



**Humana.**

# Health, Safety and Welfare Education Training

Effective January 2023

Humana requires this training of all subcontractors supporting its contracts for Medicaid or Medicare-Medicaid programs, based on Humana's applicable contractual and regulatory obligations to the states.



# Notable changes

Addition of Louisiana Medicaid information to presentation – January 2023

# Training topics

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**Disclaimer:** This training presents a general overview of information relating to legal topics; however, you are responsible for ensuring the work your organization performs in support of Humana complies with the specific law applicable in your state, which could vary.

# 1. General terms

# General terms (may vary from state to state)

- **Victim**—Any person eligible for Medicaid who is named in a report of abuse, neglect or exploitation.
- **Caregiver**—A person entrusted with or who has assumed the responsibility for frequent and regular care of, or services to, a person eligible for Medicaid and who has a commitment, agreement or understanding with that person or that person’s guardian that a caregiver role exists.
  - **Note:** The caregiver role must be established in all reports alleging second-party neglect and in reports alleging abuse in which the alleged perpetrator is the caregiver.
- **Alleged perpetrator**—A person named by a reporter as the person responsible for abusing, neglecting or exploiting any person eligible for Medicaid, or a person named by an adult protective investigator in a report classified as “proposed confirmed.”
- **Care management**—A collaborative, person-centered process that assists members in gaining access to services.
- **Plan of care**—A plan, primarily directed by the member and family of the member as appropriate, with the assistance of the member’s interdisciplinary care team to meet the medical, behavioral, long-term care, support and social needs of the member.
- **Interdisciplinary care team**—A team of professionals that collaborates with the member to develop and implement a plan of care that meets medical, behavioral, long-term care, support and social needs.
- **Sexual harassment by provider**—Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature by a provider that tends to create a hostile or offensive work environment.
- **Sexual harassment by member**—Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature by a member that tends to create a hostile or offensive work environment.

## General terms (cont'd)

- **Sexually problematic behavior**—Inappropriate sexual behaviors exhibited by either the member or individual provider, which adversely impact the work environment.
- **Significant medical event of provider**—A recent event to a provider with the potential to impact a member's care.
- **Significant medical event of member**—A recent new diagnosis determination with the potential to impact the member's health or safety. Also included are unplanned hospitalizations or errors in medication administration by the provider.
- **Customer arrested, charged with or convicted of a crime**—An instance when the arrest, charge or conviction of a member has a risk or potential risk to the member's health and safety, which should be reported.
- **Provider arrested, charged with or convicted of a crime**—An instance when the arrest, charge or conviction of a provider has a risk or potential risk on the member's health and safety, which should be reported.
- **Fraudulent activities or theft on the part of the member or the provider**—Executing or attempting to execute a scheme or plan to defraud the home services program, or obtaining information by means of false pretenses, deception or misrepresentation to receive services from our program. Theft of member property by a provider and theft of provider property by a member are included.
- **Problematic possession or use of a weapon by a member**—Inappropriately displaying or brandishing a weapon in a staff member's presence. All perceived threats through the use of weapons should be reported. In some cases, persons with a serious mental illness are not allowed to possess firearms. This should be documented if observed.
- **Member displays physically aggressive behavior**—Member uses physical violence that results in harm or injury to the provider.
- **Property damage by member of \$50 or more**—Member causes property damage in the amount of \$50 or more to provider property.
- **Suicide attempt by customer**—Member attempts to end his/her life.

## General terms (cont'd)

- **Suicide ideation/threat by member**—An act of intended violence or injurious behavior toward self, even if it does not result in injury.
- **Suspected alcohol or substance abuse by member**—Use of alcohol or other substances that appears compulsive and uncontrolled and is detrimental to member's health, personal relationships and/or safety of self and others.
- **Seclusion of a member**—Placing a person in a locked or barricaded area that prevents contact with others.
- **Unauthorized restraint of a member**—A manual method, physical or mechanical device, material or equipment that immobilizes or reduces the ability of a member to move his/her arms, legs, body or head freely.
- **Media involvement/media inquiry**—An inquiry, report and/or article from a media source concerning any aspect of a member's care that should be reported via an incident report.
- **Threats made against Division of Rehabilitation Services (DRS)/Home Services Program (HSP) staff**—Threats and/or intimidation manifested in electronic, written, verbal and/or physical acts of violence or other inappropriate behavior.
- **Falsification of credentials or records**—To falsify medical documents or other official papers for the express interest of personal gain, either monetary or otherwise.
- **Report against a DRS/HSP employee**—Deliberate and unacceptable behavior initiated by an employee of DRS against a customer or provider in HSP.
- **Bribery or attempted bribery of an HSP employee**—Money or favor given to an HSP employee to influence the judgment or conduct of a person in a position of authority.

