



INCIDENT REPORTING GUIDE

Kansas Department of Health and Environment,
Kansas Department for Children and Families,
Kansas Department for Aging and Disability Services,
and in collaboration with KanCare Managed Care Organizations

TABLE OF CONTENTS

I. Introduction	2
II. Guiding Principles	2
III. Incident Management Federal and State Reporting.....	3
IV. Definitions of Reportable Incidents	3
V. Reporting Guidelines and Processes.....	5
VI. State Licensed Provider Incident Management Systems	7
VII. MCO Reporting Processes	8
VIII. Other Resources	9

I. Introduction

The Kansas Department of Health and Environment (KDHE), Kansas Department for Children and Family Services (DCF), the Department for Aging and Disability Services (KDADS), in coordination with the KanCare Managed Care Organizations (MCOs) have developed this Incident Reporting Guide as incident management and associated reporting are critical components of the Kansas Statewide Quality Strategy for quality assurance and continuous improvement of the systems that serve Medicaid members.

The KanCare Incident Reporting Guide describes the reporting requirements for incidents involving, but not limited to, Kansas Medicaid recipients. The following guidance is provided for anyone suspecting and reporting the following types of incidents, as well as mandatory reporters and licensed providers. Further, this guide is developed to assist all providers of services to Medicaid recipients in the State of Kansas to navigate the State systems for reporting adverse incidents. This document does not include all required reporting elements related to service provision licensure, such as reporting that is required through local affiliate agreements. It does serve as a navigation tool for reporting adverse incidents in the State of Kansas and a statewide systems overview of state agency reporting requirements to comply with federal mandates and state statutes and regulations.

II. Guiding Principles

- Kansans are afforded opportunities to live healthy, safe and productive lives in the least restrictive, sustainable environments.
- All children and adults receiving Medicaid managed care have access to efficient and effective health care that promotes quality of life.
- Improve the quality of care Kansas Medicaid beneficiaries receive through integrated care coordination and a holistic approach to service delivery.
- Protect the most vulnerable adults from harm while safeguarding their civil liberties.
- Providers train persons providing and receiving services to recognize, respond to, and report incidents in accordance with federal and state statute and regulation.



IF IN DOUBT...REPORT!

III. Incident Management Federal and State Reporting

Chapter 39: Mentally Ill, Incapacitated And Dependent Persons; Social Welfare

Article 14: Reporting Abuse, Neglect Or Exploitation Of Certain Persons

Statute 39-1430: Abuse, neglect or exploitation of certain adults; definitions. As used in this act: (a) "Adult" means an individual 18 years of age or older alleged to be unable to protect their own interest and who is harmed or threatened with harm, whether financial, mental or physical in nature, through action or inaction by either another individual or through their own action or inaction when (1) such person is residing in such person's own home, the home of a family member or the home of a friend, (2) such person resides in an adult family home as defined in K.S.A. 39-1501 and amendments thereto, or (3) such person is receiving services through a provider of community services and affiliates thereof operated or funded by the Department for Children and Family Services or the department on aging or a residential facility licensed pursuant to K.S.A. 75-3307b and amendments thereto. Such term shall not include persons to whom K.S.A. 39-1401 et seq. and amendments thereto apply. (Per K.S.A. 39-1430)

- Adult mandatory reporters per K.S.A 39-1431
www.dcf.ks.gov/services/PPS/Pages/MandatoryReportersAdult.aspx
- Child mandatory reporters per K.S.A. 38-2223
www.dcf.ks.gov/services/PPS/Pages/MandatoryReportersChild.aspx

IV. Definitions of Reportable Incidents

Child Protective Services (CPS)

Abuse/Neglect: Reports assigned for abuse/neglect require an investigation to determine the validity of the report and an assessment to determine if further action may be needed. (Per DCF PPS Policy and Procedure Manual, 1/1/2015)

Physical Abuse: Infliction of physical harm or the causation of a child's deterioration, and may include, but shall not be limited to, maltreatment or exploiting a child to the extent the child's health is endangered. (K.S.A. 38-2202)

