

New Mexico Aging & Long-Term Services Department (ALTSD)
Elderly and Disability Services Division (EDSD)
Mi Via CRITICAL INCIDENT MANAGEMENT REQUIREMENTS
FOR STATE CONTRACTORS & their subcontractors
serving NF populations* Disabled & Elderly/CoLTS, Brain Injury

DEFINITION

Incident Management refers to the reporting and prevention of abuse, neglect, and exploitation of Participants served in Medicaid-funded, community-based service programs. Incident Management also includes the reporting of Participant involvement with law enforcement or emergency services; the reporting of environmental hazards that compromise the health and safety of a Participant; and reporting the death of a Participant. Incident Management includes the policies and procedures a Contractor/subcontractor develops to address and respond to incidents; the training it provides to staff and measures the agency takes to improve the quality of care provided to ensure the health and safety of participants served in the Mi Via program.

INCIDENT MANAGEMENT PRINCIPLES

- Participants should have a quality of life that is free of abuse, neglect, and exploitation;
- Staff must be competent and trained to respond to, report, and document incidents, all in a timely and accurate manner;
- Any individual who, in good faith, reports an incident or makes an allegation of abuse, neglect, or exploitation will be free from any form of retaliation;
- A Contractor's (or subcontractor's) incident management system must emphasize prevention and staff involvement in order to provide safe environments for the individuals they serve;
- Quality starts with those who work most closely with persons receiving services.

REPORTABLE INCIDENTS

For Adults, 18 and older:

1. **Abuse, Neglect, and Exploitation**
 - a. **Abuse** is defined as *the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish to a consumer.*
 - b. **Neglect** is defined as *the failure to provide goods and service necessary to avoid physical harm, mental anguish, or mental illness to a consumer.*
 - c. **Self-Neglect** is defined as *an act or omission by an incapacitated adult that results in the deprivation of essential services or supports necessary to maintain...minimal mental, emotional or physical health and safety;*
 - d. **Exploitation** is defined as *the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a consumer's belongings or money without the consumer's consent.*
2. **Death**
 - a. **Unexpected Death** is a death *caused by an accident or an unknown or unanticipated cause.*
 - b. **Natural/Expected Death** is a death *caused by a long-term illness, a diagnosed chronic medical condition, or other natural/expected conditions resulting in death.*
3. **Other Reportable Incidents**
 - a. **Environmental Hazard** is defined as *an unsafe condition that creates an immediate threat to life or health of a consumer.*
 - b. **Law Enforcement Intervention** is defined as *the arrest or detention of a person by a law enforcement agency, involvement of law enforcement in an incident or event, or placement of a person in a correctional facility.*
 - c. **Emergency Services** refers to *admission to a hospital or psychiatric facility or the provision of emergency services that results in medical care, that is not anticipated for this consumer and that would not routinely be provided by a primary care provider.*

4. **Medicaid Fraud:** The intentional deception or misrepresentation that an individual knows, or should know to be False, or does not believe to be true, and makes, knowing the deception could result in some unauthorized benefit to himself or some other persons(s); Definition by Centers for Medicare & Medicaid (CMS).

REPORTABLE INCIDENTS

It is important for every person to take child abuse and neglect seriously and to be able to recognize when it happens. Abuse and neglect may be physical, sexual or emotional.

Definitions of Abuse and Neglect (Abuse and Neglect Act (32A-4-A, NMSA, 1978))

For Children, under 18 years:

1. **Physical Abuse includes:**
 - a. *Cases in which a child exhibits evidence of a skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of a bone, subdural hematoma, tissue swelling or death, AND,*
 - b. *There is not a justifiable explanation for the condition or death.*
2. **Sexual Abuse includes:**
 - a. *Criminal sexual contact*
 - b. *Incest or criminal sexual penetration*
 - c. *Sexual exploitation (acts such as allowing, permitting or encouraging a child to engage in prostitution or obscene or pornographic photographing, or filming a child for obscene or pornographic commercial purposes)*
3. **Neglect includes:**
 - a. *The abandonment of a child by a parent or guardian or custodian.*
 - b. *The failure of a parent, guardian or custodian to provide the child with proper parental care and control or subsistence, education, medical or other care or control necessary for the child's well-being.*
 - c. *When a child is physically or sexually abused and the child's parent, guardian or custodian knew or should have known of the abuse and failed to take reasonable steps to protect the child from further harm.*
 - d. *Parental inability to discharge their responsibilities to and for the child because of parental incarceration, hospitalization, or physical or mental disorder or incapacity.*
4. **Death:**
 - a. *Unexpected Death is a death caused by an accident or an unknown or unanticipated cause.*
 - b. *Natural/Expected Death is a death caused by a long-term illness, a diagnosed chronic medical condition, or other natural/expected conditions resulting in death.*
5. **Other Reportable Incidents:**
 - a. **Environmental Hazard** is defined as an unsafe condition that creates an immediate threat to life or health of a consumer.
 - b. **Law Enforcement Intervention** is defined as the arrest or detention of a person by a law enforcement agency, Involvement of law enforcement in an incident or event, or placement of a person in a correctional facility.
 - c. **Emergency Services** refers to admission to a hospital or psychiatric facility or the provision of emergency services that results in medical care, that is not anticipated for this consumer and that would not routinely be provided by a primary care provider.
6. **Medicaid Fraud:** The intentional deception or misrepresentation that an individual knows, or should know to be False, or does not believe to be true, and makes, knowing the deception could result in some unauthorized benefit to himself or some other persons(s); Definition by Centers for Medicare & Medicaid (CMS).

NM ALTSD EDS
Mi Via CRITICAL INCIDENT REPORTING REQUIREMENTS
NF* Level of Care for Disabled & Elderly/CoLTS and Brain Injury populations

First and foremost, always ensure the safety of the participant.

1. ADULT PROTECTIVE SERVICES: The New Mexico Adult Protective Services (APS) Act mandates: *Any person having reasonable cause to believe an incapacitated adult is being abused, neglected, or exploited shall immediately report that information to the department.*

Incidents involving suspected/alleged abuse, neglect, and exploitation must be referred immediately to:

Adult Protective Services Intake, 24 hours a day, 7 days a week

Telephone: **1-866-654-3219**

Facsimile: 1-505-476-4913

2. CHILD PROTECTIVE SERVICES: All individuals are required by the Children's Code, Section 32A-4-3(A) NMSA 1978 to report suspected child abuse or neglect immediately to SCI or law enforcement if he or she knows, or has a reasonable suspicion that a child has been abused or neglected.[8.10.2.9 NMAC - Rp, 8.10.2.9 NMAC, 03/31/10]

CYFD Statewide Central Intake child abuse hotline (1-800-797-3260); 24 hours a day, 7 days a week
Law Enforcement or the appropriate **Tribal Entity**.

3. MEDICAID FRAUD: Fraud can take many forms including participant exploitation. All Mi Via provider agencies are responsible for preventing, reporting, and responding to Medicaid Fraud. If you know anyone committing Medicaid Fraud or are not sure if something constitutes Medicaid Fraud, please contact: NM Human Services Department/Medical Assistance Division, Quality Assurance Bureau: 505-827-3100; FAX 505-476-7040; email NMMedicaidFraud@state.nm.us

4. MANAGED CARE ORGANIZATION-AMERIGROUP or EVERCARE:

All incident reports must be submitted to the Managed Care Organization of the Participant (Amerigroup or Evercare) within 24 hours of the agency learning of the incident.

Incidents can be faxed to Amerigroup, 1-866-920-8354 or Evercare, 1-866-751-2449.

