of CHRIS.

# CHRIS System Errors and Network Outages

- There may be unusual circumstances when a provider is unable to report an incident through the CHRIS system because of a CHRIS system error or a network outage. The ONLY valid reasons for not reporting a serious incident into CHRIS include:
  - 1) The CHRIS system was not functioning at the time the incident was discovered; or
  - 2) The provider was unable to access the CHRIS system for reasons that were not in the provider's control.
    - Power outage which can be verified (ex. Dominion Power outage)

### **DELTA Assistance**

# Support from DBHDS may be requested by DELTA Security Officer (s) using the following contact information:

Administrator	Phone	Email
DELTA Support Line		deltaprod@dbhds.virginia.gov
Catrina Sankey	(804) 887-7402	Catrina.Sankey@dbhds.virginia.gov
Rennie Hubbard	(804) 887-7408	Renola.Hubbard@dbhds.virginia.gov

# Potential Late Reporting

If a provider is unable to report a serious incident through the CHRIS system
for one of the two valid reasons, then the provider must notify the Office of
Licensing's Incident Management Unit of the provider's inability to report
the incident through the CHRIS system within 24 hours of the discovery of
the incident by emailing the Incident Management Unit
@ incident\_management@dbhds.virginia.gov

# Potential Late Reporting

- Mark the e-mail to IMU with the following subject line: "Potential Late
  Entry-CHRIS complications for [NAME OF PROVIDER]." Notification to other
  DBHDS employees or representatives, including the provider's licensing
  specialist or human rights advocate, will not substitute for notification to
  the IMU.
- Providers will be cited for a regulatory violation of 12VAC35-105-160.D.2. or 12VAC35-46- 1070.C., as applicable, if they do not report serious incidents within the regulatory timeframe, unless they have notified the IMU of their inability to do so due to a system error in CHRIS or a network outage, even if they have notified their licensing specialist or human rights advocate.

## **CHRIS Back up**

 PER THE <u>OCTOBER 1, MEMO</u> AND <u>SUBSEQUENT CHRIS TRAINING</u>, NOT HAVING AN AUTHORIZED USER FOR CHRIS IS NOT A VALID REASON FOR LATE SUBMISSION OF A SERIOUS INCIDENT REPORT IN THE CHRIS SYSTEM.

 It is the provider's responsibility to ensure that they have authorized users for CHRIS at all times.

# Updates to Serious Incident Reports:

- In some instances, a provider may need to update a serious incident report in CHRIS after its initial submission.
  - A provider may be awaiting a medical report or other records related to an emergency room visit; or
  - IMU staff may request that the provider update an incident report in CHRIS when the IMU identifies information that should have been included in the report, but was not included.
- When the provider must update an incident report in CHRIS after the initial submission, the provider must do so within 48 hours from the initial submission of the incident report, or from the time that the provider is informed by the IMU of the need to update the report, whichever is later.

# Updates to Serious Incident Reports

 Providers must select "An update to the serious incident report has been provided", when saving the incident after they have made their update. This will send a notification to IMU and the Licensing Specialist that an update as been entered.

* Required. Plese select one from the following:		
O Death/Serious incident report is complete and no further updates will be provided.		
O Updates to death/serious incident report will be provided.		
O An update to the death/serious incident report has been provided.		

 Failure to update a serious incident report in CHRIS within 48 hours from the initial submission of the report, or from the time that the provider is made aware of the need to update the report may result in a citation of 12VAC35-105-160.B, or 12VAC35-46-230.A, as applicable.

# Unifying Serious Incident Report Information

- Each business day IMU Specialists triage incidents reported from the previous day.
- Based upon IMU review, they may note information in the narrative section of the incident which was not included or checked under the following sections:
  - Injury,
  - Illness or Condition, or
  - Cause of incident
- IMU will check the corresponding check box(s) to unify the report with the narrative for the purpose of data collection, completeness and accuracy.
- IMU will send an email notification to the provider of any changes made to the incident.

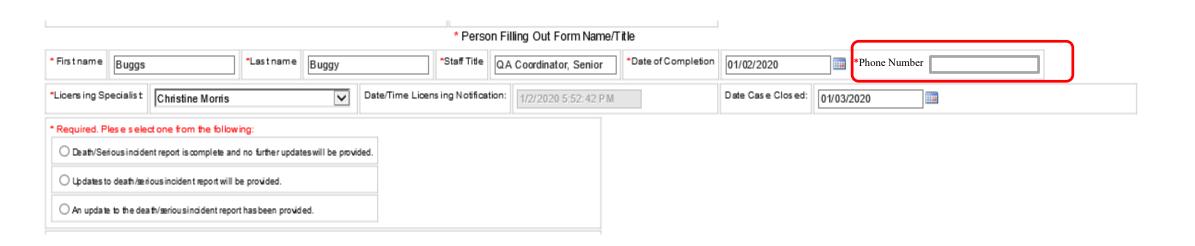
# **CHRIS Mandatory Fields**

In section titled "External notifications" please be sure to enter in the name or the person(s) contacted for each field. When you select, Substitute Decision Maker/Legal Guardian, Support Coordinator or Agency; you must include the name of the person or agency in the text box.

