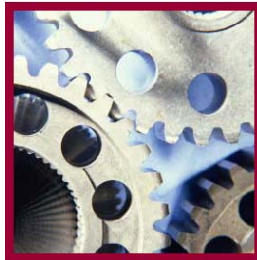


# **Incident Management System Guide**

For

**Licensed Health Care Facilities**



**State Fiscal Year  
2010**

**DEPARTMENT OF HEALTH  
Division of Health Improvement**

**Health Facility Licensing and  
Certification Bureau**

# REGULATORY HIGHLIGHTS

## For Licensed Health Care Facilities

### 7.1.9 NMAC Caregivers Criminal History Screening Requirements

- Requires all applicants, caregivers (including hospital caregivers) to consent to a nationwide and statewide criminal history screening (via fingerprint card) no later than 20 calendar days from the first day of employment or contractual relationship.
- Requires conditional supervised employment pending written notice of completion – with either clearance of the caregiver or notice of a disqualifying conviction - of criminal background check.
- Individuals with disqualifying felony convictions are barred from employment or contractual services as a caregiver.

### 7.1.12 NMAC Employee Abuse Registry

- The DOH will establish and maintain an electronic registry of all persons, who while employed, were determined to have engaged in a substantiated incident of abuse, neglect or exploitation of a person receiving care or services from a licensed health care facility or a community based service provider agency.
- Prior to employing or contracting with an individual the facility or agency must check to determine if the person is on the registry. Persons on the registry are ineligible for employment or contracting.
- Registry does not apply to a New Mexico licensed health care professional practicing within the scope of the professional's license or a certified nurse aide practicing as a certified nurse aide.

### 7.1.13 NMAC Incident Reporting, Intake, Processing and Training Requirements

- Establishes standards for licensed health care facilities and community based service provider agencies to institute and maintain an incident management system and employee training program for reporting abuse, neglect and misappropriation of property.
- Requires the reporting within 24 hours (or next business day if a weekend or holiday) of incidents or allegations of abuse, neglect, misappropriation of property, and other reportable incidents to DHI/HFL&C.
- Requires a quality improvement process related to the incident management system.
- Requires training of all employees on the incident management system within 30 days of employment, annual refresher training not to exceed 12 months intervals, a written training curriculum describing the facility or agency incident management system and specific requirements for the content of the training curriculum..
- Requires that the facility or agency provide an Orientation Packet containing the incident reporting process to the consumer, family members and/or legal guardians.
- Requires the display in a prominent location of posters, provided by DHI, which state the DHI incident management reporting procedures.

# INTRODUCTION

- All staff must be trained in the Incident Management System to assure appropriate and timely response when incidents occur.
- The 2010 Incident Report (IR) form must be used to report and document incidents alleging abuse, neglect, exploitation and other reportable incidents.
- The staff person with the most direct knowledge of the incident is the individual who reports the incident.
- The IR form must be faxed to DOH/Division of Health Improvement at 1-888-576-0012, within 24-hours of knowledge of an incident or the following business day in the event of a weekend or holiday.

**The Incident Report form may be emailed to DOH/DHI within the same time frame at the following email address: [incident.management@state.nm.us](mailto:incident.management@state.nm.us)**

**or completed online at:**

**[http://dhi.health.state.nm.us/imb/imb\\_irform.php](http://dhi.health.state.nm.us/imb/imb_irform.php)**

- All licensed health care facilities must have a Quality Improvement System for reviewing alleged complaints and incidents, including written documentation of corrective action taken.
- All licensed health care facilities must establish and maintain an incident management system, which emphasizes the principles of prevention and staff involvement.
- Incident Management System Policy and Procedures must require all employees to be competently trained to respond to, report and document incidents in a timely and accurate manner.
- All licensed health care facilities must provide all employees and volunteers with a written training curriculum on incident management policies and procedures.
- All licensed health care facilities must document their employees' training on incident management.
- All licensed health care facilities must provide an Orientation Packet describing their incident management process to residents, family members and Power of Attorneys.

- All licensed health care facilities must have at least 2 Reporting posters, Providers operating with 60 or more beds must post 3 Reporting posters in a conspicuous public location.

**ALL AGENCIES & FACILITIES ARE REQUIRED TO CONDUCT TIMELY AND EFFECTIVE INTERNAL INVESTIGATIONS AND TAKE REASONABLE STEPS TO PREVENT FURTHER INCIDENTS AS SOON AS AN INCIDENT OCCURS**

Components of an Effective Incident Management System

- Management commitment
- Policies and Procedures
- Staff training and awareness
- Reporting of incidents
- Protection of the consumer's health and safety
- Investigation
- Corrective and/or preventive action
- Analysis and identification of trends and patterns

Elements of an Effective Investigative Report

- Answer the 5 W's and the H (who, what, where, when, why and how)
- Draw a clear conclusion or finding
- Identify what corrective or preventive action was taken
- Document in a written report

## **INCIDENT MANAGEMENT PRINCIPLES**

- Individuals 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 in a timely and accurate manner.
- Consumers and guardians must be made aware of and have available accessible incident reporting processes.
- Any individual who, without false intent, reports an incident or makes an allegation of abuse, neglect or exploitation will be free of any form of retaliation.
- A provider'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.

