



Paul R. LePage, Governor

Aging and Disability Services

*An Office of the
Department of Health and Human Services*

Ricker Hamilton, Commissioner

***NEW**

REPORTABLE EVENTS RULE

Reportable Events Rule

- Changes to the Reportable Events Rule have been adopted and will be effective **Monday, May 28, 2018.**
- Goals of this Rule are:
 1. Identify events that need attention;
 2. Ensure key people are made aware;
 3. Initiate a response to ensure health & safety;
 4. Allow the Department of Health & Human Services and Providers to recognize and analyze patterns and trends to help improve service delivery.

The Reportable Events Rule, 14-197 CMR Ch. 12, can be found at:

<http://www.maine.gov/sos/cec/rules/10/chaps10.htm> There may be a slight delay to updates on this page. As on 05/24/2018, the Rule can be accessed at <http://www.maine.gov/dhhs/oads/news/index.html>

Who Must Report

- ***Any Required Reporter***

- Definition of Required Reporter:

“Any individual involved in the support of an Individual Receiving Services, including but not limited to Mandated Reporters.”

14-197 C.M.R. Ch. 12, Section 1 (25)

- Individual Receiving Services is an adult with a Developmental Disability, such as Intellectual Disability or Autism Spectrum Disorder, or an adult with an Acquired Brain Injury.

For more information, please see *14-197 C.M.R. Ch. 12, Section 1 (11)*



Reporting

- Required Reporters need not have witnessed the event in order to report. They may use secondhand information when filing a Reportable Event.
- When multiple people witness or become aware of the event, only ONE report is required. All other individuals involved are responsible for ensuring that it has been reported.
- No one may impede the reporting of Reportable Events.

Abuse, Neglect, Exploitation

- Any known or suspected abuse, neglect or exploitation of an adult must be reported immediately through:

Adult Protective Services Central Intake

1-800-624-8404

The event categories related to Abuse, Neglect, and Exploitation should no longer be used in the Reportable Events System (EIS). These categories will be removed from EIS with the update scheduled for July 1, 2018.

Training on Adult Protective Services is provided on a regular basis. To register go to:
<http://www.maine.gov/dhhs/setu/oads-sponsored-training.shtml>

Training related to Mandated Reporters may be found at:
<http://www.maine.gov/dhhs/oads/aps-guardianship/index.html>

What Must Be Reported

14-197 C.M.R. Ch. 12

- i. Death;
- ii. Suicide Attempt;
- iii. Suicide Threat which indicates a present intention to end his or her life and a plan to end his or her life;
- iv. Emergency Department Visit;
- v. Planned or unplanned hospital admission, including observation status;

What Must Be Reported

continued...

vi. Medication Error that leads to a health or safety concern of a serious and immediate nature due to any of the following:

- (a) Refusal to take a prescribed medication;
- (b) Taking medication in an incorrect dosage, form, or route of administration;
- (c) Taking medication in an incorrect schedule;
- (d) Taking medication that was not prescribed;
- (e) An allergic reaction to a medication; or
- (f) Incorrect procedure followed for assisting an Individual Receiving Services with self-medication.

What Must Be Reported

continued...

- vii. Medical treatment outside of a Hospital setting provided Emergency Medical Services beyond first aid;
- viii. Serious Injury (Individual requires treatment beyond first aid);
- ix. Lost or missing Individual;
- x. A Physical Plant disaster including, fire, natural disaster, or other event causing displacement due to the condition of the Physical Plant;

What Must Be Reported

continued...

xi. Law Enforcement Intervention involving any of the following:

(a) An Individual Receiving Services is charged with a crime or is the subject of a police investigation;

(b) An Individual Receiving Services is a victim of a crime and law enforcement has been contacted regarding the crime; or

(c) Law Enforcement personnel have been contacted as a result of a planned strategy or unplanned crisis situation.

What Must Be Reported

continued...

xii. Transportation accident involving any of the following:

When an Individual Receiving Services is

- (a) a pedestrian or cyclist involved in a traffic accident;
- (b) a passenger in a motorized vehicle or on a watercraft involved in an accident; or
- (c) involved in any accident involving a motorized vehicle.

What Must Be Reported

continued...

xiii. Physical assault or altercation involving any of the following:

When an Individual Receiving Services

(a) initiates a physical altercation with another individual(s) (including staff, another Individual Receiving Services, or any other member of the community);

(b) is physically assaulted by another Individual Receiving Services.

What Must Be Reported

continued...