* External notifications made (Check all that apply)	DSS DSS	Substitute Decision Maker/Legal Guardian:	
(5.55.5	Local Law Enforcement Agency	▼	
	State Police	Support Coordinator:	
	Department of Health Professionals	Support Coordinator Agency's Name:	
	Department of Health	Support Coordinator Agency's Name.	
	Non-Applicable	Other (please specify):	
	Substitute Decision Maker/Legal Guardian	<u>^</u>	
	Support Coordinator	<u> </u>	
	Support Coordinator Agency's Name		
	Other		

# CHRIS Mandatory Fields

- The Person Filling Out the Form Name/Title is a required field. The name submitted must be the actual person completing the incident.
- The phone number will be used to contact the provider if additional information is needed.



• The Office of Licensing conducts ongoing monitoring of provider compliance with serious incident reporting requirements.

 The IMU within the Office of Licensing reviews serious incident reports each business day for timeliness and compliance with all other regulatory requirements.

# Individuals with Developmental Disabilities with High Risk Health Conditions

- Current SIR tracking implemented by the Office of Licensing ("OL") Incident
  Management Unit ("IMU") has revealed that there have been incidents regarding
  individuals with Developmental Disabilities (DD)) who have decubitus ulcers
  ("pressure injuries"), aspiration pneumonia, and falls that result in serious injuries.
- The OL distributed the finalized Guidance document entitled *Individuals with Developmental Disabilities with High Risk Health Conditions* in the packet sent to providers on June 5, 2020.
- This memo serves as a reminder of the importance for licensed providers to ensure that any individuals with DD, that have these identified health conditions, are appropriately supported based on their assessed identified needs. Providers shall ensure that they only accept individuals into their services who they can support and who meet their service description (12VAC35-105-580).

# Individuals with Developmental Disabilities with High Risk Health Conditions

- (12VAC35-105-520 C). A reminder that providers must conduct systemic risk assessment reviews at least annually and the assessment must include a review of serious incidents
- In addition, the guidance from DBHDS related to high risk conditions reminds providers that when reporting SIRs into the DBHDS Computerized Human Rights Information System ("CHRIS"), they should ensure that the correct diagnosis is selected, versus "unknown," when applicable

 Each business day the IMU CAP specialist will 'pull' a report to determine if any providers have not reported Level II and Level III serious incidents through the CHRIS system within the 24-hour timeframe.

- The IMU CAP specialist will issue a licensing report for all late submissions of serious incident reports into the CHRIS system, except
  - when a provider has notified IMU during the 24 hour reporting period,
  - and the provider had a valid reason for not reporting the incident in the CHRIS system during the 24 hour reporting period.

 The OL also monitors provider compliance with serious incident documentation and reporting requirements during all investigations and annual inspections.

• If a licensing specialist identifies a serious incident(s) during an annual inspection that should have been reported, but was not reported at all or was not reported within 24 hours of the discovery of the incident, and for which a licensing report has not already been issued, then the licensing specialist will issue a licensing report citing the provider for late reporting pursuant to 12VAC35-105-160.D.2. or 12VAC35-46-1070.C., as applicable.

## Writing a CAP

- Address the issue of late reporting in CAP:
  - a. Developing a systemic plan of action, ask the question, does this require updating policies, procedures, or forms, or conducting any needed training or retraining for staff, or other steps that could alleviate the problem and minimize the possibility that the violation will occur again;
  - b. Indicate the frequency for monitoring the plan including how it will be monitored (Ex: monthly audits, weekly chart reviews, quarterly check list); and
  - c. Providing written documentation to demonstrate compliance related to violation

# Questions



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# Case Management Non-reportable Death

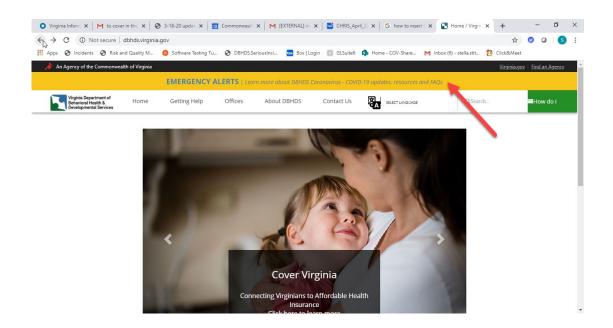
- The following criteria clarifies when not to report a death in CHRIS.
  - When an individual is not an ACTIVE admission to Developmental Disability
     Case Management Services at time of death
  - Individual is only receiving "consumer monitoring" or "consumer follow up" case management services at the time of death, then the death should NOT be reported via CHRIS.

