

5122-30-16

Incident reporting notification.

(A) This rule establishes standards to ensure the prompt and accurate notification of certain prescribed incidents.

(B) Definitions

(1) "Incident" means any event that poses a danger to the health and safety of residents and/or staff and visitors of the facility, and is not consistent with routine care of persons served or routine operation of the facility.

(2) "Reportable Incident" means an incident that must be submitted to the entities listed in paragraph (C) of this rule, including incidents that must then be forwarded by the department to the Ohio legal rights service pursuant to section 5123.604 of the Revised Code. Reportable incidents are those that involve residents and shall include deaths, serious bodily injuries, alleged criminal acts, alleged abuse or neglect, any adverse reaction of a resident to a life threatening degree due to an administered drug, medication errors likely to result in serious consequences to a resident, and any life threatening situations. As referenced in division (C) of section 5119.611 of the Revised Code, "Major Unusual Incident" has the same meaning as "Reportable Incident".

(A)(C) Major unusual Reportable incidents

(1) Reportable incidents shall be documented on form "DMH-LIC-015" as required by the department and ~~A written report of each major unusual incident~~ shall be prepared, signed, and sent by the operator, or staff of type 1, 2, and 3 facilities, within twenty-four hours of their discovery, exclusive of weekends and holidays, ~~the occurrence of the incident~~, to all of the following:

- (a) The mental health agency from which the mental health resident is receiving services;
- (b) The mental health agency with which the facility is affiliated, if different from the agency specified in paragraph ~~(C)~~(A)(1)(a) of this rule;
- (c) The community mental health board;
- (d) The department of mental health; and
- (e) The resident's guardian/custodian, if applicable.

Form "DMH-LIC-015" shall include identifying information about the facility, date, time and type of incident and resident information that has

been de-identified pursuant to the HIPAA privacy regulations, [45 C.F.R. 164.514(b)(2)]. A description of reportable incidents and reporting instructions shall be included as part of form "DMH-LIC-015".

~~(2) The written report of major unusual incidents shall contain information provided for in a form specified by the department.~~

~~(3) The department shall notify the ombudsman section of the Ohio legal rights service of all major unusual incidents within forty eight hours after the receipt of the report, consistent with the provisions of section 5123.604 of the Revised Code.~~

~~(4)~~(2) The department may initiate follow-up and further investigation of the incident, as deemed necessary and appropriate, or may request such follow-up and investigation by the residential facility, regulatory or enforcement authority, the community mental health board and/or the affiliating mental health agency.

~~(B)~~(D) In addition to the provisions of paragraph ~~(C)~~(A) of this rule, and consistent with provisions of division (A)(2) of section 340.03 of the Revised Code, notification of incidents indicating alleged abuse or neglect of any person served shall be forwarded to the community mental health board no later than twenty-four hours after discovery of the incident ~~any major unusual incident report that indicates abuse or neglect of any resident shall be forwarded to the community mental health board no later than twenty four hours after the incident, so that an investigation may begin, consistent with the provisions of division (A)(2) of section 340.03 of the Revised Code.~~

~~(C)~~(E) In addition to the provisions of paragraphs ~~(A)~~ and ~~(B)~~ of this rule, any Anyperson who has knowledge of any instance of abuse or neglect, or alleged abuse/neglect, or suspected abuse/neglect of: any child or adolescent resident or an elderly resident, shall immediately, notify the county children's services board, the county department of human services, or law enforcement authorities, in accordance with section 2151.421 and section 5101.61 of the Revised Code, respectively.

(1) Any child or adolescent, shall immediately notify the county children's services board, the designated child protective agency, or law enforcement authorities, in accordance with section 2151.421 of the Revised Code; or

(2) An elderly person, shall immediately notify the appropriate law enforcement and county department of jobs and family services authorities in accordance with section 5101.61 of the Revised Code.

~~(D)~~(F) Reporting

(1) The following incidents shall also be reported on form "DMH-LIC-015", within twenty-four hours of their discovery, exclusive of weekends and holidays:

(a) Any fire which necessitates the relocation of residents and/or requires medical intervention or hospitalization; and

(b) Disaster, flood, earthquake, tornado, explosion, etc.; any natural or unusual occurrence that necessitates the relocation of residents and/or requires medical intervention or hospitalization.

(1) The following incidents require immediate notification to the department:

(a) Resident death;

~~(b) Any fire which necessitates the temporary relocation of residents and/or requires emergency medical intervention;~~

~~(c) Disaster, flood, earthquake, tornado, explosion, etc.; any natural or unusual occurrence which necessitates the temporary relocation of residents and/or requires emergency medical intervention; and~~

~~(d) Allegations of abuse or neglect.~~

~~(2) Notification of any incident referenced above shall be reported directly to the office of licensure and certification.~~

~~(a) Such notification shall consist of completion of the major unusual incident form described in paragraph (A) of this rule, and either:~~

~~(i) Faxing the completed major unusual incident report form to the office of licensure and certification within twenty four hours of occurrence of the incident, or~~

~~(ii) Calling the office of licensure and certification during normal business hours with the information required on the major unusual incident form and mailing the completed form to the office of licensure and certification within twenty four hours of occurrence of the incident.~~

Effective: 03/25/2004

R.C. 119.032 review dates: 01/09/2004 and 03/25/2009

CERTIFIED ELECTRONICALLY

Certification

03/15/2004

Date

Promulgated Under: 119.03
Statutory Authority: 5119.22
Rule Amplifies: 5119.22
Prior Effective Dates: 5/10/79, 5/1/81, 1/1/00,
8/1/02