

## Waiver Provider Bulletin - November 14, 2011

### Attention Providers!

### NEW INCIDENT REPORTING (IR) CATEGORIES

The Behavioral Health Division has implemented two new incident reporting categories which have been added to the [Division's Incident Reporting webpage](#). The two categories that were recently added by Department of Family Services (DFS) are the following.

#### **Intimidation:**

The communication by word or act to a vulnerable adult that he, his family, friends or pets will be deprived of food, shelter, clothing, supervision, prescribed medication, physical or mental health care and other medical care necessary to maintain a vulnerable adults health, financial support or will suffer physical violence.

#### **Sexual Abuse:**

Sexual abuse means sexual contact including, but not limited to, unwanted touching, all types of sexual assault or battery as defined in W.S. 6-2-302 through 6-2-304, sexual exploitation and sexual photographing.

### CHANGES TO IR WEBPAGE

You will also notice some minor changes to the Incident Reporting webpage. The nine categories listed towards the top of the form require that you contact your local DFS office and speak with an intake worker. You will then also fax in a copy of the report to the same DFS office.

The remaining categories starting with Police Involvement and ending with Medical/Behavioral Admission do not require you to contact your local DFS office. Please refrain from contacting DFS for any of these categories. This will assist DFS in focusing on the categories, which they are required to investigate and follow up on.

### YOUR DUTY TO REPORT

In addition, please see below for information on mandatory reporting and consequences related to failing to report one of the required DFS reporting categories:

#### SS35-20-111. **Duty to report.**

- a) The duty to report imposed by W.S. 35-20-103 applies without exception to a person or agency who knows, or has sufficient knowledge which a prudent and cautious man in similar circumstances would have to believe, that a vulnerable adult has been or is being abused, neglected, exploited, intimidated or abandoned, or is committing self-neglect.
- b) Any person or agency who knows or has sufficient knowledge which a prudent and cautious man in similar circumstances would have to believe that a vulnerable adult is being or has been abused, neglected, exploited, intimidated or abandoned, or is committing self-neglect, and knowingly fails to report in accordance with this act is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both.

### DIVISION MONITORING

Please be aware that when the Division is notified of an incident or complaint that identifies significant health or safety concerns, the Division may complete an on-site unannounced visit to ensure that the provider is adhering to rules and regulations, and that the participant is safe.

Provider staff will be given an Unannounced Investigation Letter that informs them that an unannounced on-site visit is being completed to assess the health, safety, or rights concerns identified in an incident report or complaint filed with the Division.

Division staff would appreciate your cooperation in answering questions related to the incident. Division staff may ask to see the participant identified in the report to assess immediate health and safety issues or concerns. Division staff will not ask the participant questions, because this would be investigating, and that would be part of a DFS or law enforcement investigation. Division staff may also be in contact with the provider and/or his designee regarding the incident.

Division staff will follow up with DFS and/or law enforcement to ensure that they have received the report so that those entities can complete their investigation.

### **QUESTIONS?**

If you have any questions regarding any of the information provided in this memo, please contact your local Provider Support Specialist.

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