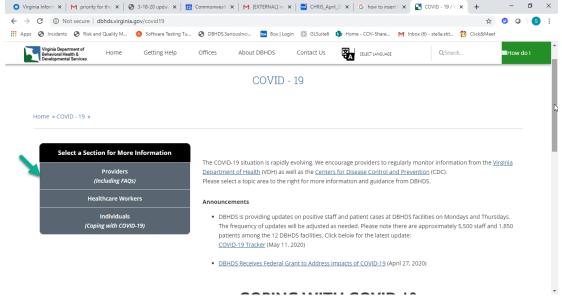
# Individuals Returning to a Service Program

- IMU has noticed multiple entries in CHRIS for the same individual. For the purpose of data collection it is important to only have one unique number for an individual.
- When an individual is discharged and readmitted into your service program do not create a new profile.
- Perform a search for the individual's name and update the demographic page to match the current information for the individual and then submit the new incident report.

#### COVID-19

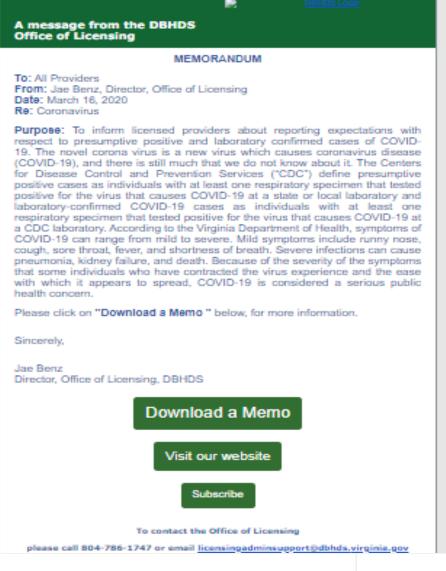
 DBHDS has a new webpage created to help with questions associated with COVID-19 at www.dbhds.virginia.gov/covid19





#### COVID-19

- DBHDS Office of Licensing (OL) sent out an email on March 16, 2020 to all providers about reporting verified cases of COVID-19
- The purpose of the correspondence was to inform licensed providers about reporting expectations with respect to presumptive positive and laboratory confirmed cases of the novel coronavirus (COVID-19).



### Confirmed Cases of COVID-19 in CHRIS

- Presumptive positive and laboratory confirmed cases of COVID-19 may be reported in CHRIS in one of several ways depending on the circumstances of the case. Depending on the circumstances of the case, the confirmed case may be reported as:
  - 1. An unplanned hospital admission, if the individual is admitted to the hospital;
  - 2. An unplanned emergency room or urgent care facility visit, when the individual is taken to the emergency room or an urgent care facility for diagnosis and/or treatment; or
  - 3. Any other event or circumstance that occurs or originates during the provision of a service or on the premises of the provider that results in significant harm or threat to the health and safety of an individual, if neither of the above occurred.

and 12VAC35-105-530(F)

Select the Level II
Incident which apply

*Level 2	
✓ AN UNPLANNED MEDICAL HOSPITAL ADMISSION	
AN UNPLANNED PSYCHIATRIC ADMISSION	
AN UNPLANNED EMERGENCY ROOM OR URGENT CARE FACILITY VISIT, WHEN NOT USED IN LIEU of primary care-The provider is not required to report if they have to take an individual to an urgent care facility of typically treated by a primary care physician because the individual's primary care physician is not accessible at	r emergency room for an issue
SERIOUS INJURY REQUIRING MEDICAL ATTENTION (OTHER THAN LEVEL 3) - Serious injury-Any injury harm, or loss that requires medical attention by a licensed physician, doctor of osteopathic medicine, physician	
A DIAGNOSIS OF A DECUBITUS ULCER - Decubitus Ulcer-Decubitus Ulcers, known as Pressure Injuries, a over a defined area, resulting in decreased blood flow to the area, causing the tissue to die.	re casued by unrelieved pressure
A DIAGNOSIS OF A BOWEL OBSTRUCTION - Bowel obstruction-An intestinal obstruction (complete or pa stool cannot move through the intestines. A bowel obstruction is different than constipation and must be diago	
A DIAGNOSIS OF ASPIRATION PNEUMONIA - Aspiration pneumonia-Pneumonia is a breathing condition infection of the lungs or large airways. Aspiration pneumonia occurs when food, saliva, liquids, or vomit is breatleading to the lungs.	-
AN INDIVIDUAL WHO IS MISSING - Missing-A situation where an individual is not physically present and of	cannot be accounted for.
INGESTION OF ANY HAZARDOUS MATERIAL - Ingestion is the act of taking something (food, medicine, through the mouth. Hazardous chemical is one which is a physical hazard or a health hazard.	liquid, poison etc.) into the body
CHOKING INCIDENT - A choking incident that requires physical aid by another person, such as abdominal blows, clearing the sirway, or CPR.	thrusts (Heimlich maneuver), back
ANY OTHER EVENT OR CIRCUMSTANCE THAT OCCURS OR ORIGINATES DURING THE PROVISION OF PREMISES OF THE PROVIDER THAT RESULTS IN A SIGNIFICANT HARM OR THREAT TO THE HEALTH A THAT DOES NOT MEET THE DEFINITION OF A LEVEL III SERIOUS INCIDENT.	

