



Reporting Critical Incidents Including Abuse, Neglect and Exploitation

Training for Care Providers of Long Term Services and Supports* 2016/2017

*Home and Community-based Services

What Is a Critical Incident?



A critical incident is any event that harms or could potentially harm an individual being served by you and/or your program, including:

- Abuse, neglect or exploitation
- Unauthorized restraint or seclusion
- Serious injuries that require medical intervention
- Criminal victimization
- Medication errors
- Possible unexplained death

Your Duty to Report

As an employee or owner of a home-and community-based service provider, you are legally required to report any knowledge or suspicion of abuse, neglect or exploitation to the Texas Department of Family and Protective Services (DFPS) immediately, within one hour of becoming aware. To report:



Call: 800-647-7418



Go to: [TXAbuseHotline.org](https://www.txabusehotline.org)

Texas law requires professionals such as teachers, doctors, nurses or daycare workers to make a verbal report within 48 hours. Failure to report suspected child abuse or neglect is a misdemeanor punishable by imprisonment of up to 180 days and/or a fine of up to \$2,000 ([Texas Family Code, Chapter 261](#)).

Recognizing Physical Abuse

Physical abuse is an act that intentionally causes physical injury or death, including:

- Use of excessive force
- Physical punishment
- Use of chemical or body restraints

Warning signs may include:

- Frequent bruising, cuts, black eyes or burns
- Frequent complaints of pain without obvious injury
- Passive, withdrawn, emotionless behavior or fear

Recognizing Sexual Abuse

Sexual abuse, in this context, includes any act by a service provider that has sexual intent, including:

- Consensual or nonconsensual sexual conduct
- Assault with intent to commit sexual abuse
- Invasion of privacy, nudity
- Taking or displaying photos of a person's unclothed private body areas for a purpose not related to treatment, diagnosis or as part of an ongoing investigation

Warning signs may include:

- Sexually-transmitted diseases
- Pregnancy
- Passive, withdrawn, emotionless behavior or fear
- Sexually suggestive, inappropriate or promiscuous behavior
- Sexual victimization of other members in the home or service location

Recognizing Verbal Abuse

Verbal abuse is using words with the intention to hurt, including:

- Cursing
- Insulting
- Threatening physical or emotional harm

Warning signs include:

- Not wanting to work with the staff member who verbally abused them
- Angry outbursts
- Depressed mood
- Crying

Recognizing Neglect

Neglect is the act of harming a person by not acting in the interest of their well-being, such as:

- Withholding food, clothing or shelter
- Putting a member in or not removing them from a dangerous situation
- Not taking the member to the doctor when necessary
- Not giving prescribed medication

Warning signs include:

- Obvious lack of nutrition (losing weight, weakness, hunger)
- Lack of personal cleanliness
- Obvious fatigue and listlessness
- Medical injury or decline

Recognizing Exploitation

Exploitation is taking unfair advantage of a member's physical or financial resources for personal profit. Examples include:

- Stealing
- Forcing a member to give something of theirs to someone else
- Lying or keeping important information from a member about their resources that they should know. For example, they may have received an unexpected check.

Warning signs include:

- Missing items
- Member lacking knowledge of their financial resources (if mature enough to know)
- Member lacking basic needs (such as clothes, other personal items)
- Unpaid bills when resources should be adequate

What Are Restraints?

- **Physical** – Any method, except for physical guidance or prompting, that restricts movement, functioning or access to all or any part of the person's body.
- **Mechanical** – Any device, material or equipment that restricts movement for the purpose of controlling or restricting behavior and that cannot be easily and freely removed by the person being restrained.
- **Chemical** – A medication used to control behavior or restrict movement that is not a standard treatment for a medical or psychological condition of the person being restrained.

Restraining

Physical restraint should only be used in situations where the member's behavior poses immediate danger of serious physical harm to self or others.

Restraint and seclusion should be avoided to the greatest extent possible without endangering the safety of the member and others.

Members have the right to not be restrained or secluded for someone else's convenience. Restraint can not be used as a form of punishment or as a way to get someone to do something against their will.



Seclusion is also not acceptable as a form of restraint.

Necessary Restraining

Appropriate use of restraints must be documented, including any necessary behavior support plans. Any staff involved in restraining must be fully trained regarding the use and alternatives of restraint in accordance with the Texas Administrative Code (Chapter 40, Part 1, Chapter 9, Rule 911.7).

