



# When Something Bad Happens to Someone I Care About or Support

## Guiding a Discussion about ODP's Incident Management Process

*\*The definition of "family" in this document is used in the broadest sense. Family is not limited to biological family members, but can also include friends, neighbors, unpaid caregivers, guardians, and advocates that create their circle of support. Family are those people that share an emotional connection with the individual and that the individual considers to be part of his or her "family".*

### What can I do if I suspect that something bad has happened?

When an individual or family member receiving supports and services through the Office of Developmental Programs (ODP) experiences, suspects, or is notified of a potential health and safety concern or inappropriate conduct of others, they may have questions. They want to know what has been or will be done to address the concern and ensure the health and safety of the person they care about.

This Guide is intended to help answer some basic questions and concerns and help in understanding what can be done and expected if someone they care about is involved in an incident. ODP Service Providers and Supports Coordination Organizations are required to ensure that individuals, families, and persons designated by the individual are offered education and information about their agency incident management policies and procedures.

### What is the Incident Management Bulletin?

The Bulletin establishes the processes and requirements for the ODP Service System to recognize, report, respond, investigate, and address potential health and safety concerns or inappropriate conduct of others that are identified by the individual receiving supports, family members, service providers, close friends and the community.

A copy of the Incident Management Bulletin 00-21-02 and other resources is available on MyODP.org.  
<https://www.myodp.org/course/index.php?categoryid=485>

### What is an Incident?

Actual or alleged events or concerns that endanger or could endanger the health, safety, or rights of an individual receiving supports through the ODP are referred to as "incidents". Incidents can include allegations of suspected abuse, neglect, and exploitation, as well as situations or actions that can negatively impact an individual's emotional, physical or financial well-being.

When an incident occurs, is suspected or alleged, ODP's Incident Management Bulletin 00-21-02 requires a report and a response. The reporting system helps to ensure that the response of those providing support protects and promotes the individual's continued health, safety, and rights.

More information and descriptions of the specific types of incidents is available on [www.MyODP.org](http://www.MyODP.org).

## Who can report an incident?

Anyone who witnesses or suspects that conditions or actions may endanger the health, safety, rights, or well-being of an individual with an Intellectual Disability or Autism can and should report an incident.

## What can I do if I witness or suspect any health or safety concerns or any inappropriate conduct?

You should contact the individual's Provider or Supports Coordinator (SC). Providers and Supports Coordination Organizations (SCO) have processes in place to address concerns and manage complaints that are raised. After the Provider or SC receives a report from an individual or family, these incident management or complaint procedures must be followed, including notifying ODP.

The Incident Management Bulletin (pgs. 5 & 6) outlines specific requirements for the procedures that the Provider and SCO must follow to respond to and report incidents. In cases of suspected abuse, neglect or exploitation, the individual or family may also contact the Protective Services Hotline at 1-800-490-8505 (to report suspected abuse, neglect, or exploitation) or the ODP Customer Service Line at 1-888-565-9435.

## Who do I report my concern to when recognizing a suspected incident?

All staff, including Service Provider, Supports Coordination Organization, County ID Program/Administrative Entity (AE) and ODP are by law considered "Mandated Reporters." Mandated Reporters must ensure that any witnessed, suspected, or allegation of an incident is documented and reported, following the requirements of current laws and regulations.

## Do I have to give my name? Can I make an anonymous report?

When an individual or family member reports a health or safety concern or any inappropriate conduct, they do not need to provide their name and can request to remain anonymous. If you request to remain anonymous, you may be asked if you are willing to provide your name and contact information so that the entity investigating the complaint can contact you to seek clarification or obtain additional information regarding your report. Your name and contact information will not be shared with the agency or entity being reported.

Even if you do not provide your name or request to remain anonymous, based on the allegation and the facts surrounding the situation, it is possible that others may draw their own conclusion as to the source of the allegation.

## What information will I need to give?

The more information you can provide, the better. This should include:

- The date (s), time(s), and location of the health or safety concern you observed or suspect.
- What you saw or suspected. This can include non-date specific or ongoing concerns, such as a decline in mental or physical health, or the suspected failure to follow specific care plans.
- The names of the people (staff and other individuals) that were involved or observed what happened.