 Second – In the section titled "Did an injury, illness or condition occur?" select Yes.



 Next under Illness and Condition scroll down and select "Other Illness/Condition" (it is the last checkbox in the column). In the space below "If Other please describe" type in "Confirmed case of COVID -19".

*Did an injury, illness or condition occur?	○ No	● Yes					
Select any injuries, illnesses, or conditions that occurred (Select all that apply)							
Injury	Illness or Condition						
✓ OTHER ILLNESS/CONDITION - Other Illness/Conditionsted.	on, not otherwise						
Confirmed case of COVID-19							

- Please include the time Medical Attention was provided. In the "Description of Medical Treatment Provided and/or Finding". Provide the name of the health department jurisdiction notified about the confirmed case.
- Be sure to complete the following three sections in the report.
  - a. "\*Describe the consequences and risk of harm;
  - b. "External Notification made" and;
  - c. "Provider's Corrective Action"
- DBHDS uses this information to determine which providers may need assistance or support related to serving individuals with COVID-19. This information is also shared with Department of Justice and Department of Medical Assistance Services and information is posted on DBHDS website.

### Care Concerns

- The IMU reviews serious incidents on an individual level and systematically, to identify possible patterns/trends by an individual, a provider's licensed service and across providers.
- Through this review, the IMU is able to identify areas, based on serious incidents, where there is potential risk for more serious future outcomes.
- The IMU has identified these situations as Care Concerns. Incidents of individuals or providers who meet the following Care Concern criteria will trigger follow-up by the IMU.
- In addition, this information is shared with the Office of Integrated Health and the Office of Human Rights who may follow-up to provide technical assistance as appropriate

### Care Concerns

- Care Concerns may require reassessment or additional intervention to prevent unwanted outcomes. Incidents of individuals or providers who meet the following criteria will be further reviewed.
  - Individual Care Concerns
  - Provider Care Concerns

#### Individual Care Concern Criteria

- Three (3) or more unplanned medical hospitalization admissions, ER visits or psychiatric hospitalizations within a ninety (90) day time-frame for any reason.
- Multiple (2 or more) unplanned medical hospitalization admissions or ER visits for the same condition or reason that occur within a thirty (30) day time-frame.
- Any combination of 3 or more incidents of any type within a thirty (30) day time-frame.
- Multiple (2 or more) unplanned hospital admissions for: falls, choking, urinary tract infection, aspiration pneumonia, or dehydration within a ninety (90) day time-frame for any combination
- Any incidents of medically verified decubitus ulcers or bowel obstruction

#### Provider Care Concern Criteria

- Multiple (5 or more) serious incidents occurring at a licensed location within a 30 day time frame.
- Repeat citations (3 or more) for a provider who has failed to report Serious Incidents within required timeframes.

#### Care Concerns in CHRIS

 Care Concerns are identified on the "Death/Incident LSA (Licensing Specialist Action) Report" tab of CHRIS

Individual Death/Incident	Death/Incident LSA Report	
CHRIS VERSION 5.1		

#### I.Individual Care Concern Licensing Specialist Action (LSA) Notification

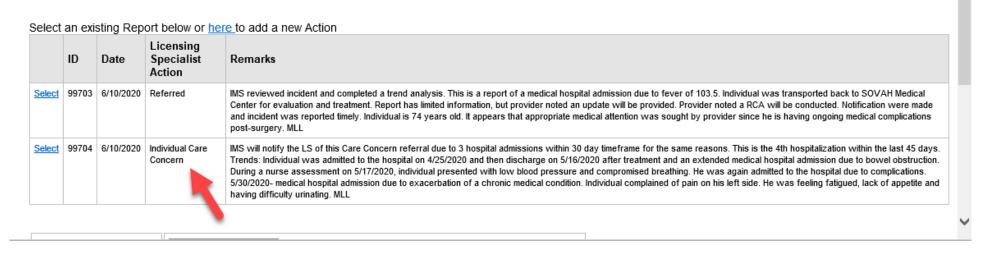
Based on current serious incident as well as a review of other recent incidents related to this individual, the Office of Licensing recommends the provider consider the need to re-evaluate the individual's needs as well as review the current individual support plan. Provider may want to review the results of root-cause analyses completed on behalf of this individual. In addition, please take this time to determine the appropriateness of making systemic changes such as revisions to policies or procedures and/or re-evaluating and updating your risk management and/or quality improvement plan. In addition, this information is shared with the Office of Integrated Health and the Office of Human Rights who may follow-up to provide technical assistance as appropriate