## General terms (cont'd)

- **Fire/natural disaster**—An event or force of nature that has catastrophic consequences, such as flooding, tornados or fires.
- **Confinement**—Restraining or isolating, without a legal authority, an older person for other than medical reasons as ordered by a physician.
- **Member is missing/elopement**—Health plan member is missing or whereabouts are unknown for provision of services.
- **Willful deprivation**—Willfully denying medications, medical care, shelter, food, therapeutic devices or other physical assistance to a person who, because of age, health or disability, requires such assistance and thereby exposes that person to the risk of physical, mental or emotional harm. An exception is with respect to medical care or treatment, in which the dependent person expresses an intent to forego such medical care or treatment and has the capacity to understand the consequences.
- **Death, Home Services (DHS) Program member**—All deaths will be reported via incident reporting and will be reported to the DHS Office of Inspector General (OIG). Follow-up will be provided on deaths of an unusual nature per OIG direction. Criteria for investigating such incidents and reporting via the incident reporting system may include a recent allegation or abuse/neglect/exploitation, member was receiving home health services at time of passing, etc.
- **Death, other parties**—Events that result in a significant event for a member. For example, a member's caregiver dies in the process of bathing a member, thereby leaving the member stranded in home without care for several days. The passing of an immediate family member is not significant unless the passing creates a turn of events harmful to the member.



## 2. Abuse

# Abuse

## What is abuse?

- Nonaccidental infliction of physical and/or emotional harm.
- Sexual abuse on any child or adult by a relative, caregiver, household member or any other person.
- Active encouragement of any person by a relative, caregiver or household member to commit an act that inflicts or could reasonably be expected to result in physical or psychological/emotional injury to a child or adult.

# Physical abuse

- **Physical abuse of member**

- Nonaccidental use of force that results in bodily injury, pain or impairment, including, but not limited to, being slapped, burned, cut, bruised or improperly physically restrained.

- **Physical abuse**

- Infliction of physical pain or injury to another person.

# Signs and symptoms of physical abuse

- **Additional signs and symptoms of physical abuse:**

- Sprains, dislocations, fractures or broken smaller bones (e.g., wrist, ankle, finger)
- Burns from cigarettes, appliances or hot water
- Abrasions on arms, legs or torso that resemble rope or strap marks
- Cuts, lacerations or puncture wounds
- Fractures of long bones and ribs
- Internal injuries evidenced by pain, difficulty with normal functioning of organs and bleeding from body orifices

# Signs and symptoms of physical abuse (cont'd)

- Bruises, welts or discolorations of the following types:
  - Bilateral (i.e., matching) bruises on both arms that may indicate the member was shaken, grabbed or restrained
  - Bilateral bruising of the inner thighs that may indicate sexual abuse
  - Wrap-around bruises encircling the member's arms, legs or torso that may indicate the individual was physically restrained
  - Clustered bruising on the trunk or another area of the body
  - Bruising in the shape of an object that may have been used to inflict injury
  - Multicolored bruises that may indicate the person sustained multiple traumas over time (i.e., presence of old and new bruises at the same time)
- Injuries healing through secondary intention that indicate the member did not receive appropriate treatment, including, but not limited, to:
  - Lack of bandages on injuries or stitches when indicated
  - Evidence of unset bones

## Signs and symptoms of physical abuse (cont'd)

- Signs of traumatic hair loss, possibly with hemorrhaging below scalp
- Signs of traumatic tooth loss
- Injuries that are incompatible with the member's explanation
- Inconsistent or conflicting information from family members about how injuries were sustained
- A history of similar injuries and/or numerous or suspicious hospitalizations
- A history of member being brought to different medical facilities for treatment to prevent medical practitioners from observing patterns
- Delays between the onset of injury and seeking of medical care
- Signs of confinement (e.g., member is locked in his or her room)

# Sexual abuse

- **Sexual abuse**

- Includes unwanted touching, fondling, sexual threats, sexually inappropriate remarks or other sexual activity with a child, an adult with disabilities or any other person.
- Means touching, fondling, sexual threats, sexually inappropriate remarks or other sexual activity with an older person when the older person is unable to understand, unwilling to consent, threatened or physically forced to engage in sexual activity.

