



COLORADO

Department of Health Care
Policy & Financing

1570 Grant Street
Denver, CO 80203

Critical Incident and Mistreatment Reporting Participant Education and Contacts

Ensuring the immediate and on-going health and safety of participants of Health First Colorado (Colorado's Medicaid Program) Home and Community Based Services (HCBS) waiver programs is a requirement of all federally approved waiver agreements. Critical incident reports are one way that the Department of Health Care Policy & Financing (Department) is able to monitor the health and safety of individuals receiving services through the Medicaid HCBS waivers. The information below will help explain what a critical incident is, how individuals, parents and guardians may report critical incidents, and the actions taken after a report is made.

What is a critical incident?

A **critical incident** means an actual or alleged event that creates the risk of serious harm to the health or welfare of an individual receiving services; and it may endanger or negatively impact the mental and/or physical well-being of an individual. (HCBS Waivers, Appendix G)

What critical incidents are reportable to Case Managers?

You must report critical incidents to your Case Manager/Case Management Agency as soon as possible after they occur. Critical incidents include but are not limited to:

- **Mistreatment-Abuse/Neglect/Exploitation:**

Mistreatment: "Mistreated" or "Mistreatment" means: Abuse, Caretaker Neglect, Exploitation, or an act or omission that threatens the health, safety, or welfare of a person with an intellectual or developmental disability, or an act or omission that exposes the person with an intellectual or developmental disability to a situation or condition that poses an imminent risk of bodily injury. Mistreatment includes:

- **Abuse** means: The non-accidental infliction of physical pain or injury, as demonstrated by, but not limited to, substantial or multiple skin bruising, bleeding, malnutrition, dehydration, burns, bone fractures, poisoning, subdural hematoma, soft tissue swelling, or suffocation; Confinement or restraint that is unreasonable under generally accepted caretaking standards; or Subjection to sexual conduct or contact classified as a crime under the "Colorado Criminal Code", Title 18, C.R.S.

Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.

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- **Neglect** means: Neglect that occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, habilitation, supervision, or other treatment necessary for the health and safety of a person is not secured for, or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise, or a caretaker knowingly uses harassment, undue influence, or intimidation to create a hostile or fearful environment for waiver participant.
- **Exploitation** means: An act or omission committed by a person who: Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive a person of the use, benefit, or possession of anything of value; Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the person receiving services; Forces, compels, coerces, or entices a person to perform services for the profit or advantage of the person or another person against the will of the person receiving services; or Misuses the property of a person receiving services in a manner that adversely affects the person to receive health care or health care benefits or to pay bills for basic needs or obligations.
- **Criminal Activity:** A criminal offense that is committed by a person receiving waiver services; A violation of parole or probation that potentially will result in the revocation of parole/probation; Any criminal offense that is committed by a person receiving services that results in immediate incarceration.
- **Damage to Consumer's Property/Theft:** Deliberate damage, destruction, theft or use of a waiver recipient's belongings or money. If incident is mistreatment by a caretaker that results in damage to consumer's property or theft the incident shall be listed as mistreatment
- **Death:** Unexpected or expected.
- **Injury/Illness to Client:** An injury or illness that requires treatment beyond first aid which includes lacerations requiring stitches or staples, fractures, dislocations, loss of limb, serious burns, skin wounds, etc.; An injury or illness requiring immediate emergency medical treatment to preserve life or limb; An emergency medical treatment that results in admission to the hospital; A psychiatric crisis resulting in unplanned hospitalization.
- **Medication Management Issues:** issues with medication dosage, scheduling, timing, set-up, compliance and administration or monitoring which results in harm or an adverse effect which necessitates medical care.
- **Missing Person:** Person (receiving services) is not immediately found, their safety is at serious risk or there a risk to public safety.



- **Unsafe Housing/Displacement:** Individual (person receiving services) is residing in an unsafe living conditions due to a natural event (such a fire or flood) or environmental hazard (such as infestation), and is at risk of eviction or homelessness.
- **Other:** Serious issues that do not yet have their own category of critical incident type.

How and Who to report a critical incident or Mistreatment/Abuse to:

- PLEASE REMEMBER! If you experience a life-threatening emergency and require immediate attention CALL 911.
 - Contact your Case Manager/Case Management Agency to report critical incidents as soon as possible.
 - If you believe you have been the victim of a crime, please call your local Law Enforcement Agency.
 - **If you feel you have been a victim of, experienced, or the witness to mistreatment, abuse, neglect or exploitation, please contact:**
 - **Adult Protective Services:**
www.colorado.gov/cdhs/report-abuse-older-adult
(Please note - the appropriate Protective Service Agency is the county in which the participant resides)
- OR:
- **Child Welfare:** <https://co4kids.org/> Colorado Child Abuse and Neglect Hotline: 1-844-CO-4-KIDS (1-844-264-5437)
- If you have a complaint about a **service provider or caretaker** please contact the Colorado Department of Public Health and Environment at:
Online Intake Form: www.colorado.gov/cdphe/health-facilities-complaints
- OR:
- CDPHE - HFEMSD-C1
Attention: [Relevant health care entity type] Complaint Intake
4300 Cherry Creek Drive South
Denver, CO 80246-1530



My critical incident reporting contacts:

My Case Manager/Case Management Agency is:

Phone Number:

My local Non-Emergency Law Enforcement Agency is:

Phone Number:

My local County Department of Human Services Adult Protective Services/Child Welfare is:

Phone Number:

My local Ombudsman/Disability Rights/Advocacy Supports contact is:

Phone number:

