

New Mexico Aging and Long-Term Services Department
Elderly and Disability Services Division
**Mi Via Participant/Legal Representative for D&E/CoLTS or Brain Injury
Critical Incident Reporting Requirements**

Incident Management refers to the reporting and prevention of abuse, neglect, and exploitation of Participants served in Medicaid-funded, home and community-based service programs. As a citizen of New Mexico and a participant in a Medicaid-funded program, you have certain Incident Reporting responsibilities. If any of the following incidents happen to you, it must be reported. Please see the chart at the end of this list to know where and how to report.

INCIDENT MANAGEMENT PRINCIPLES FOR Mi Via PARTICIPANTS

- Participants should have a quality of life that is free of abuse, neglect, and exploitation
- Participants, family members and staff must be competent and trained to respond to, report, and document incidents, all in a timely and accurate manner
- Participants, legal representatives, guardians, employees and providers must be made aware of and have available incident reporting processes
- Any individual who, in good faith, reports an incident or makes an allegation of abuse, neglect, or exploitation will be free from any form of retaliation
- Quality starts with those who work most closely with persons receiving services

REPORTABLE INCIDENTS

For Adults, 18 and older:

Abuse: Someone intentionally causing physical pain, injury, or harm to your body. It can also be bullying, threatening, or limiting your freedom to do the things you want to do and visit people you want to see. Another form of abuse is sexual contact when you do not want it.

Neglect: Failure of the person who is taking care of you to provide clothing, food, safe shelter, or not taking you to doctors' appointments.

Self-Neglect: not allowing people to take care of you when you need assistance to be safe and healthy. Refusing to take medications, dress warm, or not seeking medical help when you need it could be self-neglect. It can also be not keeping your body or your home clean enough to be healthy. If you drink or take drugs so much that you get sick or in trouble a lot, this could be self-neglect.

Exploitation: Someone taking your money or other possessions when you do not want them to. Someone tells you to lie about how much they are helping you or makes you sign things you don't understand or are not true. Exploitation can also include reporting hours that were not worked or other acts of fraud.

Environmental Hazard: An unsafe condition that creates an immediate threat to life or health in your home or home environment.

Law Enforcement Involvement is defined as an arrest or detention by the police, or being put in jail. It can also be an incident involving the police that happen in your home.

Emergency Services refers to an intervention by paramedics, a visit to the emergency room or admission to the hospital that was not expected.

For Children, under 18 years:

It is important for every person to take child abuse and neglect seriously and to be able to recognize when it happens. Abuse and neglect may be physical, sexual or emotional.

Definitions of Abuse and Neglect (Abuse and Neglect Act (32A-4-A, NMSA, 1978))

1. **Physical Abuse includes:**

- a. *Cases in which a child exhibits evidence of a skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of a bone, subdural hematoma, tissue swelling or death, AND,*
- b. *There is not a justifiable explanation for the condition or death.*

2. **Sexual Abuse includes:**

- a. *Criminal sexual contact*
- b. *Incest or criminal sexual penetration*
- c. *Sexual exploitation (acts such as allowing, permitting or encouraging a child to engage in prostitution or obscene or pornographic photographing, or filming a child for obscene or pornographic commercial purposes)*

3. **Neglect includes:**

- a. *The abandonment of a child by a parent or guardian or custodian.*
- b. *The failure of a parent, guardian or custodian to provide the child with proper parental care and control or subsistence, education, medical or other care or control necessary for the child's well-being.*
- c. *When a child is physically or sexually abused and the child's parent, guardian or custodian knew or should have known of the abuse and failed to take reasonable steps to protect the child from further harm.*
- d. *Parental inability to discharge their responsibilities to and for the child because of parental incarceration, hospitalization, or physical or mental disorder or incapacity.*

4. **Death:**

- a. *Unexpected Death is a death caused by an accident or an unknown or unanticipated cause.*
- b. *Natural/Expected Death is a death caused by a long-term illness, a diagnosed chronic medical condition, or other natural/expected conditions resulting in death.*

5. **Other Reportable Incidents:**

- a. **Environmental Hazard** is defined as an unsafe condition that creates an immediate threat to life or health of a consumer.
- b. **Law Enforcement Intervention** is defined as the arrest or detention of a person by a law enforcement agency, involvement of law enforcement in an incident or event, or placement of a person in a correctional facility.
- c. **Emergency Services** refers to admission to a hospital or psychiatric facility or the provision of emergency services that results in medical care, that is not anticipated for this consumer and that would not routinely be provided by a primary care provider.

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If any of the above things happen to you, your child, or family member in the Mi Via Program, you must make a report. Call the number below and report to your Mi Via Consultant Agency.

Suspected/alleged abuse, neglect, and exploitation of a participant 18 years or older, must be referred immediately to Adult Protective Services Intake:

24 hours a day, 7 days a week.

Telephone: 1-866-654-3219 Fax: 1-505-476-4913

Suspected/alleged abuse or neglect of a participant under 18 years of age must be referred immediately to Child Protective Services at: 1-800-797-3260.

24 hours a day, 7 days a week. They will talk to you about how to be safe and how to get the help you need.

Medicaid Fraud: The intentional deception or misrepresentation that an individual knows, or should know to be False, or does not believe to be true, and makes, knowing the deception could result in some unauthorized benefit to himself or some other persons(s); Definition by Centers for Medicare & Medicaid (CMS). If you know anyone committing Medicaid Fraud or are not sure if something constitutes Medicaid Fraud, please contact: NM Human Services Department/Medical Assistance Division, Quality Assurance Bureau: 505-827-3100; FAX 505-476-7040; email NMMedicaidFraud@state.nm.us

Report all incidents to your Mi Via Consultant Agency within 24 hours.

Mi Via, NM's Self- Directed Waiver Program
Participant/Legal Representative for D&E/CoLTS or Brain Injury
Critical Incident Reporting Responsibilities

**RESPONSIBILITY OF MI VIA PARTICIPANT
AND/OR LEGAL REPRESENTATIVE**

- Participant and/or Legal Representative receives training from Consultant
- Participant and/or Legal Rep trains family member, employees and providers on Incident Reporting
- Ensure safety first
- Obtain Medical Assistance as needed
- Involve Law Enforcement as needed
- Complete Incident Report section 1 & 2
- Inform Mi Via Consultant Agency of all Incident Reports

Participant must
CONTACT

Adult Protective Services

Phone: 1-866-654-3219

FAX: 1-505-476-4913

Or

Child Protective Services

1-800-797-3260

(Abuse, neglect, exploitation * 24 hrs/7 days)

Mi Via Consultant Agency

(All incidents)

Report all incidents to your
Mi Via Consultant Agency
within 24 hours.