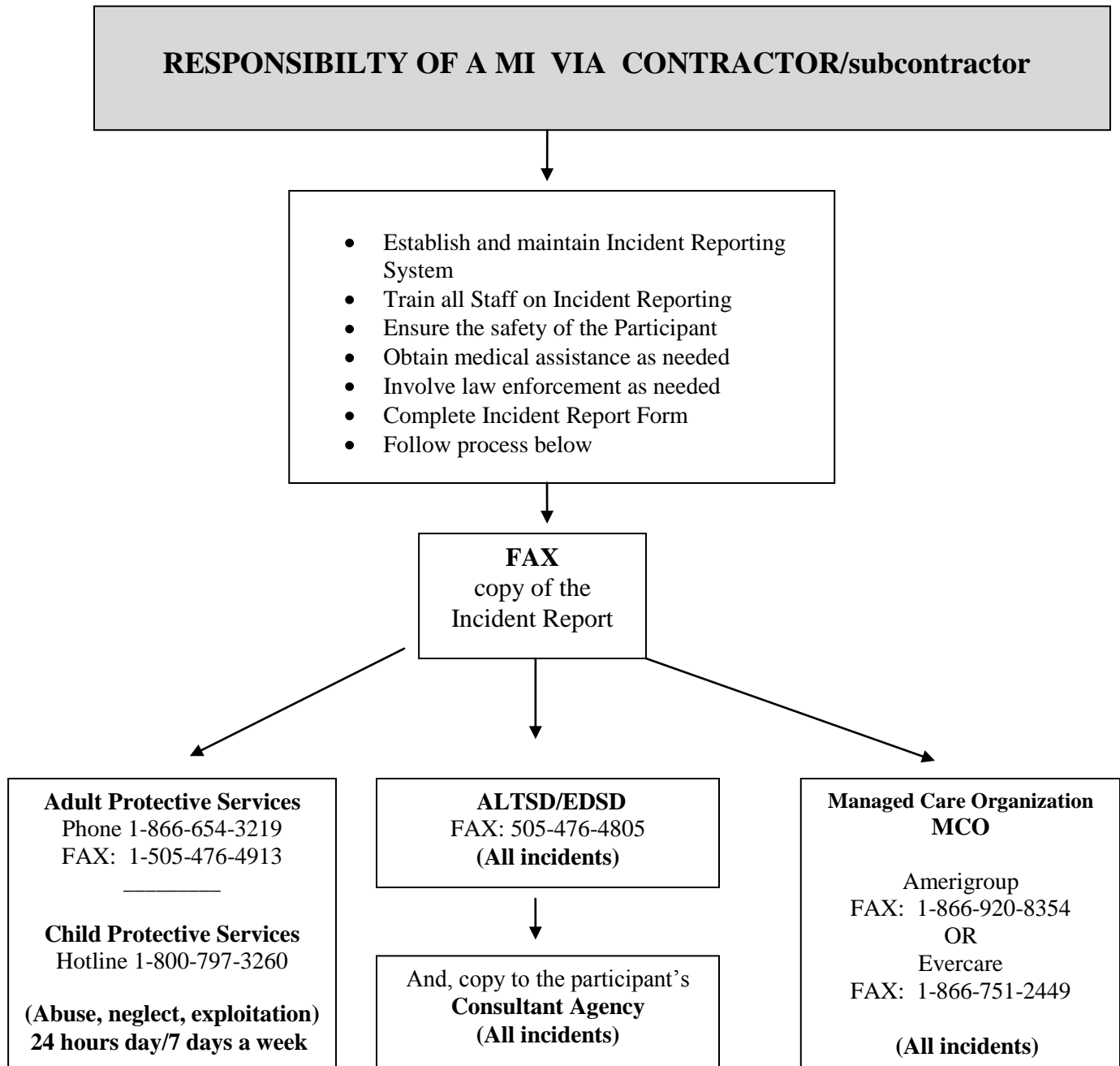
5. AGING AND LONG TERM SERVICES DEPARTMENT/ELDERLY AND DISABILITY SERVICES DIVISION: **All incident reports** must be submitted to ALTSD/EDSD within 24 hours of the agency learning of the incident. FAX Incidents to EDS at 505-476-4805.

~

*Mi Via NF Waiver categories to follow these Incident Management Reporting Requirements include: 91 Disabled & Elderly (aged); 92 Brain Injury; 93 Disabled & Elderly (blind); and 94 Disabled & Elderly (disabled).



Incident Reporting Requirements for MiVia Contractor & subcontractors MiVia NF Level of Care – Disabled and Elderly/CoLTS, Brain Injury



If you suspect Medicaid Fraud: FAX to 505-476-7040 HSD MAD/QA Bureau; NMMedicaidFraud@state.nm.us

Community-based Waiver funded individuals who are being served by agencies that are contractors with DOH must Also fax the incident report to DOH/DHI.