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LME-MCO Communication Bulletin #J272

Date: November 15, 2017

To: Local Management Entities/ Managed Care Organizations (LME-MCOs)
Providers providing publicly-funded Category A and Category B Services under
NC general Statutes 122C
NC Division of State Operated Healthcare Facilities

From: Lisa Haire, Assistant Director, Quality Management and Operations, DMH/DD/SAS
Deb Goda, Behavioral Health Unit Manager, DMA

Subject: Abuse, Neglect and Exploitation of an Individual by a Staff Member

This Communication Bulletin provides updated information regarding incident reporting.

Allegations of abuse, neglect and exploitation by a staff member are currently leveled at either Level II or Level III in the Incident Response and Improvement System (IRIS) based upon the severity of the impact of the action by staff.

Due to concerns about the safety of individuals and the need for review of safety plans for individuals who are receiving services, the Department of Health and Human Services has determined that all allegations of abuse, neglect and exploitation by a staff member will become Level III incidents effective December 4, 2017.

In IRIS, providers must ensure that the following information is completed:

- Information regarding how the agency became aware of the incident, the cause of the incident, triggers of behavior/incident, etc. must be detailed in the 'Cause of Incident' Section of Supervisor Actions.
- Information regarding how the agency is ensuring the safety of individuals served and plans for prevention/re-occurrence must be detailed in the 'Incident Prevention' Section of Supervisor Actions. Information regarding the status of the employee (suspended, leave, investigation, termination, etc.) must also be detailed.
- Information regarding the names of individuals/agencies (such as Parent(s)/Legal Guardians, Division of Social Services (DSS), Division of Health Service Regulation (DHSR), law enforcement, care coordinators, etc.) that are contacted must be detailed in the 'Authorities Contacted' tab.

- If the staff member is unlicensed, the Health Care Personnel Registry (HCPR) section in IRIS must be completed for the initial allegation **within 24 hours** and for the results of investigations of these allegations **within 5 working days** of the initial notification as defined in North Carolina General Statute 131E-256(b) and [10A NCAC 130](#).
- If the staff member is licensed, agency staff must notify the appropriate licensing agency for the staff member and document this notification in IRIS.
- If the agency is a Psychiatric residential Treatment Facility (PRTF), the agency must also follow the submission process for serious occurrence reporting as specified in the PRTF Attestation letter.
- Updated information (including information for HCPR) must be submitted into IRIS as the provider learns of additional information.

All allegations of abuse, neglect and exploitation by a staff member are to be reported to the local DSS office. A listing of local DSS offices is available at <https://files.nc.gov/ncdhhs/directory.pdf>

All **allegations** of abuse, neglect and exploitation by a staff member are to be entered into IRIS **at the time of the allegation**- not following an investigation by the agency. If the allegation is not substantiated by the provider or other regulatory agency, provider staff may indicate this information under Incident Comments and under HCPR section.

LME-MCO incident reporting staff should follow their agency procedures for review of Level III incidents by appropriate committees and Medical Directors. Information regarding the safety plan of individuals served should be immediately shared with Division of Mental Health, Developmental Disabilities and Substance Abuse Services Customer Service and Community Rights staff at 919-715-3197.

Providers who have questions should consult with their applicable LME-MCO incident reporting staff. LME-MCO staff who have questions may call Glenda Stokes at 919-715-3197 or e-mail at glenda.stokes@dhhs.nc.gov.

Previous bulletins can be accessed at: <https://www.ncdhhs.gov/divisions/mhddsas/joint-communication-bulletins>

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