Sexual Abuse: Any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child, or another person. Sexual abuse shall include allowing, permitting, or encouraging a child to engage in the sale of sexual relations or commercial sexual exploitation of a child, or to be photographed, filmed, or depicted in obscene or pornographic material. Contact solely between children shall meet the criteria only if the

contact also involves force, intimidation, difference in maturity, or coercion. Sexual abuse shall include the following: permitting or encouraging a child to engage in the sale of sexual relations or commercial sexual exploitation of a child, or to be photographed, filmed or depicted in pornographic material. (K.S.A. 38-2202 and K.A.R. 30-46-10)

Mental or Emotional Abuse: Infliction of mental or emotional harm or the causing of a deterioration of a child, and may include, but shall not be limited to, maltreatment or exploiting a child to the extent the child's health or emotional wellbeing is endangered. This term may include any act, behavior, or omission that impairs or endangers a child's social or intellectual functioning. This term may include the following:

terrorizing a child, by creating a climate of fear or engaging in violent or threatening behavior toward the child or toward others in the child's presence that demonstrates a flagrant disregard for the child;

emotionally abandoning a child, by being psychologically unavailable to the child, demonstrating no attachment to the child, or failing to provide adequate nurturance of the child; and

corrupting a child, by teaching or rewarding the child for unlawful, antisocial, or sexually mature behavior. (K.S.A. 38-2202 and K.A.R. 30-46-10)

Physical Neglect: Acts or omissions by a parent, guardian, or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. This term may include but shall not be limited to: failure to provide the child with food, clothing, or shelter necessary to sustain the life or health of the child. K.S.A. 38-2202

Medical Neglect: Acts or omissions by a parent, guardian, or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. This term may include the following, but shall not be limited to: failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent. (K.S.A. 38-2202)

Lack of Supervision: Acts or omissions by a parent, guardian, or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. This term may include the following, but shall not be limited to: failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child. (K.S.A. 38-2202)

Abandonment: Forsake, desert or cease providing care for the child without making appropriate provisions for substitute care. (K.S.A. 38-2202)

Findings: The agency's conclusion regarding whether abuse or neglect occurred based on facts gathered during the investigation as follows:

- Substantiated: The facts and circumstances provide clear and convincing evidence to conclude the alleged perpetrator's actions or inactions meet the KSA and KAR definition of abuse or neglect.
- Unsubstantiated: The facts or circumstances do not provide clear and convincing evidence to meet the KSA and KAR definition of abuse or neglect.

Adult Protective Services (APS)

Abuse: Any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to an adult including:

infliction of physical or mental injury;

any sexual act with an adult when the adult does not consent or when the other person knows or should know that the adult is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship;

unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm an adult;

unreasonable use of physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician's orders or as a substitute for treatment, except where such conduct or physical restraint is in furtherance of the health and safety of the adult;

a threat or menacing conduct directed toward an adult that results or might reasonably be expected to result in fear or emotional or mental distress to an adult;

fiduciary abuse; or

omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness. (K.S.A. 39-1430(a))

Neglect: The failure of omission by one's self, caretaker or another person with a duty to supply or to provide goods or services which are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness. (K.S.A. 39-1430 (c))

Exploitation: Misappropriation of an adult's property or intentionally taking unfair advantage of an adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation of false pretense by a caretaker or another person. (K.S.A. 39-1430(d))

Findings: The agency's conclusion regarding whether abuse, neglect, exploitation or fiduciary abuse occurred based on facts gathered during the investigation as follows:

- Unsubstantiated: The facts or circumstances do not provide clear and convincing evidence to meet the KSA definition of abuse, neglect, exploitation, or fiduciary abuse.
- Substantiated: The facts and circumstances provide clear and convincing evidence to conclude the alleged perpetrator's actions or inactions meet the KSA definition of abuse, neglect, exploitation, or fiduciary abuse.

