

Community Choices Waiver Provider Training

Provider and Division Responsibilities in Incident Follow-Up

Wyoming Department of Health
Division of Healthcare Financing
Home and Community-Based Services Section
July 26, 2021

Purpose of This Training



To provide further guidance on the incident reporting process and explain the steps the Division takes related to incident review and investigation.

Training Agenda

- Incident reporting refresher
- Introduction of the Incident Management Team
- Walk-through of a Division review of an incident
- Division follow-up and resolution of incidents



Freedom to make choices is a human right. Participants have the right to make an informed choice about who provides their services.

Authority: CCW Agreement

- Outlines responsibilities and requirements
- Current agreement became effective July 1, 2021
- Located at:
<https://health.wyo.gov/health-carefin/hcbs/hcbs-public-notice/>



The Incident Reporting Process

CCW Critical Incidents and Complaints

To report a Community Choices Waiver critical incident, click [here](#) for the Provider Portal.

To report a critical incident involving a participant who is receiving participant-directed Community Choices Waiver services, click [here](#).

To report a Community Choices Waiver complaint, click [here](#).

Providers are required to utilize the Provider Portal to submit incident reports to the Division.

Filing an Incident - A Quick Refresher

■ Requirements established in Appendix G-1-b

- Providers, including case managers, must report critical incidents as soon as practicable after assuring the health and safety of the participant.
- Must use Division's web-based reporting system - Provider Portal.

■ Critical incidents include:

- Abuse;
- Neglect;
- Exploitation;
- Unexpected death; and
- Use of restraint and restrictive interventions.

Why is Reporting an Incident Important?

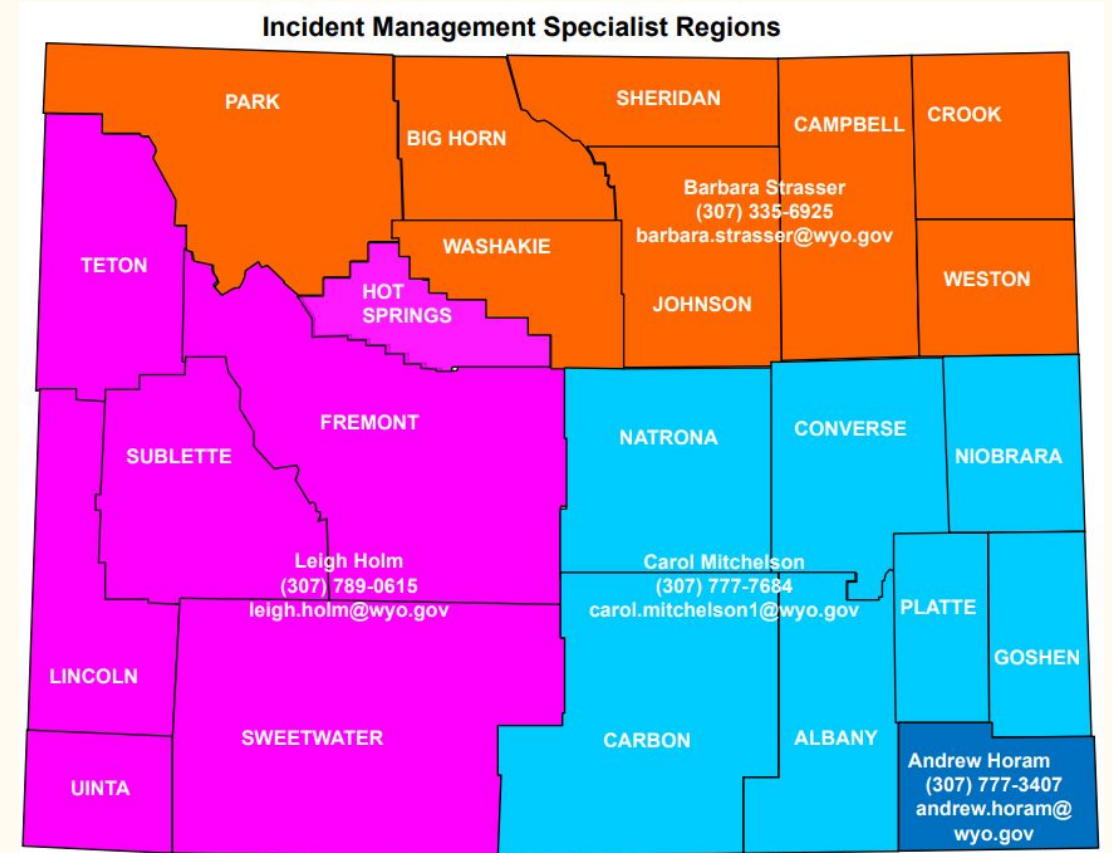


- Identification and remediation of action or inaction that may have caused the incident.
- Facilitation of Division follow-up.
- Implementation of system improvements.
- Better services for those we serve.

