

Annex A

**TITLE 55. HUMAN SERVICES**

**PART VIII. INTELLECTUAL DISABILITY AND AUTISM MANUAL**

**Subpart E. RESIDENTIAL AGENCIES/FACILITIES/SERVICES**

**CHAPTER 6600. INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH AN  
INTELLECTUAL DISABILITY**

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**GENERAL PROVISIONS**

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**6600.2a. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Department* – The Department of Human Services of the Commonwealth.

*Health care practitioner* – A person who is authorized to prescribe medications under a license, registration or certification by the Department of State.

*ICF/ID* – *Intermediate care facility for individuals with an intellectual disability* – A State operated or non-State operated facility, licensed by the Department in accordance with Chapter 6600 (relating to intermediate care facilities for individuals with an intellectual disability), to provide a level of care specially designed to meet the needs of persons

who have an intellectual disability, or persons with related conditions, who require specialized health and rehabilitative services; that is, active treatment.

*ICF/ORC – Intermediate care facility for persons with other related conditions* – A non-State operated facility, licensed by the Department in accordance with Chapter 6600, to provide a level of care specially designed to meet the needs of persons with other related conditions who require specialized health and rehabilitative services; that is, active treatment. Persons with other related conditions are persons with severe physical disabilities, such as cerebral palsy, spina bifida, epilepsy or other similar conditions which are diagnosed prior to age 22 and result in at least three substantial limitations to activities of daily living.

*Individual* – A person residing in and receiving services from a certified and licensed ICF/ID or ICF/ORC.

*Individual plan* – The individual program plan as defined by 42 CFR § 483.440(c).

*Provider* – The person, entity or agency that signs an agreement with the Department to deliver services to the individual in a certified and licensed ICF/ID or ICF/ORC.

*Restraint* – A physical, chemical or mechanical intervention used to control acute, episodic behavior that restricts the movement or function of the individual or a portion of the individual's body, including an intervention approved as part of the individual plan or used on an emergency basis.

*Service* – An activity, assistance, or product provided to an individual that is paid through a program administered by ODP.

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## INCIDENT MANAGEMENT

### § 6600.41. Types of incidents and timelines for reporting.

(a) The provider shall report the following incidents, alleged incidents and suspected incidents through the Department's information management system within 24 hours of discovery by a staff person:

- (1) Death.
- (2) A physical act by an individual in an attempt to complete suicide.
- (3) Inpatient admission to a hospital.
- (4) Abuse, including abuse to an individual by another individual.
- (5) Neglect.
- (6) Exploitation.
- (7) An individual who is missing for more than 24 hours or who could be in jeopardy if missing for any period of time.
- (8) Law enforcement activity that occurs during the provision of a service or for which an individual is the subject of a law enforcement investigation that may lead to criminal charges against the individual.
- (9) Injury requiring treatment beyond first aid.
- (10) Fire requiring the services of the fire department. This provision does not include false alarms.

(11) Emergency closure.

(12) Theft or misuse of individual funds.

(13) A violation of individual rights.

(b) The provider shall report the following incidents, alleged incidents and suspected incidents through the Department's information management system within 72 hours of discovery by a staff person:

(1) Use of a restraint.

(2) A medication error, if the medication was ordered by a health care practitioner.

(i) Medication errors include the following:

(A) Failure to administer a medication.

(B) Administration of the wrong medication.

(C) Administration of the wrong dose of medication.

(D) Failure to administer a medication at the prescribed time, which exceeds more than 1 hour before or after the prescribed time.

(E) Administration to the wrong person.

(F) Administration through the wrong route.

(G) Administration while the individual is in the wrong position.

(H) Improper preparation of the medication.

(c) The individual, and persons designated by the individual, shall be notified within 24 hours of discovery of an incident relating to the individual.

(d) The provider shall keep documentation of the notification in subsection (c).

(e) The incident report, or a summary of the incident, the findings and the actions taken, redacted to exclude information about another individual and the reporter, unless the reporter is the individual who receives the report, shall be available to the individual, and persons designated by the individual, upon request.

**§ 6600.42. Incident investigation.**

(a) The provider shall take immediate action to protect the health, safety and well-being of the individual following the initial knowledge or notice of an incident, alleged incident or suspected incident.

(b) The provider shall initiate an investigation of an incident, alleged incident or suspected incident within 24 hours of discovery by a staff person.

(c) A Department-certified incident investigator shall conduct the investigation of the following incidents:

- (1) Death that occurs during the provision of a service.
- (2) Inpatient admission to a hospital as a result of an accidental or unexplained injury or an injury caused by a staff person, another individual or during the use of a restraint.
- (3) Abuse, including abuse to an individual by another individual.
- (4) Neglect.
- (5) Exploitation.
- (6) Injury requiring treatment beyond first aid as a result of an accidental or unexplained injury or an injury caused by a staff person, another individual or during the use of a restraint.

(7) Theft or misuse of individual funds.

(8) A violation of individual rights.

**§ 6600.43. Individual needs.**

(a) In investigating an incident, the provider shall review and consider the following needs of the affected individual:

(1) Potential risks.

(2) Health care information.

(3) Medication history and current medication.

(4) Behavioral health history.

(5) Incident history.

(6) Social needs.

(7) Environmental needs.

(8) Personal safety.

(b) The provider shall monitor an individual's risk for recurring incidents and implement corrective action, as appropriate.

(c) The provider shall work cooperatively with the individual plan team to revise the individual plan if indicated by the incident.

**§ 6600.44. Final incident report.**

(a) The provider shall finalize the incident report through the Department's information management system within 30 days of discovery of the incident by a staff person,

unless the provider notifies the Department in writing that an extension is necessary and the reason for the extension.

(b) The provider shall provide the following information to the Department as part of the final incident report.

- (1) Additional detail about the incident.
- (2) The results of the incident investigation.
- (3) Action taken to protect the health, safety and well-being of the individual.
- (4) A description of the corrective action taken in response to an incident and to prevent recurrence of the incident.
- (5) The person responsible for implementing the corrective action.
- (6) The date the corrective action was implemented or is to be implemented.

**§ 6600.45. Incident analysis.**

(a) The provider shall complete the following for each confirmed incident:

- (1) Analysis to determine the cause of the incident.
- (2) Corrective action, if indicated.
- (3) A strategy to address the potential risks to the individual.

(b) The provider shall review and analyze incidents and conduct and document a trend analysis at least every 3 months.

(c) The provider shall identify and implement preventive measures to reduce:

- (1) The number of incidents.
- (2) The severity of the risks associated with the incident.

- (3) The likelihood of an incident recurring.
- (d) The provider shall educate staff persons, others and the individual based on the circumstances of the incident.
- (e) The provider shall monitor incident data and take actions to mitigate and manage risks.

## **INDIVIDUAL RIGHTS**

### **6600.81. Rights of the individual.**

- (a) An individual may not be discriminated against because of race, color, creed, disability, religious affiliation, ancestry, gender, gender identity, sexual orientation, national origin or age.
- (b) An individual shall be treated with dignity and respect.
- (c) An individual has the right to make choices and accept risks.
- (d) An individual has the right to refuse to participate in activities and services.
- (e) An individual has the right of access to and security of the individual's possessions.
- (f) An individual has the right to voice concerns about the services the individual receives.
- (g) An individual has the right to assistive devices and services to enable communication at all times.
- (h) An individual has the right to participate in the development and implementation of the individual plan.



(i) An individual and persons designated by the individual have the right to access the individual's record.

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