Restraining does not need to be reported as a critical incident if it is included in the member's individualized care plan (ICP), which must include details such as how and when restraints are used and appropriate safety measures.

Restraining that is not documented in the ICP or that is imposed in a manner not according to the ICP is a critical incident that must be reported.

Reporting to the Department of Family and Protective Services (DFPS)



You do not bear the responsibility of determining whether your suspicions of abuse, neglect or exploitation are true. A trained investigator will evaluate the member's situation.

- **DON'T** try to investigate.
- **DON'T** confront the abuser.
- **DO** report your reasonable suspicions.

Report to DFPS immediately, if possible, within one hour of knowledge or suspicion by calling **800-647-7418** or going to [TXAbuseHotline.org](https://www.txabusehotline.org).

Assessing Danger

If a DFPS investigator determines the member is in immediate threat of serious physical harm or death, you or the service provider director or owner will be asked to take action to help ensure the member's safety.



If you determine a member is in immediate danger, call 911 before calling DFPS.

Reporting to the Texas Department of Aging and Disability Services (DADS)



In addition to reporting to DFPS, the program owner or director must report to DADS by entering the critical incident data in the DADS online **Client Assignment and Registration (CARE) System**.

This needs to be reported no later than 30 calendar days after the last day of the month being reported.

What to Report to DADS

Report critical incidents monthly to DADS, including:

- 911 calls made by staff
- Emergency room and hospital admissions
- Allegations of abuse, neglect and exploitation
- Medication errors, such as wrong medication or wrong dose
- Serious injury, such as a cut requiring stitches, concussion, burn, etc.
- Physical, mechanical or chemical restraint
- Unauthorized departures from program by member
- Arrests of individuals by law enforcement
- Deaths (Report by the end of the next business day following the death or the program provider's learning of the death to DADS.state.tx.us > Doing Business with DADS > Provider Incident Self Reporting > How Do I Report an Incident > Report and [Report an Incident Online.](#))

Critical Incidents must be entered in the CARE system. For detailed instructions, visit DADS.state.tx.us > Forms and Handbooks > [Home and Community-based Services Handbook.](#)



Reporting to UnitedHealthcare Community Plan

Within 48 hours of your knowledge of an incident, you must report it to UnitedHealthcare Community Plan in addition to reporting to DFPS and DADS.

The form is located at UHCCommunityPlan.com > For Health Care Professionals > Texas > [Provider Forms](#) > Critical Incident Report Form. The completed form can be sent by:



Email to critical_incidents@uhc.com



Fax to **855-371-7638**

If you need help completing the form, contact your provider advocate directly or call LTSS provider services at **888-787-4107**.

Next Steps



We will review your report and notify you within 30 calendar days to advise if we reported the incident to the Texas Health and Human Services Commission and if further action is due on your part.

We will advise of any actions taken, such as contacting the service coordinator to help ensure the member's safety or adjusting the individual's care plan.

We will call you sooner if you reported or we determined that the member is in danger.

Summary

When you suspect a critical incident has occurred, you have a responsibility to report it to:

- The Texas Department of Family and Protective Services
- The Texas Department of Aging and Disability Services
- UnitedHealthcare Community Plan



If the individual is in immediate danger, call 911.

Resources

- Reporting to DSHS – Go to the Texas Administrative Code, Title 40, part 19, [chapter 711 Investigations in DADS and DSHS Facilities and Related Programs](#).
- [Critical Incident and Death Reporting](#), Texas Department of Aging and Disability Services
- Restraints – Go to TexReg.sos.state.tx.us > Chapter 40, Part 1 and Chapter 9, Rule 911.7
- [Crime Victim Services: Assisting Victims of Violent Crime](#), TexasAttorneyGeneral.gov
- [When You Suspect Child Abuse or Neglect: A General Guide](#), TexasAttorneyGeneral.gov
- For sexual abuse legal definitions, go to the Texas Penal Code Statutes.legis.state.tx.us, Penal Codes 22.021, 43.21, and 711.15
- [Reporting Suspected Abuse or Neglect of a Child](#), Texas Department of Family and Protective Services
- [Adult Abuse and Exploitation: It's Everyone's Business](#), Texas Department of Family and Protective Services

If you have any questions, contact your provider advocate or call 888-787-4107. Thank you!