# Sexual abuse (cont'd)

- **Signs and symptoms of sexual abuse**

- Vaginal or anal pain, irritation or bleeding
- Bruises on external genitalia, inner thighs, abdomen or pelvis
- Difficulty walking or sitting not explained by other physical conditions
- Stained or bloody underclothing
- Sexually transmitted diseases
- Urinary tract infections
- Inappropriate sex role relationships between victims and suspects
- Inappropriate, unusual or aggressive sexual behavior
- Signs of psychological trauma, including excessive sleep, depression or fearfulness



# Psychological (verbal/emotional) abuse

- **Verbal abuse**

- Includes, but is not limited to, name calling, intimidation, yelling and swearing. May also include ridicule, coercion and threats.

- **Emotional abuse**

- Verbal assaults, threats of maltreatment, harassment or intimidation intended to compel a child or adult to engage in conduct from which he or she wishes and has a right to abstain. This also includes verbal assaults, threats of maltreatment, harassment or intimidation intended to compel a child or adult to refrain from conduct in which they wish and have a right to engage.

# Psychological abuse

- **Signs and symptoms of psychological abuse**

- Berating, ignoring, ridiculing or cursing of a member (client)
- Threats of punishment or deprivation
- Significant weight loss or gain that cannot be attributed to other causes
- Stress-related conditions, including elevated blood pressure
- Isolation by perpetrator:
  - Isolating emotionally
  - Not speaking to or engaging with the member (client)
  - Not touching or providing other methods of comfort
- Depressed, confused, withdrawn, emotionally upset or nonresponsive
- Cowering in the presence of the suspected abuser

## 3. Neglect

# Neglect

- **Neglect of member**—The failure of another individual to provide an adult or child with disabilities, or the willful withholding from a child or an adult with disabilities of the necessities of life including, but not limited to, food, clothing, shelter or medical care.
- **Neglect**—Repeated conduct or a single incident of carelessness that results or could reasonably be expected to result in serious physical or psychological/emotional injury or substantial risk of death.
- **Self-neglect**—Individual does not attend to his/her own basic needs, such as personal hygiene, appropriate clothing, feeding or tending appropriately to medical conditions.
- **Passive neglect**—A caregiver's failure to provide an eligible adult or child with the necessities of life including, but not limited to, food, clothing, shelter or medical care. This definition does not create a new affirmative duty to provide support to eligible adults; nor shall it be construed to mean that an eligible adult is a victim of neglect because of healthcare services provided or not provided by licensed healthcare professionals.

# Signs and symptoms of neglect

- **The following indicators may help you recognize an issue with neglect:**
  - Weight loss that cannot be explained by other causes
  - Lack of toileting that causes incontinence
    - Member sitting in own urine and feces
    - Increased falls and agitation
    - Indignity and skin breakdown
  - Uncommon pressure ulcers
  - Evidence of inadequate or inappropriate use of medication
  - Neglect of personal hygiene; emotional withdrawal
  - Lack of assistance with eating, drinking, walking, bathing and participating in activities
  - Little or no response to requests for personal assistance

## 4. Exploitation

# Exploitation

- **Exploitation of member**

- The illegal use of assets or resources of an adult with disabilities. It includes, but is not limited to, misappropriation of assets or resources of the alleged victim by undue influence, by breach of fiduciary relationship, by fraud, deception, extortion or in a manner contrary to law.

- **Financial exploitation**

- The misuse or withholding of an older person's resources by another person to the disadvantage of the older person or the profit or advantage of a person other than the older person.

- **Exploitation is the act of a person who stands in a position of trust and confidence with a disabled adult or an elderly person and knowingly, by deception, intimidation or force:**

- Obtains control over the person's funds, assets or property
- Deprives the person of the use, benefit or possession of funds, assets or property. This intentional action can be temporary or permanent.
- Uses the person's funds, assets or property for the benefit of someone other than the disabled adult or elderly person

# Indicators of exploitation

- Visitors ask the member to sign documents the member does not understand
- Unpaid bills
  - Despite adequate financial resources, bills remain unpaid by the caregiver or other party.
- Lack of affordable amenities for the member, such as personal grooming items or appropriate clothing
- New “best friends” who take an interest in the member’s finances
- Legal documents, such as powers of attorney, which the member did not understand at the time he/she signed them
- Unusual activity in the member’s bank accounts
  - Includes large, unexplained withdrawals, frequent transfers between accounts or other activity the member cannot explain