### **How am I/the person I care about protected from retaliation by the provider agency when a suspected incident, including abuse, neglect, exploitation is reported?**

All ODP Providers are required to establish and adhere to a policy that ensures that there is no retaliation or threat of intimidation made to the individual or family related to the filing of a complaint or during the investigation of a complaint. Individuals and families who suspect or experience retaliation or threats because of reporting a health and safety concern or complaint should report this to their SC, County ID Program/Administrative Entity (AE) or the ODP Customer Service Line at 1-888-565-9435.

### **Will the alleged perpetrator of the incident be removed from the care of the person I care about while the investigation is being conducted?**

The first action of the Provider or SC in response to the report is to ensure and protect the health, safety, rights, and well-being of the individual.

In the Incident Management Bulletin, the perpetrator, the person(s) who is alleged to have caused the incident to occur, is referred to as the “target”. When the target is an employee, staff, volunteer, contractor, consultant, or intern of the Provider or SCO, the target will not be permitted to work directly with the individual who is hurt or harmed (victim) or any other individual until the investigation determination is completed and any corrective action(s) specific to the target are implemented.

If the target is another individual receiving services and there is a reasonable expectation of on-going risk to the victim or other individuals, the Provider must collaborate with the SCO and County ID Program/AE to identify ways to protect the health, safety and rights of the victim using a person-centered approach. This approach focuses on the needs and concerns of a victim to ensure a compassionate and sensitive delivery of services.

### **How will the person I care about be supported and protected physically and emotionally when an incident is reported?**

When any incident is reported, the first step taken by Providers, SCs, AEs, or ODP is to ensure and protect the health and safety of the individual. The individual’s Individual Support Plan (ISP) should include information that can guide people providing supports to meet the emotional and physical needs of the individual (e.g., Know and Do, Understanding Communication, and Health Promotion sections).

The Incident Management Bulletin also requires that when something bad has happened, a suspected incident is identified, and during the investigative process, the individual is to be offered professional counseling and victim’s assistance services. In addition, the individual is to be supported in accessing these services when they express an interest.

### **How can I be sure the religious, cultural, and personal beliefs and preferences of the person I care about are respected throughout the investigation?**

Even before an incident takes place, the individual’s team should ensure that the religious, cultural, and personal beliefs and preferences of the individual are understood and identified in their ISP. During any potential investigation, it is the responsibility of the team (including the provider, the SC, and the family) to ensure that those beliefs and preferences continue to be honored and supported.

## **What will be done to protect the person I care about from future harmful events/ occurrences?**

### **(What does the team put in place specific to the individual? What have we learned?)**

As part of the ISP process, when any health or safety concern is suspected, the Individual, Provider, SC, and other team members should review and discuss what happened. The team should identify any potential risks that may continue to exist and work together to develop strategies to reduce or eliminate the chance of future occurrences.

In addition to ensuring that any identified health and safety concerns are addressed in the individual's ISP, Providers and SCOs are required to continually monitor incident data and take actions to address or reduce risks, prevent the recurrence of incidents, and implement corrective actions when the health and safety of the individuals they serve is not being sufficiently protected.

## **What happens after an incident is reported?**

When an observed or suspected incident is reported, the agency receiving the report is required to notify other people and agencies including ODP. Depending on the nature of the incident, the agency may be required by law to notify agencies such as Adult Protective Services, Child Protective Services, Older Adult Protective Services, and local law enforcement agencies. Law enforcement must be notified any time there is suspicion that a crime occurred, sexual abuse occurred, a death is suspicious, or when serious injury or serious bodily injury could have resulted from abuse, neglect, or exploitation in accordance with protective service laws. The agency is also required to ensure that immediate actions are taken to protect the health, safety, and rights of the individual.

Depending on the type of incident, an investigation will be completed. During this investigation people who are identified or suspected to be involved are asked about what they know about what happened. As a family member of the individual, you may be contacted by an ODP Certified Investigator (CI) to provide a statement. The CI ensures all incidents that require an investigation receive a systematic investigation, which meets established standards. You can write your own statement or if you prefer, the CI will draft your statement which you can then approve before it is submitted as an accurate reflection of your observations. If you are contacted, you should provide as much detail as possible to assist the Provider and/or SCO in providing better services to the individual or assistance to you in providing care for your family member.

Once the investigation is completed, the investigator will complete a report. All statements collected enable the Provider and the individual's team to determine what likely happened. The report is reviewed by the Administrative Review Committee. The Administrative Review Committee will identify any necessary actions to be completed to prevent similar situations from happening again.