# How to Respond to Sexual Assault

1. Ensure victim is safe, call law enforcement and/or the SANE Unit.
2. Obtain emergency medical attention, including testing for pregnancy and treatment for sexually transmitted diseases. Staff should never remove any object placed in any orifice unless it presents an immediate threat.
3. Have SANE exam completed, which will utilize an evidence kit.
4. Do not allow the consumer (victim) to bath/shower or otherwise cleanup (i.e. brush teeth, urinate, alter physical self, engage in other activity that may contaminate or destroy valuable evidence such as semen, saliva, hairs, etc.)
5. Ensure that clothing worn during and immediately after the assault is collected and taken to the SANE unit.
6. Evidence may still be present up to 72 hours after the event. If the patient has not bathed or changed clothes, the 72 hours may be extended. Physical trauma may be present after the 72-hour time frame.

Evidence collection can be a time consuming process. Be prepared for waits of 2-8 hours.

## New Mexico Sexual Assault Nurse Examiners (SANE) Units

Location	Agency	Phone	Comments
Alamogordo	Otero County SANE Unit	(575) 443-7901	
Albuquerque	Abq SANE Collaborative	(505) 883-8720 or (884) 7263 (emergency)	
Albuquerque	Para Los Niños, UNM Health Science Center	(505) 272-6849	Pediatric exams Renee Ornelas, M.D.
Farmington	Sexual Assault Services of Northwest New Mexico SANE	(505) 326-4700 Hotline: (505) 325-2805	
Las Cruces	La Pinon Sexual Assault Recovery Services of Southern New Mexico SANE	(575) 526-3437 (crisis) (575) 521-5549 (SANE)	
Portales	SANE of Eastern New Mexico	(575) 226-7263(Hotline) (575) 226-4665 (Office)	
Roswell	Esperanza House SANE Unit	(575) 625-1095	
Santa Fe	SANE	(505) 989-5952 (emergency) 995-4999	
NM State Police Mobile Crime Scene Unit	Lieutenant Miguel Aguilar	(505) 827-9066 or (505) 231-0996 24 Hour Service: (505) 827-9300	

# Licensed Health Care Facilities Reporting Requirements

## DUTY TO REPORT

First and foremost, always ensure the safety of the person, including separating the victim from the alleged perpetrator, providing needed first aid, or obtaining medical care.

- Abuse, neglect, misappropriation of property (i.e., exploitation), and injuries of unknown sources shall be reported to DHI/HFL&C within 24 hours.
- All licensed health care facilities shall ensure that the reporter with direct knowledge of an incident has immediate access to the DHI Incident Report (IR) form in order to allow the reporter to respond to, report and document incidents in a timely and accurate manner.
- The licensed health care facility shall report incidents utilizing the DHI incident report form, consistent with requirements of the DHI/HFL&C incident management system guide and CMS regulations as applicable.
- The completed report shall be submitted to DHI/HFL&C within 24 hours of an incident or allegation of an incident or the next business day if the incident occurs on a weekend or a holiday.

Licensed health care facilities that are self-reporting abuse, neglect, misappropriation of property or injuries of unknown sources must also send to DHI/HFL&C a copy of the findings of their internal investigation and corrective actions taken by the facility within 5 business days of the incident.

## DEFINITIONS – Licensed Health Care Facilities

- 1. Abuse** means the willful infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish.
- 2. Neglect** means the failure to provide goods and services necessary to avoid physical harm, mental anguish or mental illness.
- 3. Misappropriation of property** (i.e., exploitation) means the deliberate misplacement of a consumer's property, or wrongful, temporary or permanent use of a consumer's belongings or money without the consumer's consent.
- 4. Injuries of unknown sources** mean injuries for which there is no known explanation for their cause or origin.

# **FOR ALL ALLEGATIONS OF ABUSE, NEGLECT, EXPLOITATION AND INJURIES OF UNKNOWN ORIGIN**

For allegations of abuse, neglect, exploitation, and injuries or unknown origin

- Fax the IR to DHI at 1-888-576-0012
- Email to: [incident.management@state.nm.us](mailto:incident.management@state.nm.us) or submit the IR form online at <http://dhi.health.state.nm.us>

**NOTE: If submitting online you must answer all required (in red) questions on the IR form**

If the incident involves a criminal act also contact your local Law Enforcement Agency.

The IR form must be faxed or submitted electronically to DHI within 24-hours of knowledge of the incident. (Next business day in the event of a weekend or holiday).

## ***Facility or Agency Requirements***

Results of facility or agency investigations including any necessary corrective action must be faxed to DHI at 1-888-576-0012 within 5 business days of the incident.

***For updates and more information, including reports and regulations please visit the following Division of Health Improvement web site:***

**<http://dhi.health.state.nm.us/>**