#### II. Provider Care Concern Licensing Specialist Action (LSA) Notification

Based on current serious incident as well as a review of other recent incidents occurring within this licensed service, the Office of Licensing recommends you may want to review your trend analysis for serious incidents as well as root-cause analyses completed on behalf of individuals receiving this service. Please take this time to determine and review the need for systemic changes such as revisions to policies or procedures and/or re-evaluating and updating your risk management and/or quality improvement plan. In addition, this information is shared with the Office of Integrated Health and the Office of Human Rights who may follow-up to provide technical assistance as appropriate

#### Care Concerns in CHRIS

 IMU will identify in the LSA when an incident has been classified as an "Individual or Provider Care Concern".



 In the area above the Licensing Specialist Actions are recommendations regarding individual and provider care concerns

# Individual Care Concern Licensing Specialist Action (LSA) Notification

Based on a current serious incident as well as a review of other recent incidents related to this individual, the Office of Licensing recommends the provider consider the need to re-evaluate the individual's needs as well as review the current individual support plan. Provider may want to review the results of root-cause analyses completed on behalf of this individual. In addition, please take this time to determine the appropriateness of making systemic changes such as revisions to policies or procedures and/or reevaluating and updating your risk management and/or quality improvement plan. In addition, this information is shared with the Office of Integrated Health and the Office of Human Rights who may follow-up to provide technical assistance as appropriate

## **Provider Care Concern Licensing Specialist Action (LSA) Notification**

Based on a current serious incident as well as a review of other recent incidents occurring within this licensed service, the Office of Licensing recommends you may want to review your trend analysis for serious incidents as well as root-cause analyses completed on behalf of individuals receiving this service. Please take this time to determine and review the need for systemic changes such as revisions to policies or procedures and/or re-evaluating and updating your risk management and/or quality improvement plan. In addition, this information is shared with the Office of Integrated Health and the Office of Human Rights who may follow-up to provide technical assistance as appropriate

# **CHRIS Report for Care Concerns**

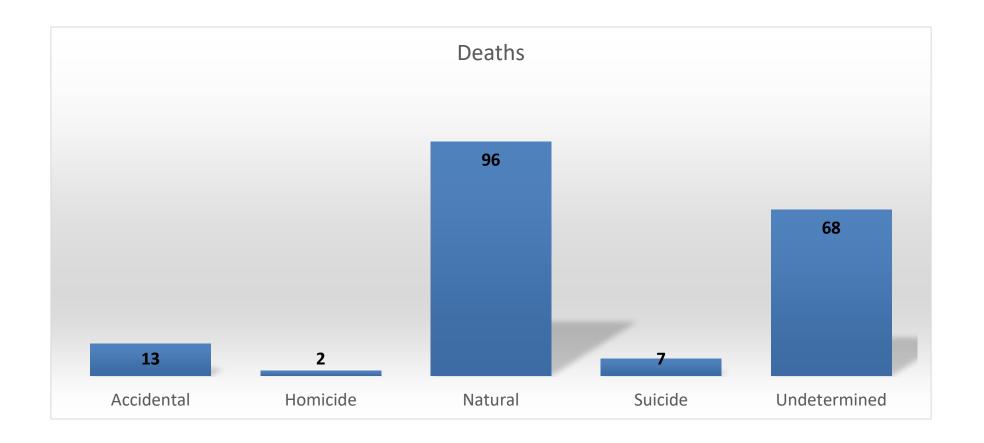
• There will be a new report placed in CHRIS by the end of June 2020, which will allow providers to pull up all incidents labeled as a Care Concern.

#### Data

- IMU will begin displaying data once a quarter on all the incidents that have been triaged.
- The data will consist of patterns and trends which may be used to identify opportunities for improvement.
- The data being displayed today covers incidents triaged from January 1, 2020 to March 31, 2020 in Regions 3, and 4 (Incident management did not roll out into Region 2 until May 1, 2020)