## **How long will the process take?**

Most incident management activities can be completed quickly. However, some situations may require further investigation. Timing is based on a variety of factors and the potential complexity of the situation.

ODP has identified specific situations (pg. 31 of the IM Bulletin) that require an investigation to be completed by a trained ODP Certified Investigator. Once an Incident Report is submitted, it is ODP's expectation that any required review or investigation of the incident must be completed and submitted to the AE for approval within 30 days.

### **Can I get a copy of the Incident Report?**

Yes. Upon request, the Provider and SC are required to release to the individual (and persons designated by the individual) a copy of the incident report or a summary of the incident, the findings, and the actions taken. The copy you receive will exclude information about another individual and the reporter, unless the reporter is the individual who receives the report.

### **How can I stay informed during the process?**

Prior to when a concern or incident is identified, the agency's Incident Management Process should be discussed with the individual and their team. Providers should understand and document the individual's preferences for notifying his/her family if an incident occurs and the preferred method for making the notification. The Provider should also regularly review and confirm these preferences.

Based on the preferences of the individual to include the family or others, the Provider timely notifies the family of the incident and informs them if the steps taken to protect the immediate health and safety of the individual. The provider will also provide timely updates to the family regarding the health and safety of the individual and progress of the incident reporting process.

If an investigation is required, the amount of information provided to the individual or family regarding the ongoing investigation may be limited to preserve the integrity of the investigation.

Once the Incident Report (and any investigation) is completed, the Provider will notify the individual (and preferred family members, if applicable) of the results. Depending on the nature of the incident, the findings of the investigation, and any ongoing concerns or corrective actions identified by the investigation or team members, the Provider will work with the SC to review the results of the incident with the team. Through these discussions the team will identify any needed adjustments to the supports and services in the individual's ISP to further reduce the risk of future occurrences.

### **Does the incident information/transfer to future providers?**

While the specifics of individual Incident Reports are not made available to future service providers the identified risks and strategies related to the incident should be included in the Individual's ISP. The Individual's ISP is available for use by current and future service providers. Supports Coordinators have access to an individual's full incident history and can use this information to assist the individual, family, and future Providers in planning and monitoring services, and the prevention of reoccurrences.

### **What happens when incidents are confirmed or not confirmed?**

If the incident is confirmed to have occurred (founded) it is the responsibility of the Provider to take the necessary corrective actions to minimize the risk of similar events occurring again. The Provider and AE should also determine if similar circumstances may exist in the support of other individuals and use the lessons learned to revise policies and training to protect the health and safety of everyone they support.

If the incident is determined to be not confirmed to have occurred (unfounded) or inconclusive, it is the responsibility of the Provider and the team to recognize any potential risks to the individual related to the reported concern and take the necessary steps to minimize the potential risk of a similar event occurring in the future to them or others.

## What can I do if I am not satisfied with the investigation findings or how an incident was managed?

Concerns or complaints about an incident (the findings or management) should be communicated to the Provider or SCO using their established complaint policy and process. You may also contact your County ID Program/AE, or ODP through the ODP Customer Service Line at 1-888-565-9435.

## Where can I get more information?

- 1) If you are an individual or family member receiving supports, your Provider will give you additional information and/or training related to Incident Management and their policies and procedures.
- 2) The **MyODP** website ([www.myodp.org](http://www.myodp.org)) offers a variety of resources and trainings specific to Incident and Risk Management that is available to everyone.
- 3) **Self-Advocates United as One (SAU1)** - <https://sau1.org/> (724) 588-2378
- 4) **PA Family Network** - <https://www.visionforequality.org/pa-family-network> 1-844-PAFamily ([1-844-723-2645](http://1-844-723-2645)).

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## My Incident Management Contacts

Complete this information to know who you can contact if you witness, or suspect conditions or actions of others may endanger the health, safety, rights, or well-being of an individual with an Intellectual Disability or Autism.

### **Providers:**

Name: \_\_\_\_\_ Phone# \_\_\_\_\_

Name: \_\_\_\_\_ Phone# \_\_\_\_\_

### **Supports Coordinator:**

Name: \_\_\_\_\_ Phone# \_\_\_\_\_

### **County ID Program/AE:**

Name: \_\_\_\_\_ Phone# \_\_\_\_\_

**Protective Services Hotline** (Suspected Abuse, Neglect, and Exploitation): 1-800-490-8505

**ODP Customer Service Line:** 1-888-565-9435