

 <p>State of Maryland Department of Human Resources Maryland's Human Services Agency</p>	OFFICE OF LICENSING AND MONITORING (OLM) PROVIDER INSTRUCTION PROCEDURES
Number: OLM-OP-01A PAGE: 1 of 3 EDITION: 9/19/2014	Title: Residential Child Care Provider Critical Incident Reporting Policy
SUPERSEDES: 11/01/2009	

.01 Purpose: The DHR (Office of Licensing and Monitoring (OLM)) Incident Report Form provides for consistency in meeting reporting requirements. DHR licensed programs will document critical incidents on the DHR Incident Reporting Form. A Residential Child Care program that routinely uses the incident report form required by the Department of Juvenile Services, the Department of Health and Mental Hygiene Developmental Disabilities Administration, Child and Family Services Agency (CFSA) or the Department of Youth Rehabilitation Services (DYRS) may substitute that form for the DHR Incident Report Form. No other format will be accepted.

.02 Reference:

.02.01 COMAR 14.31.06.15 E (5)(p)(iv) - Restraint

(p) Notification:

(iv) To the licensing agency in writing, the information described in Regulation .18 A of this chapter.

.02.02 COMAR 14.31.06.18 A - Reports and Records

A. General Requirements. The licensee shall:

(1) Submit reports and maintain records as directed by the licensing and contracting agencies in order to ensure compliance with these regulations and other federal and State laws; and

(2) Comply with requirements for incident reporting as specified by the licensing and contracting agencies.

.03 Definitions:

.03.01 "Critical incident" as defined by the Office of Licensing and Monitoring:

(a) Death of a child or staff while on duty;

- (b) Accident, assault, illness, or psychiatric episode of a child which requires hospitalization or emergency medical care;
- (c) Suspected incident of child abuse or neglect, including mental injury;
- (d) An unauthorized absence of any duration that constitutes an immediate danger to self or others;
- (e) Illegal activity leading to the incarceration of a child, parent, guardian or staff person;
- (f) Restraint of a youth.
- (g) Any programmatic, public health, or physical plant issue that could endanger or require the removal of children for reasons of health or safety.

.03.02 "Chemical restraint", COMAR 14.31.06.03 B(9) means the use of medication that is not the current treatment for a child's condition to control behavior or restrict the child's movement.

.03.03 "Mechanical restraint", COMAR 14.31.06.03 B(24) means any mechanical device that restricts the free movement of an individual.

.03.04 "Physical restraint", COMAR 14.31.06.03 B(28) means the use of physical force, without the use of any device or material, to restrict the free movement of all or a portion of a child's body, not including:

- (a) Briefly holding a child in order to calm or comfort the child;
- (b) Holding the child by the hand or arm to escort the child safely from one area to another;
- (c) Moving a disruptive child who is unwilling to leave the area when other methods such as counseling have been unsuccessful; or
- (d) Breaking up a fight.

.03.05 "Prone restraint", COMAR 14.31.06.03 B(33) means a specific type of restraint in which a child is placed face down on the floor or another surface and physical pressure is applied to the child's body to keep the child in the prone position. Use of prone restraint is prohibited in Maryland.

.03.06 "Restraint", COMAR 14.31.06.03 B(36) means a technique that is implemented to impede a child's physical mobility or limit free access to the environment, including chemical, mechanical or physical restraints.

.04 Policy: All programs licensed by DHR Office of Licensing and Monitoring (OLM) will submit all written reportable incidents to OLM, within the timeframes mandated by The Office of Licensing and Monitoring.

.05 Procedure:

.05.01 Licensed programs shall immediately notify the licensing agency, the placing agency and the child's parent of the death of a child.

.05.02 Licensed programs will immediately telephone or email the program's assigned Licensing Coordinator of any critical incident within 24 hours after any critical incident. If the Licensing Coordinator is not available, the program shall leave a voice mail message or email.

.05.03 All incident reports will be submitted using the Incident Report Form. Programs that are required to submit incident reports on forms required by the Department of Juvenile Services, the Department of Health and Mental Hygiene Developmental Disabilities Administration, Child and Family Services Agency (CFSA) or the Department of Youth Rehabilitation Services (DYRS) may substitute those forms for the DHR Incident Report Form. No other format will be accepted.

.05.04 The Incident Report Form must be submitted to OLM via email at olm.incidents@maryland.gov or by facsimile at 410-333-8408.

.05.05 Licensed programs are to provide additional information about the incident upon request by OLM.

.05.06 Licensed programs will also notify the contracting agency and the placing agency of reportable incidents.

.06 Exhibits:

.06.01 Instructions for Completion of the OLM Incident Report Form

.06.02 Incident Reporting Form