V. Reporting Guidelines and Processes

Adult Protective Services

Adult Protective Services (APS) responds to reports of abuse, neglect or exploitation of adults. Intervention is available to adults age 18 and older who are unable to protect themselves. This includes individuals who have physical, emotional or mental impairments. These impairments may limit their ability to manage their homes or their personal or financial affairs. Intervention

actions are taken to safeguard the safety, wellbeing and general welfare of adults in need of protection.

The APS program helps those adults who need assistance in dealing with abusive, neglectful or exploitive situations. Those who are most frail, dependent and socially isolated are at highest risk. APS social workers provide protective services to these adults, with their consent. This service is provided for adults who reside:

- in the community;
- in community-based facilities licensed or certified by the Kansas Department for Aging and Disability Services (KDADS);
- in adult care homes and other long term care facilities licensed by KDADS when the perpetrator is not a resident of or on the staff of the facility.

The intent of APS is to protect the most vulnerable adults from harm while safeguarding their civil liberties. For more information, visit APS webpage at

<http://www.dcf.ks.gov/services/PPS/Pages/APS/AdultProtectiveServices.aspx>.

To report suspected abuse, neglect or exploitation of an adult in the community, contact:
Kansas Department for Children and Families—Kansas Protection Report Center (PRC):

Phone Number	1-800-922-5330
Hours of Operation	24 hours/7 days per week
Online	www.dcf.ks.gov/services/PPS/Pages/KIPS/KIPSWebIntake.aspx

Every call is taken seriously.

If the abuse, neglect or exploitation occurred in a nursing home, hospital, or by a home health agency, etc., contact:

KDADS—Survey, Certification and Credentialing Commission

Phone Number	1-800-842-0078
Hours of Operation	Monday-Friday 8:00am-5:00 pm (CST)
Fax Number	785-296-0256

In the event of an emergency contact your local law enforcement or call 911.

Child Protective Services

When a report of child abuse or neglect is made, an initial assessment is made to determine if Child Protective Services (CPS) should become involved. If the report meets the criteria for agency involvement, the case is investigated by a social worker or special investigator. Law enforcement may also investigate if a joint investigation is warranted. If it is determined that a child is unsafe, then a recommendation is made by CPS or law enforcement to the court regarding what action should be taken regarding the child's safety.

The court is ultimately responsible for the decision to remove a child from the home. Removal may require placing the child in foster care or in the care of a relative. When making a recommendation to remove a child, CPS must weigh the emotional harm to the child of being removed from the home with the likelihood of harm that could occur if the child remains in the home. Information for parents is available in the [Child Protective Services Brochure](#).

Services may be provided in non-abuse or neglect situations in cases where a child appears to be without proper parental care and control, in cases of truancy and in the cases of runaways. Assessments often result in families being referred to services such as family preservation, foster care or other services available in the community.

If you suspect a child is being abused or neglected, please telephone the Kansas Protection Report Center (PRC) at 1-800-922-5330. Every call is taken seriously and every effort will be made to protect your identity. Phone lines are staffed 24 hours a day. For more information, visit Child Protective Services webpage:

www.dcf.ks.gov/services/pps/Pages/ChildProtectiveServices.aspx.

If you are a mandatory reporter and would like to report child or adult abuse or neglect electronically, please use the new Kansas Intake/Investigation Protection System <http://www.dcf.ks.gov/services/pps/Pages/KIPS/KIPSWebIntake.aspx>. When using the electronic report please make note of the first question at the top of the form indicating child or adult type of report.

VI. State Licensed Provider Incident Management Systems

Adult Care Homes

Facilities or covered individuals needing to report a suspected crime against a resident when the hotline is closed may submit an e-mail to suspectedcrime@kdads.ks.gov with the following information:

- Persons involved (resident victim, alleged perpetrator, witnesses, covered individuals with reason to suspect a crime has occurred)
- Date and time of the incident
- Description of the incident
- Injury, if any, to the resident
- Date and time report made to law enforcement
- Law Enforcement agency and case number

Complaint Program staff will respond to the e-mails during regular hotline hours.