## Indicators of exploitation (cont'd)

- Caregiver expresses excessive interest in the amount of money being spent on the member
- Missing belongings or property
- Suspicious signatures on checks or other documents
  - Includes signatures not matching the member's
  - Includes signatures and other writing by a member who cannot write
- Absence of documentation about financial arrangements
- Implausible explanations about the member's finances from the member or the caregiver
- Member is unaware of or does not understand financial arrangements that have been made for him/her

# Other indicators—family and caregivers

- **Family and caregivers:**

- Do not provide an opportunity for the member to speak for himself/herself
- See others who could impact a member's situation without the presence of the member
- Have an attitude of indifference or anger toward the member
- Blame the member for the member's condition
  - For example, accusation that incontinence is a deliberate act
- Show aggressive behavior toward the member
  - Threaten
  - Insult
  - Harass

## Increased risk factors or traits—member

- Likelihood of abuse, neglect or exploitation occurring increases for members in the presence of one or more risk factors. These include:
  - Dependency on others for personal care
  - Dependency on others for financial management
  - Isolation from information about own rights and health
  - Diminished mental capacity
  - Serious health problems
  - Taking medications that affect cognitive status
  - Depression, anxiety or fearfulness
  - Recent losses, including the loss of a spouse, family member, home or friend

## Increased risk factors or traits—caregiver

- **Problems and contributing factors exhibited by caregivers who are at risk to abuse, neglect or exploit include:**
  - Alcoholism
  - Mental illness
  - Stress
  - Chronic fatigue
  - Frequent medical consultation
  - History of marital violence and/or child abuse
  - Previous relationship difficulties
  - Conflicting demands of other family members
  - Problems with housing, finances and/or employment
  - Lack of support; lack of respite

## Increased risk factors or traits (cont'd)

- The presence of a single risk factor or caregiver contributing factor does not by itself indicate that abuse or neglect is occurring or is likely to occur. It may, however, indicate the need for measures to be taken to reduce the potential for abuse or neglect in the future.
- Plan care managers, providers (including participant-directed employees) and other staff having contact with members or caregivers should be trained to recognize the risk factors for abuse and neglect, including how and when to contact Adult or Child Protective Services.

# Identifying victims of human trafficking

The Florida Office of the Attorney General released a list of common signs displayed by human trafficking victims. It alerts medical personnel that a human trafficking victim:

- Typically lacks identification documents and may claim to be “just visiting” a certain area.
- May have no fixed address or may be unable to specify where he or she is living.
- May be under the control of another, possibly the person accompanying him or her. The other person may attempt to speak on behalf of the victim.
- May exhibit fear, depression, submissiveness or acute anxiety.
- Will typically not be in control of his/her own money or identification documents.
- May be unable or reluctant to explain the nature of an injury.

If you suspect trafficking, call the National Human Trafficking Hotline at 888-373-7888.

## 5. Steps to take for prevention

## Steps to take for prevention

- When a healthcare provider suspects there is a risk of abuse, neglect or exploitation, he/she should work with the Humana care manager assigned to the member via the Integrated Care Team.
- When a care manager determines that a member is at risk for abuse or neglect, but does not display signs or symptoms, the care manager should include specific interventions to reduce the member's risk in the development of the member's care plan.



## Steps to take for prevention (cont'd)

- Such interventions will be tailored to the member's particular risk factor(s) and may include, though need not be limited to, one or more of the following:
  - Increased frequency of care coordination face-to-face visits to monitor for potential abuse, neglect or exploitation.
  - Education of the member on the types, risks factors, associated traits and symptoms of abuse, neglect and exploitation, as well as options for reporting abuse and neglect, including through the care manager or through support agencies, such as Adult or Child Protective Services.
  - Alert the member's providers, including home and community-based services (HCBS) providers, of the need for heightened vigilance and surveillance and review of the procedures for notifying the care manager of suspected abuse or neglect.
  - Seek arrangements for respite for unpaid caregivers, to be provided for in the plan of care.
  - Increase informal social support for the member through use of community activities or resources (e.g., senior centers, support group or worship attendance).
  - Refer member, family or caregiver to mental health/substance use disorder treatment.
  - Refer member to social service agency if family resources are severely limited.