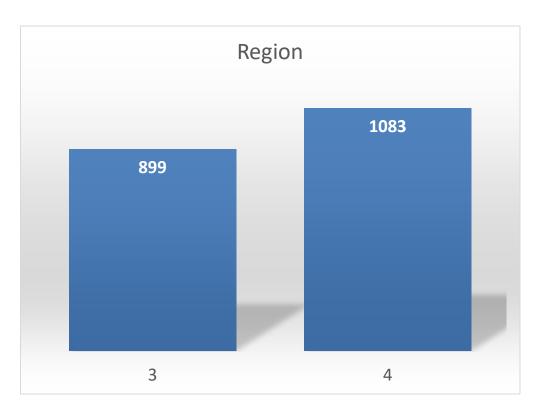
#### Deaths

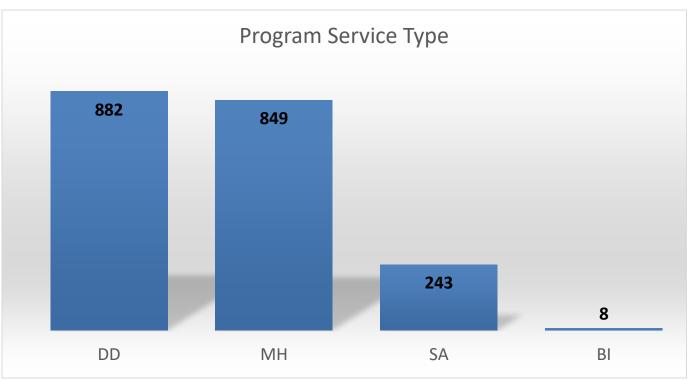
186 Deaths were reported during the 3<sup>rd</sup> Quarter of FY2020



## Incidents

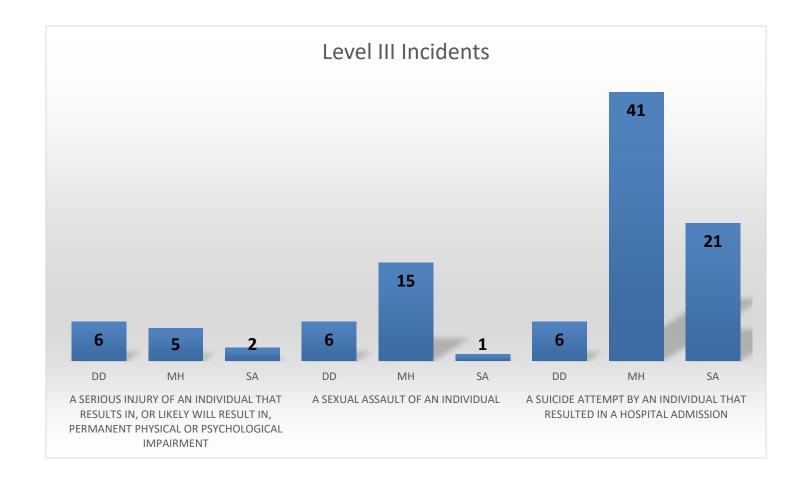
• Incident Management Unit triaged 1,982 incidents in 3<sup>rd</sup> quarter of FY20.





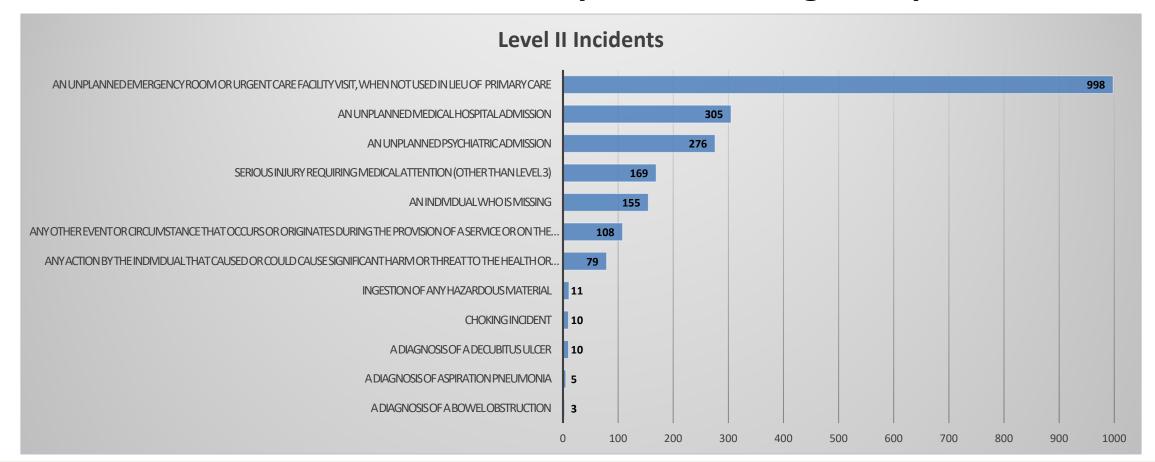
## Level III

- There were a total of 103 Level Three incidents reported.
  - DD 18
  - MH 61
  - SA 24