Adult Care Home Facility-based Reporting:

- Facility Complaint Investigation Report Form (PDF)
www.aging.ks.gov/Forms/Other_SCC_Forms/FSI_report_form.pdf
- Facility Complaint Investigation Report Form (Word)
www.aging.ks.gov/Forms/Other_SCC_Forms/FSI_report_form.doc
- ANE Witness Form (PDF)
www.aging.ks.gov/Forms/Other_SCC_Forms/ANE_Witness_Form.pdf
- ANE Witness Form (Word)
www.aging.ks.gov/Forms/Other_SCC_Forms/ANE_Witness_Form.doc

KDADS Waiver and Behavioral Health Provider Reporting

Provider Adverse Incident Reporting (AIR) system for waiver and behavioral health members for any event of:

- Elopement
- High Profile Events
- Inappropriate Sexual Contact
- Misuse of Medications

- Natural Disaster
- Neglect
- Physical Abuse
- Preventable Death
- Serious Injury
- Suicide Attempt
- Suicide

http://www.aging.ks.gov/Manuals/AIR/AIR_Instructions_KDADS_MCO.pdf

KDADS AIR system questions, 'how to', or password changes	KDADS HelpDesk: 785-296-4987 or 1-800-432-3535 Email: HelpDesk@kdads.ks.gov
Questions about AIR system policies and guidelines	785-296-4986

Intellectual and Developmental Disability (IDD) Provider Reporting

www.aging.ks.gov/HCBSPProvider/Documents/Workflow_Death_Report_Process.pdf

Community Developmental Disability Organizations (CDDO) Reporting

www.aging.ks.gov/HCBSPProvider/IDD_Policies.html

VII. MCO Reporting Processes

Member services reporting

If you are concerned with the services you or someone you know is receiving from an MCO, please call the member's MCO.

<i>Amerigroup Kansas, Inc.</i>	1-800-600-4441 TTY: 711
<i>Sunflower Health Plan</i>	1-877-644-4623 TTY: 1-888-282-6428
<i>UnitedHealthcare</i>	1-877-542-9238 TTY: 711

Provider services reporting

Providers may contact the MCOs directly:

<i>Amerigroup Kansas, Inc.</i>	1-877-434-7579 https://providers.amerigroup.com/pages/ks.aspx ks1provrel@amerigroup.com
<i>Sunflower Health Plan</i>	1-877-644-4623 TDD/TTY: 1-888-282-6428 http://www.sunflowerhealthplan.com
<i>UnitedHealthcare</i>	1-877-542-9235 http://www.uhccommunityplan.com/health-professionals/KS/provider-information

VIII. Other Resources

Domestic Violence: Kansas Crisis Hotline, 1-888-363-2287

Human Trafficking: If you or someone you know is being forced to engage in any activity and cannot leave – whether it is commercial sex, housework, farm work or any other activity – call the toll-free National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services. The hotline is available 24 hours a day, seven days a week; operated by a nonprofit, nongovernmental organization; anonymous and confidential; accessible in 170 languages; and able to provide help, referral to services, training and information.

<http://www.traffickingresourcecenter.org/>

If you suspect a child is being trafficked, call either local law enforcement and/or the Kansas Protection Report Center (PRC), 1-800-922-5330.

Problem Gambling Helpline: 1-800-522-4700, www.ksgamblinghelp.com

No Out-Of-Pocket Cost treatment is available to problem gamblers, family members, and concerned others who reside in Kansas.

Public Assistance Fraud: If you suspect a person is receiving public assistance to which they are not entitled, call the DCF Fraud Hotline at 1-800-432-3913. Reporters may choose to remain anonymous, but should provide as much detailed information as possible.

Sexual Assault: Kansas Crisis Hotline, 1-888-363-2287, www.kcsdv.org

Substance Use Disorder/Drug and Alcohol Abuse: 866-645-8216, ValueOptions Kansas, www.valueoptions.com/kansas/index.htm

Suicide Prevention: If you or a loved one is experiencing a suicidal crisis or emotional distress, please contact 1-800-273-TALK (8255), a free 24-hour National Suicide Prevention Lifeline. www.suicidepreventionlifeline.org/