## 6. 'Handle with care' measures

# ‘Handle with care’ measures

- When identifying abuse situations, you should use these “handle with care” measures:
  - Recognize risk factors of abuse, neglect and exploitation
    - Potential risk
    - Signs and symptoms
  - Assess each situation
    - Presence of possible problems or factors that might contribute to tendencies
    - Observation and inquiry (subject to privacy rights and level of cooperation)
  - Prevention
    - If risk is determined, include specific plan-of-care interventions to reduce risk
  - Intervention
  - Reporting

## 7. Report of abuse, neglect or exploitation

# Report of abuse, neglect or exploitation

- Although the law requires all persons to report suspected abuse, neglect and/or exploitation, certain professionals have a specific responsibility to report. These include, but are not limited to:
  - Physicians, osteopaths, medical examiners, chiropractors, nurses or hospital personnel engaged in the admission, examination or care and treatment of elderly or disabled adults
  - Health and mental health professionals not listed above
  - Nursing home staff, adult-living facility staff, adult day-care-center staff, social worker or other professional adult-care, childcare, residential or institutional staff
  - State, county or municipal criminal justice employees or law enforcement officers
  - Human Rights Advocacy Committee (HRAC) and Long-Term-Care Ombudsman Council (LTCOC) members
  - Banks, savings and loan or credit union officers, trustees or employees

# What is a mandated reporter?

- A mandated reporter is an individual who is required by law to report situations immediately if he/she suspects an adult or child may have been abused, neglected or exploited or is at risk of being abused, neglected or exploited.

## 8. Rights of mandated reporters

# Rights of mandated reporters

- **Most states allow for:**
  - Immunity from civil and criminal liability unless the report was made in bad faith or with malicious intent.
  - Identity protection. Mandated reporters must give consent to have their identities revealed.
  - The court may order the identity of the reporter revealed. The court can then release confidential information without penalty.



# 9. General reporting requirements

(states may differ)

# General reporting requirements (states may differ)

- Can you identify the person being abused? If known, provide address and/or location.
- What is the approximate age of the victim?
- Does an emergency exist?
- Can you describe the circumstances of the alleged abuse, neglect or exploitation?
- What are the names and relationships of other members of the adult household, if applicable?
- Is the victim incapacitated?
- Do you know the name and address of the caregiver—if applicable?
- Do you know the name and relationship of the alleged perpetrator(s)?
- Are there other people who may have knowledge of the victim?
- Do you know the name of the victim's physician(s)?
- What is your name, address, phone number? (You can report anonymously.)

## Important reporting processes

- Provider must report any suspected abuse, neglect or exploitation to the appropriate state agency. (See appendix for state-specific information.)
- Provider also must report suspected abuse, neglect or exploitation to the Humana care manager participating on the member's interdisciplinary care team.
- Humana care manager also must report the suspected abuse, neglect or exploitation to the appropriate state agency.
- Humana care manager must follow internal Humana associate reporting procedures as well.

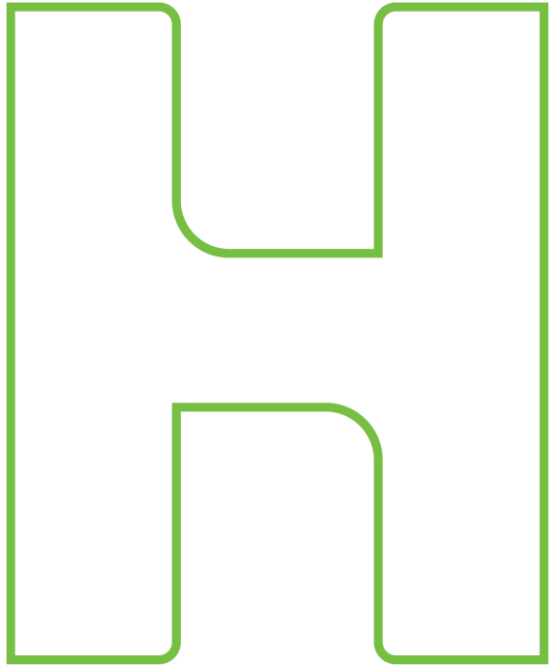
# 10. Critical incidents

# Critical incidents

- Humana has contracts with several states for their Medicaid business. As part of its contractual obligation with those states, Humana must report certain incidents or events to the proper state agencies. These incidents or events negatively impact the health, safety or welfare of health plan enrollees.
- States use different terminology for these incidents:
  - Florida—Critical/adverse events that apply to Medicaid and long-term care
  - Illinois—Critical incidents that apply to Medicaid and dual-eligible (Medicare-Medicaid)—both long-term services and support (LTSS) and non-LTSS
  - Kentucky—Adverse events that apply to Medicaid
  - Louisiana—Adverse incidents involving the Medicaid specialized behavioral health population
  - South Carolina—Critical incidents that apply to Medicaid
- For purposes of this training, the incidents are called “critical incidents.”
  - A list of “Critical Incidents by State” is provided at the end of this presentation.