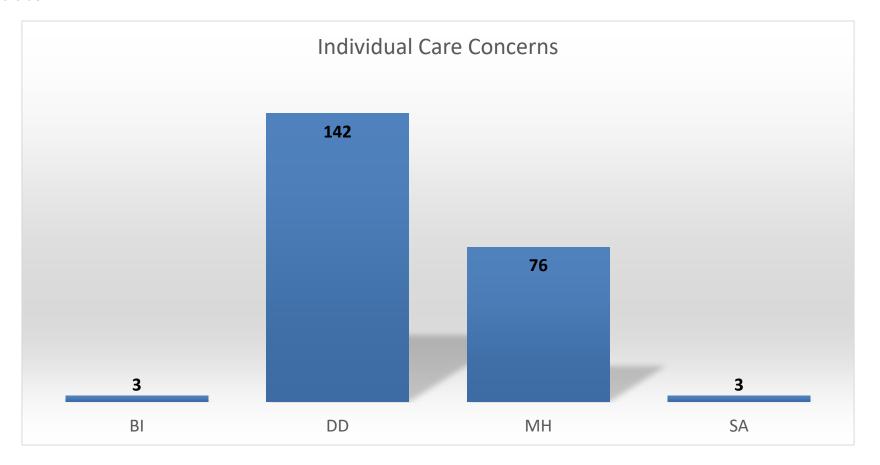
# Level II Developmental Disabilities (DD) Incidents

- There were a total of 2,129 Level II Incidents selected.
- Providers are able to select multiple Level categories per incident.



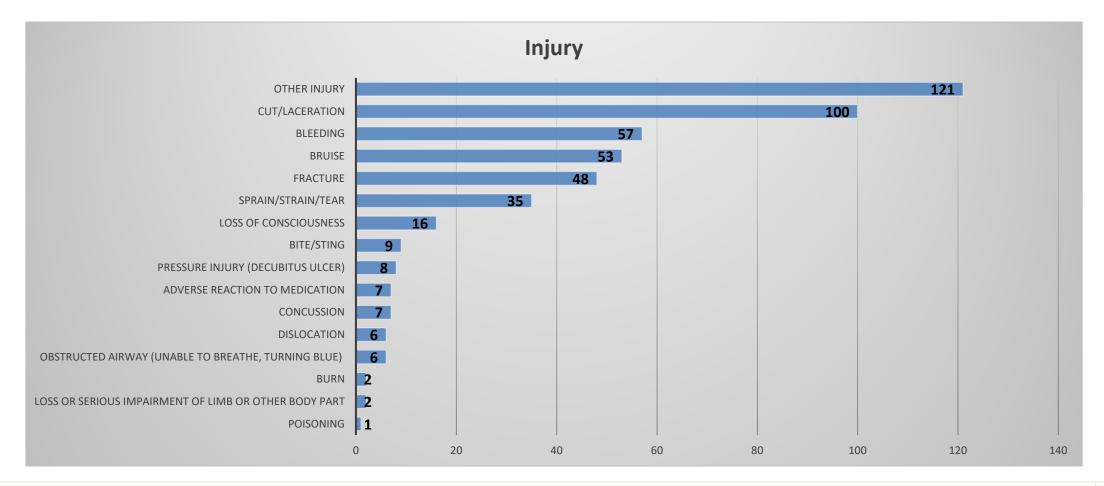
#### **Care Concerns**

• There were 224 incidents which met the criteria of a Individual Care Concern.



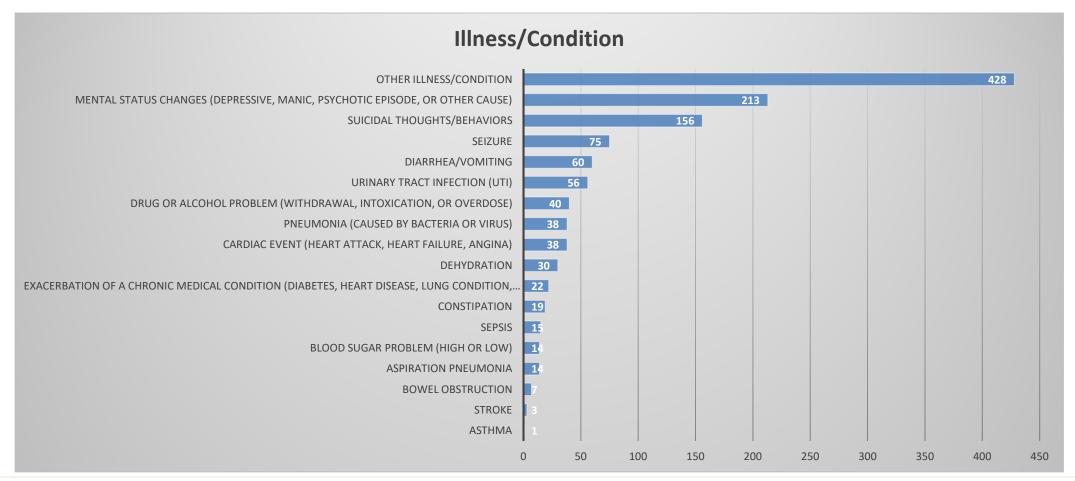
# **Injury Category**

• There were 478 injuries selected for incidents. Providers are allowed to select more than one.



