



### RCPA Comments regarding the Draft Incident Management Policy for ICF's – March 13, 2021

Thank you for the opportunity to submit comments regarding the draft IM policy for ICF's. We have a few comments that we ask to be considered when finalizing this policy.

- When an incident is reported that requires investigation, the draft policy includes this statement:

- When multiple providers learn of an incident, the provider rendering services for the individual at the time the incident occurred must report the incident and begin any required investigation within 24 hours. If it cannot reasonably be determined which provider was rendering service at the time of the incident, all providers who are aware of the incident are to report the incident and investigate.

While we appreciate the complexity of these situations, having multiple investigations occurring simultaneously is often a problem. It can lead to multiple interviews for people involved, and when there are different agencies involved, it is sometimes difficult for investigators from one agency to investigate employees of another agency.

**We recommend that in situations when it can not be reasonably determined which provider was rendering services at the time of the incident, that a third party, such as the county, be assigned as the investigator in order to assure that a non-biased investigation is completed.**

- Another type of incident listed as requiring investigation is:

- **Missing/Theft of Medications**– Missing medications without explanation and/or theft of medications

While we support the investigation of missing medication if a pattern of missing meds occurs, or a significant amount of medication (amount could be determined by the type of medication, and possible alternative uses) would be reason to investigate. **We do not support the investigation of one pill that may have been inadvertently dropped, especially if it is an over-the-counter medication such as Tylenol, or aspirin. We support that missing medication should be documented, but do not feel every instance rises to the need of a certified investigation.**

- The bulletin reinforces the belief in "Office of Developmental Program's (ODP) guiding principles, *Everyday Lives, Values in Action*", and "The application of person-centered practices, community integration, individual choice, and assisting individuals to develop and maintain relationships". Therefore, including any sexual relationship between individuals receiving service as an incident of abuse, is not acceptable. The draft states

- Sexual abuse includes any act or attempted act that is sexual in nature between a paid service provider staff or **another individual receiving services** and an individual **regardless of consent on the part of the individual**.

**This needs to be removed in respect for individuals' rights to engage in healthy relationships. Sexual activity against their choice would be abuse, not consensual activity.**

- ODP Review Process, the bulletin states

- When the incident report contains all required elements, the ODP incident reviewer will give the report the status of *approved*, otherwise, the report will be given a status of *not approved* and sent back to the submitting entity for correction.
- Incident reports are considered closed upon the approval of ODP.

We are aware of several incidents that remain “Open” in the EIM that are waiting for review, and approval, or not approved status by ODP staff. I can not say if this is true for incidents occurring in ICF’s necessarily, but am positive that there are many still waiting for ODP review from other programs – some are over a year old. This is really unfair to the individuals, families and the providers involved in these incidents. Providers and Certified Investigators are required to complete their duties within specified time frames, yet there is no response from ODP. Providers and investigators are sometimes contacted a year later, and asked to provide additional information about a case. This is sometimes nearly impossible since there is frequent staff turnover, and the people involved may not even be employed at the agency any longer.

**We recommend that the ODP staff responsible for reviewing incidents be held to a standard similar to the others involved in the EIM process in order to assure that appropriate corrective actions (if necessary) are taken in a timely manner, and to resolve any open incidents.**

Thank you for accepting comments regarding this proposed policy. Please feel free to contact me if you need any further information.

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