

## **1090.0 INCIDENT REPORTING**

Incidents that may affect the health and safety of Department of Human Services (DHS) clients, employees, volunteers, visitors and others on DHS premises or while receiving DHS services, and occurrences that interrupt or prevent the delivery of DHS services, must be reported to the Division Director or Designee and the DHS Director's Office, as required below. The DHS Director's Office will compile the reports and provide a regular management report.

### **1090.1 Definitions**

- 1090.1.1 DHS Custody: For purposes of this rule, DHS custody includes a legal custody order or circumstances in which a person is subject to actual care and control of DHS, such as persons residing in Human Development Centers or other DHS facilities.
- 1090.1.2 Adult abuse, maltreatment, and exploitation: As defined in Ark. Code Ann. § 12-12-1703 (2).
- 1090.1.3 Child maltreatment and severe maltreatment: As defined in Ark. Code Ann. § 12-18-103 (7).
- 1090.1.4 Disturbance: Any situation in which a DHS client, employee or member of the general public engage in threatening or disruptive behavior of such a nature that it causes fear of imminent injury or destruction of property. This definition does not apply to routine behaviors or threats of institutionalized clients in the course of their treatment. Any staff-to-client threat must be reported.
- 1090.1.5 Serious Injury: An injury that may cause death or which is likely to result in substantial permanent impairment.
- 1090.1.6 Significant Injury: Any injury that requires the attention of an Emergency Medical Technician (EMT), a paramedic, or physician.
- 1090.1.7 Incident:
  - a. A significant injury to, or death of a person: 1) in DHS custody; 2) at a DHS office, institution or facility; 3) employed by DHS while on duty; or 4) caused or done by an on-duty DHS employee.
  - b. Serious injury to a person: 1) in DHS custody, 2) at a DHS office, institution or facility, 3) employed by DHS while on duty.
  - c. Threatened or attempted suicide of a person in DHS custody.
  - d. The arrest or conviction of: 1) a person in DHS custody, or 2) a DHS employee while on duty or for any job-related action.
  - e. Any situation where the location of any person in DHS custody is unknown and cannot be determined within two (2) hours.
  - f. Any crime committed at a DHS office, institution, or facility.

- g. Maltreatment or abuse as defined in statutes (1090.1.2 and 1090.1.3), or any other patients' rights violation which jeopardizes the health or quality of life, of any person: 1) in DHS custody or 2) who was named as the victim of alleged maltreatment or abuse reported within the previous ninety (90) days.
- h. Disturbances (See 1090.1.4) involving a person: 1) in DHS custody, 2) at a DHS office, institution or facility, or 3) employed by DHS while on duty.
- i. Property destruction which results in loss of: 1) state property exceeding \$100.00 value, or 2) destruction of any significant property of others.
- j. Any communicable disease resulting in quarantine or closing of a DHS facility.
- k. Any condition or event that prevents the delivery of DHS services for more than two hours (e.g., interruption in telephone service or the inability to fully occupy a DHS office, facility or institution due to fire, flood or other disaster). No report is necessary if the office is closed by Governor's Proclamation.

## **1090.2 Reporting Required**

- 1090.2.1 Any DHS employee or contractor who is aware of facts and circumstances that would cause a reasonable person to suspect that an incident took place must report that incident.
- 1090.2.2 Any DHS employee who fails to file a report required by these rules is subject to discipline for misconduct. If more than one employee observes the incident, the employees may designate one person to make the report. If no report is filed, all employees who were aware of the facts or circumstances are subject to disciplinary action. Only one initial report per incident is necessary.
- 1090.2.3 DHS residential institutions may designate individuals (each shift/work unit) to facilitate the physical transmission of Incident Reports to Division Directors or Designees and the DHS Director's Office.
- 1090.2.4 Any DHS contractor who fails to file a report required by these rules is subject to contractual remedies.

## **1090.3 General Reporting Method**

- 1090.3.1 Whenever available, completion of the Incident Report Form, Form DHS-1910 (Attachment B) data fields on the DHS Incident Reporting Screen, with computer transmittal to the Division Director or Designee and the DHS Director's Office via the DHS Client Advocate, is the appropriate method of general reporting.
- 1090.3.2 In the absence of computer transmission capability, completion of Form DHS-1910 is required. The completed form should be faxed to the Division Director or Designee and the DHS Client Advocate.

**NOTE:** Supporting documentation should be submitted only when requested. In most cases, thorough completion of the Form DHS-1910 is sufficient.

