

MEMO TO THE CPMT

December 8, 2017

Contract Item C-2: Serious Incident Report

ISSUE: A Northern Virginia Medicaid Participating Residential Treatment Center (RTC) with five (5) Fairfax County youth with various funding sources including CSA, Adoption Subsidy, and private insurance is under investigation by the local law enforcement due to the death of a resident of the program. The media reports the youth was found unresponsive in the facility on the unit and died at the hospital.

This RTC was on probation with the Fairfax-Falls Church CSA Program due to several concerns about SIRS not being provided per the contract; lack of confidentiality of discussion of youth's specific information meeting in open sitting area; potential human rights violation and lack of compliance with acceptance of CSA System of Care Practice Standards; and lack of clinical detail and completeness with incomplete and unsigned Crisis/Safety Plan. A Corrective Action Plan (CAP) was requested and received. CSA Staff and the case managers were monitoring the services and environment for compliance with the CAP.

In the month of November, concerns increased due to missing batteries and fear of ingestion of the batteries by a resident, minimization of youth in the facility ingesting dangerous non-food items by unit and clinical staff, and CSA staff learned of the death of the resident and subsequent homicide investigation through the media prior to being notified by the facility.

ACTION TAKEN: Upon reviewing of the available information, conversations with the Chief Operating Officer, and conversations with the parents as reported by the Case Managers, the CSA Management Team has decided to halt future placements at the RTC. The provider has been taken off the internal CSA Provider Directory and has been notified in writing of the decision with copy to the Department of Behavioral Health and Developmental Services Office of Licensing.

Of the five Fairfax County residents in the program at the time of the concerns, case managers are working with custodial parents to assess their safety and make transition plans to different programs.

BACKGROUND: The CPMT's contract (Agreement for Purchase of Services) specifies provider requirements for reporting serious incidents to both the case managing agency and to the CSA program. The current CSA policy manual contains procedures describing staff responsibilities in the event of serious incidents for youth receiving CSA funded services.

When serious incidents occur, contracted providers are required to give verbal or email notification of the incident to the case manager and guardian within 24 hours and a written report to the CSA Utilization Review Manager within 72 hours of the incident. This centralized reporting enables the CSA Program to review and collate reports by both the individual youth and facility.

On June 24, 2016, the CPMT directed the CSA Management Team to develop proposed policy and procedures to ensure centralized reporting of serious incidents to include criteria for reporting to the CPMT about the disposition of incidents. A determination was made that the CPMT would be made aware of adverse incidents for youth receiving CSA-funded services that have the potential to impact the safety/well-being of youth due to allegations of:

- Alleged criminal activity by the provider to include abuse/neglect of clients

- Legal/Risk Management issues to include unsafe conditions
- Ethical/Licensure issues to include boundary and dual relationships
- Contractual violations/fiscal issues to include failure to report SIRs and billing misconduct

When the incident meets the criteria stated above, the CSA UR Manager and the CSA Contracts Coordinator review the details and decide if immediate action is needed to ensure the safety of the involved youth and other youth in the program/facility. During periods of investigation, contracts are “frozen” and removed from the local CSA Provider Directory and notifications are made to case managers of youth served by the provider. The CSA-MT is briefed at the next meeting and subsequently makes a decision regarding future referrals and contracts. The CSA UR Manager and the CSA Contracts Coordinator notify the CSA Program Manager who informs appropriate Human Services Leadership when a situation requires such escalation. When necessary, case managers, CSA staff and contracts analyst make sight visits to assess the facility and any continued risk to the youth receiving services funded by the County.

STAFF:

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