

INCIDENT REPORTING

3 CREDITS

When failure to protect an individual is identified by anyone there shall be immediate action to prevent harm or death and mandatory reporting as required by State Mandatory Reporting Laws.

Advanced Personal Care requires all employees to report any incidents of abuse, or mistreatment to or by another staff member or professional, family member, the client, or any other person

- 1st Make sure your client is okay and provide medical care if needed**
- 2nd Call 911 or EMT if necessary**
- 3rd Call Family if available**
- 4th Call APC**

Abuse - the infliction of physical or mental injury on a recipient by other parties, including, but not limited to, such means as sexual abuse, exploitation, or extortion of funds, or other things of value, to such an extent that the individual's health, self-determination, or emotional well-being is endangered.

Adult – any person 60 years or older, any disabled person 18 years of age or older, or an emancipated minor.

Allegation of noncompliance - an allegation that an event has occurred or is occurring that has the potential for causing no more than minimal harm to a recipient or recipients.

Caretaker - any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, or other person providing a residence for the child.

Child – a person under 18 years of age who, prior to juvenile proceedings, has not been judicially emancipated or emancipated by marriage.

Complaint - an allegation that an event has occurred or is occurring and has the potential for causing more than minimal harm to a recipient or recipients. "An expression of dissatisfaction, pain, or resentment. A reason or cause for complaining: grievance. An illness, a law, a formal charge."

Exploitation - the illegal or improper use or management of an aged person's or disabled individual's funds, assets or property, or the use of an aged person's or disabled individual's power of attorney or guardianship for one's own profit or advantage.

Extortion - the acquisition of a thing of value from an unwilling or reluctant adult by physical force, intimidation, or abuse of legal or official authority.

Minimal harm - an incident that causes no serious temporary or permanent physical or emotional damage and does not materially interfere with the recipient's activities of daily living.

Neglect - the failure, by a care giver responsible for an adult's care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall, for that reason alone, be considered to be neglected or abused. The refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired. The inability of a parent or caretaker to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect. Whenever, in lieu of medical care a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. However, nothing herein shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.

Self-neglect - the failure, either by the adult's action or inaction, to provide the proper or necessary support or medical, surgical, or any other care necessary for his own well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be self-neglected.

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Sexual abuse - any non-consensual sexual activity between a recipient and another person without regard to consent or injury. Abuse includes any non-consensual sexual activity between a recipient and another person, or any sexual activity between a recipient and another recipient or any other person when the recipient lacks the capacity to give consent. Sexual activity includes, but is not limited to: kissing, hugging, stroking, or fondling with sexual intent; oral sex or sexual intercourse; insertion of objects with sexual intent; request, suggestion, or encouragement by another person for the recipient to perform sex with any other person when recipient lacks the capacity to refuse

Trivial report - a report of an allegation that an incident has occurred to a consumer or consumers that causes no physical or emotional harm and has no potential for causing harm to the recipient or recipients.

Reporting Protection: Any person, other than the person alleged to be responsible for the violation, who in good faith submits a report shall have immunity from any civil liability that otherwise might be incurred or imposed because of such report.

Such immunity shall extend to participation in any judicial proceeding resulting from the complaint.

Any person who in good faith makes a report, cooperates in any investigation arising as a result of such report, or participates in judicial proceedings, or any caseworker who in good faith conducts an investigation, makes an investigative judgment or disposition, or releases or uses information for the purpose of protecting a child, shall have immunity from civil or criminal liability that otherwise might be incurred or imposed.

Penalties for not Reporting: Any person who knowingly and willfully fails to report shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.

Any person who knowingly files a false report of abuse or neglect shall be fined not more than one thousand dollars, imprisoned with or without hard labor for not more than a year, or both.

Any person who, under Children's Code Article 609(A), is required to report the abuse or neglect or sexual abuse of a child and knowingly and willfully fails to so report shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

Any person who reports a child as abused or neglected or sexually abused to the department or to any law enforcement agency, knowing that such information is false, shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

Critical reports are those, which allege the individual is:

- Abused
- Neglected
- Exploited
- Extorted
- Suffers from self-neglect
- Has suffered serious harm or physical injury (explained and/or unexplained) which if untreated may result in permanent physical damage or death

Other situations considered critical incidents include, but are not limited to:

- Involvement with law enforcement agencies
- Serious illness requiring more than basic first aid
- Instances of unauthorized use of restraints
- Change in status requiring EMS response
- An ER visit, and/or hospitalization/rehab facility or nursing home (for 30 days or less for treatment)
- Missing or whereabouts unknown
- Death of recipient, regardless of cause

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Examples include, but are not limited to:

- Head injuries
- Spinal injuries
- Severe cuts
- Broken limbs
- Severe burns
- Internal injuries
- Physical and sexual abuse where there is danger of repeated abuse
- Situations where medical treatment, medications (including over-the-counter medications) or Nutrition necessary to sustain the individual are not obtained or administered
- Unreasonable confinement or restraint

When determined critical, Advanced Personal Care Direct Support Staff will immediately ensure the health and welfare of the recipient, contact Advanced Personal Care and complete a Critical Incident Form within 2 hours of first knowledge.

Advanced Personal Care Direct Support Staff will report non-critical incidents within 24 hours of first knowledge of the incident to the Case Supervisor.

Non-critical incidents shall be reported on Advanced Personal Care's applicable form.

Non-critical incidents include those incidents that occur but are not a crisis or critical situation and do not cause long-term physical or mental concerns, and/or are trivial in terms of severity. Non-critical incidents may include, but are not limited to:

- Incidents that do not require a doctor's visit, emergency room visit or admission to a hospital nursing home, or ICF/MR
- Admissions to a hospital for routine or planned visits (frequent shunt repair, surgery, dental work, lab work, chemotherapy treatments)

Other examples of non-critical incidents may include, but are not limited to:

- Scraping of hands, knees, elbows, etc., from tripping or falling
- Picking at toenails, fingernails, or skin
- Calling someone names
- Pricks or minor unintentional cuts with kitchen utensils during normal use
- Paper cuts
- Bleeding of tooth or gums due to dental concerns
- A move out of state, a voluntary admission to a nursing home, ICF/MR
- Insect bites

KEEP FOR YOUR RECORDS

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RETURN TO APC

Employee Printed Name: _____

Date: _____ **Time Started:** _____ **Time Finished:** _____

1. Advanced Personal Care requires _____ employees to report any incidents of abuse, mistreatment to or by another staff member or professional, family member, the client, or any other person

2. What are the 4 steps when reporting abuse:

a. _____

b. _____

c. _____

d. _____

3. Define:

a. Abuse: _____

b. Adult: _____

c. Caretaker: _____

d. Complaint: _____

e. Neglect: _____

4. What are the penalties for not reporting incidents?

5. Are you supposed to report all incidents even if you were not working when they occurred? Yes No

6. If your client goes to the ER for a fall and is admitted – when do you report this to APC?

REMEMBER:

ALL INCIDENTS MUST BE REPORTED TO APC

NO MATTER WHAT TIME OF DAY:

CALL 433.6611

PRESS 0

LEAVE A MESSAGE!!!!