Incident Management Team

Identify the Incident Management Specialist in your area at:

<https://health.wyo.gov/healthcarefin/hcbs/contacts-and-important-links/>



Division Review



Once the Incident Management Specialist receives an incident report, they are responsible for reviewing the incident.

Criteria from the Waiver Agreement

The Division conducts an investigation of all reported incidents including potential instances of abuse, neglect, exploitation, unexpected death, use of restraint, and/or unauthorized use of restrictive interventions within three business days.

CCW Agreement - Appendix G-1-d

Why Three Business Days?

- First responders are always the first contact!
- Division is reviewing the provider action to the incident.
- Allows time for a thorough review.



Evaluation of Provider Response

■ Was the response appropriate?

- Met CCW requirements
- Aligned with service plan and needs of the individual
- Was consistent with program direction

■ Were the necessary parties notified?

- Law enforcement, DFS, Protection and Advocacy
- Licensure oversight entities, State Ombudsman

■ Did the response address the situation?

- The participant's safety and well-being have been addressed

Division Follow-Up



The Incident
Management Specialist
will follow up with the
provider, as appropriate.

Technical Assistance: What is it?

- Help from the Division
- Advice on CCW matters
- Discussing problems or concerns
- Providing information about additional resources



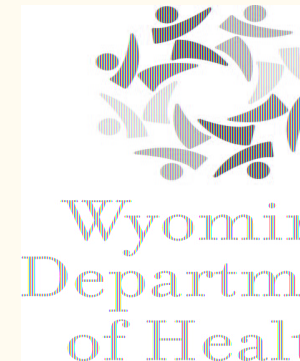
Technical Assistance: What Does it Look Like?

■ Informal

- Phone calls;
- Emails;
- Support calls;
- Division website; and
- Division guidance.

■ Formal

- In writing; and
- Typically issued on Division letterhead



Technical Assistance: What Does it NOT Look Like?



- How to run your business.
 - Business decisions unrelated to compliance with rule and regulation.
- Navigating personal conflict.
 - Be professional, courteous, and focused on the participant.
- Providing the same level of support for the same or similar situations.

Provider Response to Technical Assistance



- Listen actively
 - Ask questions
 - Clarify what you don't understand
- Be proactive
 - Follow guidance and recommendations
- Retain documentation

Do not ignore technical assistance!

Corrective Action

- Formal action imposed to correct an identified deficiency.
- Provider is required to submit a plan (CAP) that explains how they will make necessary corrections.
- Corrective action is not an adverse action.



Area of Non-Compliance	Action Step	Responsible Party	Due Date
The service setting is free of significant health or safety concerns	ABC Services will ensure inspections from an outside entity, including wiring inspections, are completed on all settings owned or operated by ABC Services.	Firestorm, Maintenance Technician	August 2021
Ongoing inspections	<p>ABC Services will use Google tasks to schedule ongoing inspections.</p> <p>ABC Services will document inspections and review annually to ensure completing</p>	Ghost Rider, Safety Coordinator	<p>October 2021</p> <p>Ongoing</p>

Ensuring Compliance With A CAP



- Provider is responsible for ensuring actions have been completed within specified timeframes.
- Division may review the provider's compliance with the CAP.

Adverse Action

An adverse action is the termination, suspension, or other sanction of a provider, the denial or withdrawal of admission certification, the determination of a per diem rate, or the denial or reduction of a Medicaid payment to a provider.

Wyoming Medicaid Rules - Chapter 1

Right to a Fair Hearing

- Provider may dispute an adverse action pursuant to Chapter 4.
- Must be requested within twenty (20) business days after the mailing of the notice of adverse action.
- Not all actions are considered adverse, and are therefore not subject to a fair hearing.



Incident Resolution and Closure

- The Division determines when an incident is resolved.
- Associated documentation is retained electronically for seven years.



Key Takeaways



1. Incident reporting benefits the participant and the provider.
2. All incident reports are reviewed by the Division.
3. The Division offers technical assistance as its primary support. Providers should not ignore technical assistance offered by the Division.
4. Additional follow-up may be required by the Division.

Questions???

Contact the Incident Management Specialist
based on your county

[https://health.wyo.gov/healthcarefin/hcbs/contacts
-and-important-links/](https://health.wyo.gov/healthcarefin/hcbs/contacts-and-important-links/)
