



Critical Incident Reporting Criteria and Process

What is a critical Incident? A critical incident is an actual or alleged event that creates the risk of serious harm to the mental and/or physical health or welfare of an individual receiving waiver services.

How to report a Critical Incident or Mistreatment allegation/incident to Developmental Pathways

To report a critical incident, please call the Developmental Pathways reporting line: **303-858-2170**

Families of individuals in services or individuals in services can contact their Case Manager to have the CM assist in calling the reporting line if they choose *

Critical Incident Types and Definitions

1. **Injury/Illness to a Member:** Resulting in treatment beyond first aid which includes lacerations requiring stitches or staples, fractures, dislocations, loss of limb serious burn, skin wounds, etc. or admission into a hospital.
2. **Missing Person:** Person is not immediately found; their safety is at serious risk or there a risk to public safety. Also consider supervision levels, alone time, and the contingency plan (team agreed upon allotted time to report an individual missing).
3. **Damage to Member's Property/Theft:** Deliberate damage, destruction, theft or use of a member's belongings or money.
4. **Medication Error/Management Issues:** Issues with medication dosage, scheduling, timing, set-up, compliance and administration which results in harm or an adverse effect which necessitates medical care.
5. **Death:** Expected or unexpected.
6. **Criminal Activity:** Any illegal activity that is allegedly committed by the waiver participant in which there is law enforcement involvement;
 - a. Violation of probation or parole that potentially will result in the revocation of probation/parole.
 - b. Any criminal offense that is committed by a waiver participant that results in immediate incarceration.
 - c. A criminal offense where a ticket or summons was given to the waiver participant
7. **Unsafe Housing/Displacement:** Individual is residing in an unsafe living conditions due to a natural event (such a fire or flood) or environmental hazard (such as infestation), and is at risk of eviction or homelessness
8. **Mistreatment (Abuse, Neglect and Exploitation):** See below for more information on Mistreatment definitions and the investigative process.
9. **Other High-Risk Issues:**
 - a. Substance abuse which results in hospitalization or rehabilitation
 - b. Victim of a crime
 - c. Suicide ideation
 - d. Suicide Attempts

What happens once a critical incident is reported to Developmental Pathways?

1. Please report all critical incidents within 24 hours of when they occur or when you became aware of the incident.
2. Once a critical incident is reported, the agency or the DP Case Manager will fill out a critical incident report template with the details of what happened.
3. The incident then gets reported to the Colorado Department of Health Care Policy and Financing (HCPF) through an online reporting system.
4. Developmental Pathways and/or the agency will complete follow up steps for each Critical Incident. Those follow up steps will be different depending on the type of critical incident.
5. Once the report is complete and follow up actions take place the incident is closed out.



Mistreatment Allegations or Incidents

If you have any concerns about a situation that has occurred or a situation that was reported to you that may meet the definition of mistreatment (abuse, neglect or exploitation), please report that incident to Developmental Pathways.

Definitions

Mistreatment is defined as:

- a) Abuse;
- b) Caretaker neglect;
- c) Exploitation;
- d) An act or omission that threatens the health, safety, or welfare of a person with an intellectual and developmental disability; or
- e) An act or omission that exposes a person with an intellectual and developmental disability to a situation or condition that poses an imminent risk of bodily injury to the person with an intellectual and developmental disability.

1. Abuse is defined as any of the following acts or omissions committed against a person with an intellectual and developmental disability:

- a) The nonaccidental infliction of physical pain or injury, as demonstrated by, but not limited to, substantial or multiple skin bruising, bleeding, malnutrition, dehydration, burns, bone fractures, poisoning, subdural hematoma, soft tissue swelling, or suffocation;
- b) Confinement or restraint that is unreasonable under generally accepted caretaking standards; or
- c) Subjection to sexual conduct or contact classified as a crime under the "Colorado Criminal Code", title 18, C.R.S.
- d) **Sexual Abuse**
 - a. "Sexual contact" means the knowing touching of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or the knowing touching of the clothing covering the immediate area of the victim's or actor's intimate parts if that sexual contact is for the purposes of sexual arousal, gratification, or abuse.
 - b. "Sexual intrusion" means any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue, or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification, or abuse.
 - c. "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anilingus, or anal intercourse. Emission need not be proved as an element of any sexual penetration. Any penetration, however slight, is sufficient to complete the crime.

2. Caretaker neglect is defined as:

- a) neglect that occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, habilitation, supervision, or other treatment necessary for the health and safety of a person with an intellectual and developmental disability is not secured for a person with an intellectual and developmental disability or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise, or a caretaker knowingly uses harassment, undue influence, or intimidation to create a hostile or fearful environment for an at-risk adult with an intellectual and developmental disability.
- b) Notwithstanding the provisions of paragraph (a) of this subsection (1.8), the withholding, withdrawing, or refusing of any medication, any medical procedure or device, or any treatment, including but not limited to resuscitation, cardiac pacing, mechanical ventilation, dialysis, artificial nutrition and hydration, any medication or medical procedure or device, in accordance with any valid medical directive or order, or as described in a palliative plan of care, shall not be deemed caretaker neglect.



- c) As used in this subsection (1.8), "medical directive or order" includes a medical durable power of attorney, a declaration as to medical treatment executed pursuant to [section 15-18-104, C.R.S.](#), a medical order for scope of treatment form executed pursuant to article 18.7 of title 15, C.R.S., and a CPR directive executed pursuant to article 18.6 of title 15, C.R.S.

3. Exploitation is defined as: means an act or omission committed by a person who:

- a) Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive a person with an intellectual and developmental disability of the use, benefit, or possession of anything of value;
- b) Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the person with an intellectual and developmental disability;
- c) Forces, compels, coerces, or entices a person with an intellectual and developmental disability to perform services for the profit or advantage of the person or another person against the will of the person with an intellectual and developmental disability; or
- d) Misuses the property of a person with an intellectual and developmental disability in a manner that adversely affects the person with an intellectual and developmental disability's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.

Developmental Pathways Investigative Process

1. Per the Mandatory Reporting Law, for all at risk adults, incidents of suspected mistreatment must be reported to police within 24 hours. Police will pass this report to Adult Protective Services (APS) or the reported can also call APS make a secondary report. For children, please report to Child Protective Services or police if necessary.
2. Police/APS/CPS may conduct the investigations, if they do not then the CCB or agency will conduct an investigation.
3. Once a report is received and it meets the definition of Mistreatment, a trained investigator will open an investigation.
4. Witness interviews are completed with the individual in services, guardians, peers, and staff members involved in the incident.
5. The investigator will collect information and documents from the agencies that may assist with the investigation.
6. Once all evidence is collected the investigator will determine a conclusion to the investigation and report this conclusion to the agency director and the guardian or authorized representatives.
7. The investigator will make recommendations to the agency, but it is ultimately up to that agency to determine follow up actions to the investigation.

If at any time during the reporting process you have questions or concerns, please feel free to contact your Case Manager at Developmental Pathways or contact:

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