- xiv. Use of Emergency Restraint (not as part of an approved behavior plan pursuant to 14-197 C.M.R ch. 5) on an Individual Receiving Services;
- xv. Rights Violation involving any action or inaction that deprives an Individual with an intellectual disability or autism of any of the rights or basic protections described in 34-B M.R.S. 5605;
- xvi. Individual is in a dangerous situation posing an imminent risk of harm to self or others not included in any categories listed above.

Reportable Event Reporting

Reporting a Reportable Event to the Department does not:


- relieve any person or Provider of any other duties under statute or regulation...including duties to report known or suspected Abuse, Neglect, or Exploitation through APS Central Intake or duties to report to law enforcement.
- relieve any person or Provider of any other duties related to ensuring the health, safety, and welfare of Individuals Receiving Services.

When Must a Report Be Made

- All Reportable Events are to be reported as soon possible within one (1) business day of the Reportable Event.
 - *If the Required Reporter does not have access to the Reportable Event Database within one business day from the time of the event, a report shall be faxed to the Department.*



How to Report

- Reportable Events are to be reported through the Reportable Event Database (EIS).
 - A Required Reporter shall provide known information in all the required fields, including the immediate response(s) used to protect the health and safety of the Individual Receiving Services.
 - Required Reporters shall specify all categories identified that apply within the Reportable Events Database.
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Reportable Event Internal Review & Remediation

- The Provider shall conduct an Internal Review of the circumstances of the Reportable Event involving an Individual under their care.
 - *The Internal Review may involve:*
 - *Communication with the Individual, if appropriate;*
 - *Communication with any witnesses to the Reportable Event, if appropriate;*
 - *Survey of the area where the Reportable Event occurred, if appropriate.*

Reportable Event Internal Review & Remediation

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- The Provider and the Individuals Case Manager/Care Coordinator shall communicate and work cooperatively to determine the cause of the event and identify potential Remediation Action Steps.
- After the Internal Review, the Provider determines what, if any, Remediation Action Steps will decrease the likelihood that such an event will reoccur.

Provider Reportable Event Follow-up

- *Provider submits a Follow-up Report in the Reportable Events Database outlining the following:*
 - Date and time of event – if not reported within one business day, then explain why;
 - Summary of circumstances that resulted in the Reportable Event;
 - Outline of any Remediation Action Steps taken – including dates of implementation and persons responsible for implementing each step;

Provider Reportable Event Follow-up


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- Outline of any future Remediation Action Steps – including planned dates of implementing and persons responsible for implementing each step;
- If no Remediation Actions Steps have been or will be taken explain why steps were not necessary;
- Submit into the Reportable Events Database no later than 30 calendar days from date of event.



Case Manager & Care Coordinator Reportable Event Follow-up

The Case Manager/Care Coordinator:

- Reviews the Reportable Events Database;
 - Determines if Provider Follow-up Report has been completed;
 - Consults with Individual Receiving Services on any Remediation Action Steps taken or to be taken by the Provider, in a manner that shows inclusion and informed consent of the Individual and legal guardian as appropriate;
 - Ensures Remediation Action Steps are reflected in the Person-Centered Plan, as necessary
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Case Manager & Care Coordinator Follow-up

- *In the case of a death of an Individual Receiving Services, the Case Manager/Care Coordinator shall*
 - Complete Mortality Review Form within the Reportable Events Database within 10 days of the Reportable Event.
 - If the Case Manager/Care Coordinator is not available, then their Supervisor shall complete and submit within the required timeframe.

Follow-up on Rights Violations

- The Protection & Advocacy Agency (Disability Rights Maine) shall have access within the Reportable Events Database to all Rights Violations.
- The Protection & Advocacy Agency will investigate any Reportable Event that involves alleged Rights Violations.
- Providers must cooperate fully with the Protection & Advocacy Agency during any investigation into Rights Violations.



Department & Provider Aggregate Review

- Providers will conduct trend analysis of Reportable Event data at least quarterly to identify areas where services can be improved to ensure health and safety of Individuals.
- The Department will meet quarterly with Providers to discuss data collected during the previous quarter.

Department & Provider Aggregate Review

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- *Discussion of Reportable Event data includes, but is not limited to:*
 - Total number of Reportable Events during the quarter;
 - Any identified trends and patterns;
 - Increases and decreases in number and types of Reportable Events from previous quarters or years;
 - Adequacy, effectiveness and timeliness of Provider's Reviews, Remediations, and Follow-up Reports;
 - Comparison of trend analysis done by the Department with trend analysis done by the Provider.

Questions

- Any questions regarding the implementation of the new Reportable Events Rule can be directed to Alecia Swihart at (207)287-7288 or oads@maine.gov