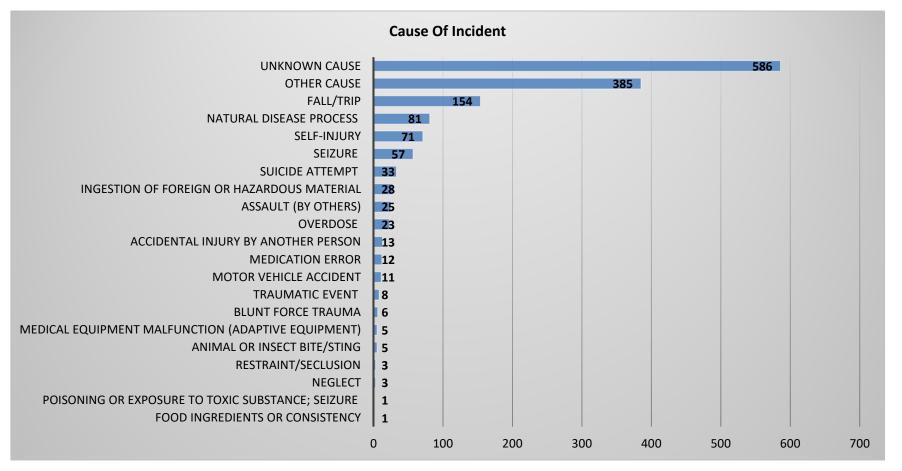
# Illness/Condition

• There were 1,229 illnesses/conditions selected for incidents. Providers are allowed to select more than one.



#### Cause of Incidents

• There were 1,511 causes of incidents selected for incidents. Providers are allowed to select more than one.

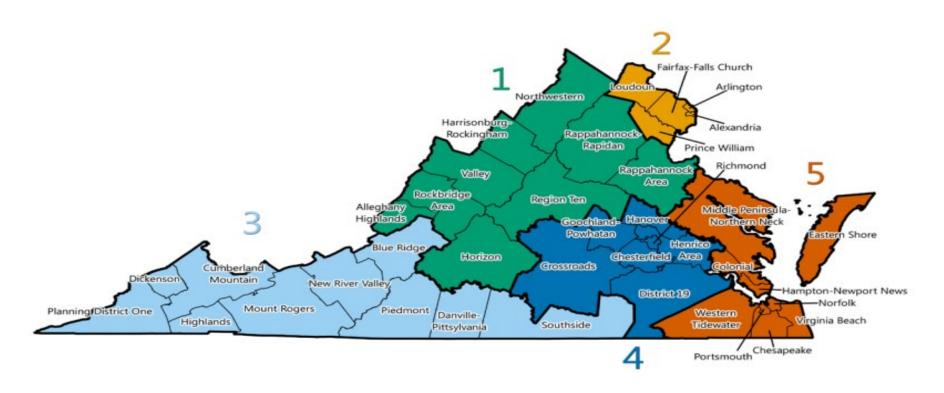


# Other Category

- The "Other" is still the highest selected for injury, illness/condition and cause of incident.
- The IMU team will be working with providers make sure when "other" is selected if there is no other "check box" associated with the information entered.

# Incident Management Unit

• The Incident Management Unit is currently triaging incidents in Regions 2,3, and 4. We will be rolling out into Regions 1 & 5 by August 2020.



# **Incident Management Contacts**

Incident Management Email: incident management@dbhds.Virginia.gov

Manager: Stella Stith- (804) 786-1377; stella.stith@dbhds.virginia.gov

Region 2: Lisa Lingat- (703)342-6521; <a href="mailto:lisa.lingat@dbhds.virginia.gov">lisa.lingat@dbhds.virginia.gov</a>

Region 3: Michele Laird- (804) 432-4822; michele.laird@dbhds.virginia.gov

Region 4: Jakuta Williams-(804) 664-2452; jakuta.williams@dbhds.virginia.gov

IMU Specialist: Lamar Spicely- (804) 510-3945; <a href="mailto:lamar.spicely@dbhds.virginia.gov">lamar.spicely@dbhds.virginia.gov</a>

IMU CAP Specialist: Sherry Miles-(804)432-6324; <a href="mailto:sherry.miles@dbhds.Virginia.gov">sherry.miles@dbhds.Virginia.gov</a>

# Questions



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# THANK YOU