**EXCEPTION:** When reporting child deaths, Department of Children and Family Services (DCFS) staff are to complete and forward DCFS Child Death Notice, Form CFS-329, together with Form DHS-1910.

#### **1090.4 Procedural Rules**

- 1090.4.1 General Rule: DHS employees and contractors must report incidents. Any incident requiring a report to the DHS Communications Director must be reported by telephone within one hour of the incident. All other reports must be filed with the Division Director or Designee and the DHS Client Advocate no later than the end of the second business day following the incident. Any employee not filing reports within the specified time is subject to disciplinary action unless the employee can show that it was not physically possible to make the report within the required time.
- 1090.4.2 Telephone notifications and informational e-mails to Division Directors or Designees, the DHS Client Advocate and other parties as appropriate for early reporting of unusual or sensitive information are welcomed. All such reports must be followed with completion and submission of Form DHS-1910.

#### **1090.5 Special Internal Notifications**

- 1090.5.1 In addition to the general notices required by these rules, the DHS Communications Director must be notified by phone within one hour of occurrence, regardless of the hour, of incidents that have, or are expected to, receive media attention. If the Communications Director is unavailable, a message must be left with the Communications Director's office staff, or, outside business hours, on the Communications Director's home telephone answering machine. However, leaving a message does not discharge the reporter's special notification responsibilities. If the reporter is unable to speak with the Communications Director, the reporter must proceed to call the following persons, in the order listed, until an actual contact is made, at which time the special reporting responsibility will be satisfied: DHS Client Advocate; DHS Chief Counsel; appropriate Division Director(s); and DHS Deputy Director(s). Attachment C contains a list of special contact information. The list will be updated and re-distributed to Divisions by the DHS Director's Office when appropriate.
- 1090.5.2 In addition to the general notices required by these rules, the DHS Chief Counsel must be notified within one hour of occurrence, regardless of the hour, of incidents of: a) suicide; b) death from adult abuse, maltreatment or exploitation; c) death from child maltreatment or severe maltreatment; or d) serious injury. If the Chief Counsel is unavailable, the reporter should use the procedure set out in 1090.5.1 above by leaving a message for the Chief Counsel and initiating contacts with others in the order outlined until contact is made, beginning with the Communications Director.

**NOTE:** Such reports must also be followed by completion and appropriate submission of Form DHS-1910 in accordance with this policy.

#### **1090.6 Special Reporting**

- 1090.6.1 If the incident involves adult abuse, maltreatment or exploitation, or child maltreatment or severe maltreatment, the employee must also report the incident immediately to the appropriate adult or child abuse Hotline immediately. Any

employee who is uncertain if the incident falls within these categories must notify the appropriate hotline.

- 1090.6.2 If the incident alleges maltreatment by a hospital, a copy of the report will be sent to the Arkansas Department of Health by the Division Director or Designee, who should note the notification in the appropriate space on the Form DHS-1910, and forward the information to the DHS Client Advocate as a follow up Incident Report.
- 1090.6.3 DHS employees and contractors are encouraged to report matters of immediate public importance whether or not these rules specifically require a report.

#### **1090.7 Updated Reports**

Information requested on Form DHS-1910 that is not available at the time of the initial report must be submitted as follow up or final reports. Follow up or final reports should be submitted as soon as the additional information becomes available. The initial report should be resubmitted with the follow up or final report areas checked and dated in the appropriate space on the form. The current date should also precede new information in the text to differentiate it from original information. A new Form DHS-1910 should be submitted for follow up or final reports only when there is insufficient space on the original form to include updated information. Whenever a new form is used, the date of the original written report must be included on the form for cross-referencing.

**NOTE:** No follow-up report is required for non-serious, accidental injury if the injury heals as expected and without complication.

#### **1090.8 Other Laws And Rules**

- 1090.8.1 The duties imposed by these rules are in addition to any other duties imposed by law, rule or policy.
- 1090.8.2 In addition to being a violation of this policy, failure to report to appropriate Hotlines may also be a criminal offense under Arkansas law.
- 1090.8.3 This policy does not replace investigative reports required by Divisions in internal matters.

#### **Conflicting Policies Repealed**

This rule supersedes and replaces DHS Policy 3002-1, Incident Reporting, issued 9/04/90 and any existing policies or specific sections of existing policies that conflict with the terms of this policy.

#### **1090.9 Department Contact**

Any questions concerning DHS Policy 1090 should be directed to:

Office of the DHS Director  
DHS Client Advocate  
2<sup>nd</sup> Floor Donaghey Plaza South

P. O. Box 1437/Slot Number S201  
Little Rock, AR 72203-1437  
Telephone: (501) 682-8650