



MEDICAL ASSISTANCE BULLETIN
COMMONWEALTH OF PENNSYLVANIA * DEPARTMENT OF PUBLIC WELFARE

NUMBER: 53-03-01

ISSUE DATE:
June 13, 2003

EFFECTIVE DATE:
June 13, 2003

SUBJECT: Process to Handle Residential Treatment Facility (RTF) Reports of Death, Serious Injury or Attempted Suicide (Serious Occurrences)

BY:

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**Carole W. Rebert
Official-In-Charge
Office of Medical Assistance Programs**

BY

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**Joan L. Erney, Deputy
Secretary
Office of Mental Health &
Substance
Abuse Services**

BY

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**Wayne T. Stevenson,
Deputy Secretary
Office of Children, Youth
& Families**

PURPOSE:

The purpose of this bulletin is to inform in-state Residential Treatment Facility (RTF) providers of the protocol that has been established for notifying the Department of Public Welfare (Department) and the Pennsylvania Protection and Advocacy (PPA), of serious occurrences resulting from the use of restraints. It informs providers that the Office of Children, Youth and Families (OCYF) will report the occurrence to the PPA upon receipt of notification of a serious occurrence resulting from the use of restraints.

SCOPE:

This bulletin applies to RTF providers that are enrolled in the Medical Assistance (M A) Program and providing service in either the Fee-for-Service or Managed Care delivery system in Pennsylvania.

BACKGROUND/DISCUSSION:

On January 22, 2001, the Health Care Financing Administration, now known as the Centers for Medicare and Medicaid Services (CMS), published an interim final rule implementing a proposed regulation concerning restraint and seclusion in psychiatric RTFs. As part of the final rule, facilities are required to report any serious occurrence that occurred during the use of a restraint to both the Department and the PPA no later than the close of business the next business day after the occurrence. Serious occurrences that must be reported include: a resident's death, a serious injury to a resident or a resident's suicide attempt where the individual is in a restraint or while staff are attempting to impose a restraint. Serious injury as defined in 42 CFR § 483.352 (relating to Definitions) is any significant impairment of the physical condition of the resident as determined by qualified medical personnel. This includes, but is

not limited to: burns, lacerations, bone fractures, substantial hematoma and injuries to internal organs, whether self-inflicted or inflicted by someone else. As a result of this regulation, the Department published Medical Assistance Bulletin (M A B) 53-01-01, "The Use of Restraint and Seclusion in Residential Treatment Facilities", clarifying Pennsylvania's application of the Federal Rule. MAB 53-01-01 remains in effect, except that rather than a RTF reporting directly to PPA, OCYF will notify PPA.

In collaboration with PPA, the Department developed an internal process consolidating the reporting of serious occurrences through the utilization of the Reportable Incident form used by facilities licensed under Title 55, P a.Code Chapter 3800 Regulation (relating to child residential and day treatment facilities). This process, which avoids duplicative facility reporting, was developed as the optimal means of handling this federally mandated reporting without being overly burdensome to providers or duplicating other Departmental reports.

PROCEDURE:

Notification procedures as outlined at § 3800.16(c) (relating to reportable incidents) require the facility to forward a written Reportable Incident form (see attached) to the appropriate OCYF Regional Office within 24 hours of the occurrence. If the serious occurrence is a child's death, the facility must provide verbal notification to the appropriate OCYF Regional Office within 12 hours and complete the notification process by forwarding a written Reportable Incident form immediately thereafter. Upon receipt of notification of a serious occurrence, OCYF will immediately forward notification to PPA, the field office of the Office of Mental Health and Substance Abuse Services and the Office of Medical Assistance Programs' Bureau of Program Integrity. Additionally, children registered in the Mental Retardation system who are funded by the Office of Mental Retardation are subject to the provisions of the Office of Mental Retardation Bulletin 00-01-05 on Incident Management.

Facilities will continue to report a resident's death to the CMS Philadelphia Regional Office, telephone (215) 861-4792, no later than the close of business the next business day after a resident's death.

ATTACHMENT:

- REPORTABLE INCIDENT CHILD RESIDENTIAL AND DAY TREATMENT FACILITIES
55 P a. Code Chapter 3800

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

Pharmacy and Ancillary Services
P.O. Box 8043
Harrisburg, Pennsylvania 17105
1-800-932-0938

Visit the Office of Medical Assistance Programs website at www.dpw.state.pa.us/omap.