# Critical incidents—required actions

- If a healthcare provider determines a Humana health plan member meets the criteria for a critical incident, it must be reported immediately to the member's health plan care manager or care coordinator. This could be a Humana associate or a contracted vendor for Humana. Humana has several contractual arrangements with vendors to serve as care managers and care coordinators in these states.
- Once the health plan's care manager is notified of the critical incident, the care manager must report it to Humana's risk management department for review and reporting to the correct state.
  - In **Florida**, reports must be received by Humana immediately on notification of the incident. Humana must report the incident to the Agency for Health Care Administration (AHCA) within 24 hours of notification.
  - In **Illinois, Kentucky, Louisiana and South Carolina**, reports must be received by Humana Risk Management within 24 hours after identifying the occurrence.
- Kentucky Vaccines for Children Program (VFC) requires VFC providers report clinically significant, adverse events to the Vaccine Adverse Event Reporting System (VAERS). More information can be found at [Vaccines for Children Program](#).



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# Appendix

State-specific information

# Florida required reporting

- Briefly consult on the appropriateness of a referral.
- If the member is in immediate danger, call 911 or local police.
- Immediately contact the appropriate agency:
  - Telephone: 800-96-ABUSE (800-962-2873)
    - Press 2 to report suspected abuse, neglect or exploitation. This Florida Abuse Hotline toll-free number is available 24/7.
  - TTY (telephone device for the deaf): 800-955-8771
  - Fax a detailed written report with your name and contact telephone to 800-914-0004
  - Website: <https://reportabuse.dcf.state.fl.us>



# Florida reporting requirements for critical/adverse incidents

Report any and all of the following immediately. Humana must report to AHCA within 24 hours of learning of the incident that pertains to a Humana Managed Medical Assistance (MMA) or long-term plan member.

Serious reportable events			
Enrollee death	Any condition requiring definitive or specialized medical attention that is not consistent with the routine management of the patient's case or patient's pre-existing physical condition	Abuse/neglect detected and reported by the plan	Medication errors
Enrollee brain damage	Any condition requiring surgical intervention to correct or control	Death by suicide, homicide, abuse/neglect or that is otherwise unexpected	Suicide attempts
Enrollee spinal damage	Any condition resulting in transfer of the patient, within or outside the facility, to a unit providing a more acute level of care	Adverse incident	Altercations requiring medical intervention
Permanent disfigurement	Any condition that extends the patient's length of stay	Major illness	Elopement
Fracture or dislocation of bones or joints	Any condition that results in a limitation of neurological, physical or sensory function that continues after discharge from the facility	Sexual battery	

# Illinois Medicare-Medicaid Alignment Initiative (MMAI) reporting requirements

- Briefly consult on the appropriateness of a referral.
- If the member is in immediate danger, call 911 or local police.
- Immediately contact appropriate agency:
  - **Reports regarding enrollees who are disabled adults 18 to 59 who reside in the community** are to be made to the Illinois Adult Protective Services Unit of the Department on Aging (DoA) at 866-800-1409 (voice) or 800-206-1327 (TTY).
  - **Reports regarding enrollees who are 60 or older and who reside in the community** are to be made to the Illinois Adult Protective Services Unit of DoA at 866-800-1409 (voice) or 800-206-1327 (TTY).
  - **Reports regarding members in nursing facilities** must be made to the Department of Public Health’s nursing home complaint hotline at 800-252-4343.
  - **Reports regarding members in supportive living facilities (SLF)** must be made to the Department of Healthcare and Family Services’ SLF complaint hotline at 800-226-0768.
  - **Reports of deaths (not natural):** Deaths are to be reported to the DHS Office of Inspector General. Criteria for investigating such incidents and reporting may include a recent allegation of abuse/neglect/exploitation, customer was receiving home health services at time of passing, etc.
- Reports regarding all LTSS members must be made to the Humana Health Plan Provider Help Line—Illinois at 800-787-3311.
- Report to the member’s Humana care manager.

