

**Government Business Division
Policies and Procedures**

Section (Primary Department) Quality Management		SUBJECT (Document Title) Behavioral Health Adverse Incidents Monitoring and Reporting -LA	
Effective Date January 29, 2016	Date of Last Review <u>12/5/2019</u> <u>January 8, 2019</u> <u>January 7, 2020</u>	Date of Last Revision <u>May 7, 2019</u> <u>January 7, 2020</u>	Dept. Approval Date <u>May 7, 2019</u> <u>January 7, 2020</u>
Department Approval/Signature :			

Policy applies to health plans operating in the following State(s). Applicable products noted below.

Products	<input type="checkbox"/> Arkansas	<input type="checkbox"/> Indiana	<input type="checkbox"/> Nevada	<input type="checkbox"/> Tennessee
<input checked="" type="checkbox"/> Medicaid	<input type="checkbox"/> California	<input type="checkbox"/> Iowa	<input type="checkbox"/> New Jersey	<input type="checkbox"/> Texas
<input type="checkbox"/> Medicare/SNP	<input type="checkbox"/> Colorado	<input type="checkbox"/> Kentucky	<input type="checkbox"/> New York – Empire	<input type="checkbox"/> Virginia
<input type="checkbox"/> MMP/Duals	<input type="checkbox"/> District of Columbia	<input checked="" type="checkbox"/> Louisiana	<input type="checkbox"/> New York (WNY)	<input type="checkbox"/> Washington
	<input type="checkbox"/> Florida	<input type="checkbox"/> Maryland	<input type="checkbox"/> North Carolina	<input type="checkbox"/> Wisconsin
	<input type="checkbox"/> Georgia	<input type="checkbox"/> Minnesota	<input type="checkbox"/> South Carolina	<input type="checkbox"/> West Virginia

PURPOSE:

To set forth a procedure for the monitoring and reporting of Behavioral Health Adverse Incidents to the Louisiana Department of Health.

DEFINITIONS:

- Abuse, neglect, extortion, exploitation, or death.

For the following types of events, submit a report regardless of where it occurs:

- Abuse, Death or Neglect.
- Abuse
 - Abuse (child/youth) is any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child.
 - The infliction, attempted infliction, or, as a result of inadequate supervision
 - The allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.
 - The exploitation or overwork of a child by a parent or any other person
 - The involvement of a child in any sexual act with a parent or any other person
 - The aiding or toleration by the parent of 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

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child in sexual activity constituting a crime under the laws of this state (Children's Code Article 603)

- **Abuse (adult)** is 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. (Louisiana Revised Statutes 15:403.2).
- **Behavioral Health Adverse Incidents:** shall include but not be limited to the following incidents when they occur while the member is in Community based services (outpatient), Inpatient (distinct part psychiatric unit, free standing hospital or psychiatric residential facility), or Residential (group home):
- **Death** - All deaths regardless of cause or the location where the death occurred.
- **Exploitation** - (adult) is 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, or 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 (Louisiana Revised Statutes 15:503.7)
- **Extortion** - (adult) is the acquisition of a thing of value from an unwilling or reluctant adult by physical force, intimidation, or abuse of legal or official authority. (Louisiana Revised Statutes 15:503.8)
- **Neglect**
 - **Neglect (child/youth)** is the refusal or unreasonable failure of a parent or caretaker to supply the child with the necessary food, clothing, shelter, care, treatment, or counseling for any illness, injury, or condition of the child, as a result of which the child's physical, mental or emotional health and safety are substantially threatened or impaired. This includes prenatal illegal drug exposure caused by the parent, resulting in the newborn being affected by the drug exposure and withdrawal symptoms. (Children's Code Article 603)
 - **Neglect (adult)** is the failure, by a caregiver responsible for an adult's care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his well-being. No adult who is being 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. (Louisiana Revised Statutes 15:503.10)

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PROCEDURE:

- 1) All contracted behavioral health providers are notified annually (via Provider Newsletter Article or Provider Blast Fax by Quality Management) to report Behavioral Health Adverse Incidents within (1) one business day of detection or notification. Hours of detection or notification include weekend and outside of business hours.
- 2) Reporting categories of Adverse Incidents are defined by Healthy Blue and the Louisiana Department of Health. Those categories are listed on the Department of Health website (<http://ldh.la.gov/index.cfm/page/2454>). Reportable incidents are reviewed during new provider site visits and ongoing orientation. Providers submitting Adverse Incidents are required to submit notification of incident using the approved Department of Health and Hospitals form via 855-859-5044 fax line directly to the Healthy Blue Quality Management (QM) Department. This form is a mandated Healthy Blue reporting form.
- 3) If any reported event is identified as a potential quality of care issue, the Adverse Incident is closed and the issue will follow the Quality of Care policy and procedure. QOC investigations will be expedited based on the clinical severity of the QOC issue.
- 4) The health plan will resolve a clinically urgent QOC issue as expeditiously as the member's medical condition requires, but in no event greater than seventy-two (72) hours (three (3) calendar days) after receipt of the QOC grievance.
- 5) The health plan will resolve a clinically non-urgent QOC issue within ninety (90) days of receipt of the incident.
- 6) The QOC's reported as adverse incidents will be noted on the AI reporting form and noted as referred to the QOC process. Incident reports will be forwarded to the appropriate investigative agency (e.g. Health Standards, Child Protection, Adult Protection) as necessary within those agency's timeframes for reporting.
- 7) QM staff will analyze, track and trend the information and report semi-annually to the Quality Management Committee for any further direction.
- 8) QM staff will populate the Healthy Blue mandated reporting form with the numbers of events reported and forward to the State of Louisiana Department of Health and Hospitals fifteen (15) days after the end of each calendar month.

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9) All reports will be tracked to determine provider trends. If negative trends are recognized, Healthy Blue will determine whether additional follow-up and corrective action is required, and this will be communicated to the provider. Corrective Action Plans (CAPs) would be required of the provider subject to the MCO policy. Healthy Blue will allow 30 days for providers to comply with CAPs. In the event that there is non-compliance demonstrated on behalf of the provider, Healthy Blue will refer the provider to The Plan Compliance Committee, where actions and recommendations will be discussed; (i.e., provider education; and oversight of CAP deliverables reported monthly) and The Credentialing Committee, to further discuss if the provider will remain in network or out of network. This process could also result in an onsite visit by the BH Medical Director or designee.

REFERENCES:

Healthy Louisiana Adverse Incident Reporting Form

Healthy Louisiana Adverse Incident Reporting Form Provider Instructions and Definitions

[Louisiana RFP Section-Emergency Contract SOW Section](#) 14.8

Quality of Care Policy

RESPONSIBLE DEPARTMENTS:

Primary Department- Quality Management

EXCEPTIONS:

None

REVISION HISTORY:

Review Date	Changes
1/29/2016	<ul style="list-style-type: none"> New policy created due to contract updates Policy updated with DHH edits
2/23/2017	<ul style="list-style-type: none"> For annual review References placed in alphabetical order
1/30/2018	<ul style="list-style-type: none"> For annual review Amerigroup references updated to Healthy Blue
4/17/2018	<ul style="list-style-type: none"> Off cycle edits Policy updated to reflect LDH reporting edits Placed definitions in alphabetical order Reference section updated

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4/25/2018	<ul style="list-style-type: none"> • Off cycle review • Timeframe for provider reporting updated per LDH guidelines
1/8/2019	<ul style="list-style-type: none"> • For annual review • Update to procedure section with current contract language
5/7/2019	<ul style="list-style-type: none"> • Off cycle review • Removed Seclusion/Restraint Verbiage as this is no longer required to be submitted to the LDH as a reportable AI
<u>1/7/2020</u>	<ul style="list-style-type: none"> • <u>Annual review</u> • <u>Edit within reference section</u>