# Reporting deaths to Illinois Office of Inspector General (OIG)

## Requirements for reporting deaths, according to the Illinois OIG website

### Deaths that must be reported to the Illinois OIG are as follows:

- Deaths occurring on-site in any residential or nonresidential program
- Deaths within 14 days of discharge or transfer from a residential program
- Deaths within 24 hours after deflection from a residential program

A death must be reported to the OIG within 24 hours of the staff becoming aware of it. If the death is suspected to be the result of abuse or neglect by staff, the death must be reported within 4 hours.

# Illinois reporting requirements for critical incidents

Bribery or attempted bribery of an HSP employee	Exploitation of member (financial)	Problematic possession or use of a weapon by customer	Sexual harassment by customer	Suspected alcohol or substance abuse by customer
Confinement (restraining or isolating)	Falsification of credentials or records	Property damage by customer of \$50 or more to provider's property	Sexual harassment by provider	Threats made against DRS/HSP/Humana staff
Customer arrested, charged with or convicted of a crime	Fire/natural disaster	Provider arrested, charged with or convicted of a crime (if impacts customer)	Sexually problematic behavior – of customer or provider	Unauthorized restraint of a customer
Customer displays physically aggressive behavior	Fraudulent activities or theft on the part of the customer or the provider	Report against DHS/HSP employee/ Humana staff	Significant medical event of customer	Verbal/emotional abuse of a customer
Customer is missing	Media involvement/media inquiry	Seclusion of customer	Significant medical event of provider (if it impacts customer)	Willful deprivation (elder – 60 or older)
Death, HSP customer: unexpected, suicide or homicide	Neglect of customer	Self-neglect of customer	Suicide attempt by customer	
Deaths, other parties – causing significant event for the customer	Physical abuse of customer	Sexual abuse of customer	Suicide ideation/ threat by customer	

# Illinois reporting requirements for critical incidents (cont'd)

Report all of the following within 24 hours:

## **Living facility critical incidents**

Actual/suspected abuse and neglect of resident

Allegations of theft, when resident notifies police

Any crime that occurs on facility property

Elopement/missing resident

Evacuation of residents for any reason

Fire alarm activation in a facility resulting in response by fire department

Loss of electrical power in excess of one hour

Resident physical injury by force of nature

Physical injury during mechanical failure

# Kentucky reporting requirements for critical incidents

- If the enrollee is in immediate danger, call 911 or the local police.
- Report to Humana Healthy Horizons<sup>®</sup> in Kentucky immediately by calling enrollee/provider services at 800-444-9137.
- Kentucky providers can use the following link to learn about identifying and reporting child and adult abuse, neglect and exploitation:  
<https://chfs.ky.gov/agencies/dcbs/dpp/Pages/default.aspx>.
- To report abuse, neglect and exploitation in Kentucky, reporters can call 877-KYSAFE1 (877-597-2331).
- Reports of nonemergencies that don't require an immediate response can be submitted online at <https://prd.webapps.chfs.ky.gov/reportabuse/home.aspx>.

*Humana Healthy Horizons in Kentucky is a Medicaid product of Humana Health Plan Inc.*

# Louisiana reporting requirements for critical incidents

- If the member is in immediate danger, call 911 or local police.
- As mandated reporters and as required by Louisiana's Children's Code Title VI, Article 603, providers are required to report adverse incidents directly and immediately to:
  - The enrollee's MCO within 1 business day from discovery of the adverse incident by faxing <LDH's standardized adverse incident report form> to 1-888-305-7974
  - The appropriate protective services agency or licensing agency
- If you have questions regarding the reporting process, please call Humana Healthy Horizons in Louisiana's provider services call center at 1-800-448-3810.

*Humana Healthy Horizons in Louisiana is a Medicaid product of Humana Benefit Plan of Louisiana Inc.*

## Louisiana reporting requirements for critical incidents (cont'd)

Please report to the following agencies responsible for investigating such allegations:

- Department of Child and Family Service (DCFS): 1-855-452-5437
- Adult Protective Services (APS) for vulnerable individuals ages 18 to 59: 1-800-898-4910
- Governor's Office of Elderly Affairs Elderly Protective Services (EPS) for vulnerable individuals 60 and older: 1-833-577-6532
- Louisiana Department of Health facility complaints:  
[HSS ComplaintForm 042021.docx \(live.com\)](#)



# Louisiana reporting requirements for critical incidents (cont'd)

Adverse incident definitions		
Abuse (child/youth)	Any one of the following acts that seriously endangers the physical, mental or emotional health and safety of the child: The infliction, attempted infliction or, because of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury to a child by a parent or other person.	<p>Examples include:</p> <ul style="list-style-type: none"> <li>• Exploitation or overwork of a child by a parent or any other person.</li> <li>• Involvement of a child in any sexual act with a parent or any other person.</li> <li>• Aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person or of the child's involvement in pornographic displays or any other involvement of a child in sexual activity constituting a crime under the laws of this state. (LA. Ch. Code art. 603(2))</li> </ul>
Abuse (adult)	The infliction of physical or mental injury, or actions which may reasonably be expected to inflict physical injury, on an adult by other parties.	Including, but not limited to, such means as sexual abuse, abandonment, isolation, exploitation or extortion of funds or other things of value. (LA. R.S. 15:1503.2)

# Louisiana reporting requirements for critical incidents (cont'd)

Adverse incident definitions		
Death	Regardless of cause or the location where the death occurred.	Please note: Documentation must address dates of all events and correspondence, cause of death, if the enrollee was receiving hospice or home health services, the who, what, when, where and why facts concerning the death and all relevant medical history and critical incidents associated with the death.
Exploitation (adult)	The illegal or improper use or management of the funds, assets or property of a person who is aged or an adult with a disability. Also includes the use of power of attorney or guardianship of a person who is aged or an adult with a disability for one's own profit or advantage. (LA. R.S. 15:1503.7)	
Extortion (adult)	The acquisition of an item of value from an unwilling or reluctant adult by physical force, intimidation or abuse of legal or official authority. (LA. R.S. 15:503.8)	

# Louisiana reporting requirements for critical incidents (cont'd)

Adverse incident definitions		
Neglect (child/youth)	The refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment or counseling for any illness, injury, or condition of the child, which might threaten or impair the child's physical, mental or emotional health and safety.	This includes prenatal illegal drug exposure caused by the parent, resulting in the newborn affected by drug exposure and withdrawal symptoms. (LA. Ch. Code art. 603[18])
Neglect (adult)	The failure of a caregiver or other parties responsible for an adult's care to provide the proper or necessary medical, surgical or other support or care necessary for his/her well-being.	No adult who is provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall, for that reason alone, be considered to be neglected or abused. (LA. R.S. 15:1503.10)

Healthcare providers are prohibited from using restrictive interventions/restraints. All instances of restraint that threaten members' health and welfare should be reported and referred to the appropriate protective service agency.

# South Carolina reporting requirements for abuse and neglect, exploitation and critical incidents

- If the patient is in immediate danger, call 911 or the local police.
- Report critical incidents to Humana immediately by calling provider services at 866-432-0001.
- South Carolina providers can use the following link to learn about identifying and reporting child and adult abuse, neglect and exploitation:  
<https://dss.sc.gov/abuseneglect/>.
- Providers must report abuse, neglect and exploitation to South Carolina directly by calling the 24-hour Abuse & Neglect Reporting Hotline at 888-CARE4US (888-227-3487).

# References

# References

- **Florida:**

- Agency for Health Care Administration
  - <http://ahca.myflorida.com/Medicaid/index.shtml>

- **Illinois:**

- Illinois Department of Human Services, Division of Rehabilitation Services
  - <http://www.dhs.state.il.us/page.aspx?item=29736>
- Illinois Department of Public Health Nursing Home
  - <http://www.dph.illinois.gov/topics-services/health-care-regulation/complaints>
- Illinois Department of Aging
  - [http://www.illinois.gov/aging/ProtectionAdvocacy/Pages/abuse\\_reporting.aspx](http://www.illinois.gov/aging/ProtectionAdvocacy/Pages/abuse_reporting.aspx)

# References

- **Kentucky:**

- Cabinet for Health and Family Services

- <https://chfs.ky.gov/agencies/dcbs/dpp/Pages/default.aspx>

- **South Carolina:**

- South Carolina Department of Social Services

- <https://benefitsportal.dss.sc.gov/#/ran/hom>

- **Louisiana:**

- <https://www.louisianahealthconnect.com/newsroom/2019-02--adverse-incident-reporting-mandated-by-state.html>