

966 IMMEDIATE JEOPARDY

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EFFECTIVE DATE: April 20, 2022

REFERENCES: A.R.S. § 36-551; A.R.S. § 36-401; AMPM 960; Division Medical 960; LTSS 7.a.

PURPOSE

The purpose of this policy is to outline requirements for the Division of Developmental Disabilities' (Division) activities when investigating and resolving incidents involving allegations of Immediate Jeopardy when the Arizona Health Care Cost Containment System (AHCCCS) notifies, or the Division becomes aware of, a situation that may elevate to the level of Immediate Jeopardy.

DEFINITIONS

1. "Adult Developmental Home" or "ADH" means a residential setting in a family home in which the care, physical custody and supervision of the adult client are the responsibility, under a twenty-four-hour care model, of the licensee who, in that capacity, is not an employee of the division or of a service provider and the home provides the following services for a

group of siblings or up to three adults with developmental disabilities:

- a. Room and board;
 - b. Habilitation;
 - c. Appropriate personal care; and
 - d. Appropriate supervision.
2. "Arizona Health Care Cost Containment System" or "AHCCCS" means Arizona's Medicaid Program, approved by the Centers for Medicare and Medicaid Services (CMS) as a Section 1115 Waiver Demonstration Program and described in A.R.S. Title 36, Chapter 29.
 3. "Business Day" means 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays listed in A.R.S. § 1-301.
 4. "Child Developmental Home" or "CDH" means a residential setting in a family home in which the care and supervision of the child are the responsibility, under a twenty-four-hour care model, of the licensee who serves as the developmental home provider of the child in the home setting and who, in that capacity, is not

an employee of the division or of a service provider and the home provides the following services for a group of siblings or up to three children with developmental disabilities:

- a. Room and board;
 - b. Habilitation;
 - c. Appropriate personal care; and
 - d. Appropriate supervision.
5. "Group home" means a community residential setting for not more than six persons with developmental disabilities that is operated by a service provider under contract with the department and that provides room and board and daily habilitation and other assessed medically necessary services and supports to meet the needs of each person.
6. "Intermediate Care Facility" or "ICF" means a facility that primarily provides health and rehabilitative services to persons with developmental disabilities that are above the service level of room and board or supervisory care services or personal care services as defined in section 36-401.

7. "Emergency Measure" means the one-time use of Psychotropic Medications, or Physical Intervention in an Emergency Safety Situation.
8. "Emergency Safety Situation" means unanticipated Unsafe Behavior.
9. "Immediate Jeopardy" means a situation in which the provider's noncompliance with one or more requirements of participation has caused, or is likely to cause, serious injury, harm, impairment, or death to a Member. An Immediate Jeopardy situation is one that is clearly identifiable due to the severity of its harm or likelihood for serious harm and the immediate need for it to be corrected to avoid further or future serious harm.
10. "Member" means the same as "Client" as defined in A.R.S. § 36-551.
11. "Nursing-supported group home" means a health care institution that is a community residential setting as defined in section 36-551 for not more than six persons with developmental disabilities, that is operated by a service provider under contract

with the department of economic security and that provides room and board, daily habilitation and continuous nursing support and intervention.

12. "Physical Intervention" means a technique used on an emergency basis by an individual who is providing care or service to a Member to restrict the movement of the Member by direct physical contact to prevent the Member from seriously harming self or others.
13. "Psychotropic Medication" means a behavior-modifying medication that affects a Member's mental status, behavior, or perception.
14. "Quality of Care Concern" or "QOC Concern" means an allegation that any aspect of care or treatment, utilization of behavioral health services, or utilization of physical health care services that:
 - a. Caused or could have caused an acute medical or psychiatric condition or an exacerbation of a chronic medical or psychiatric condition; and

- b. May ultimately cause the risk of harm to a Member.

POLICY

A. DIVISION NOTIFICATION OF IMMEDIATE JEOPARDY

1. For Immediate Jeopardy notifications during Normal Business Hours:
 - a. The Division's Quality Management Unit (QMU) shall monitor the QMU mailbox for emails identifying Immediate Jeopardy situations.
 - b. The QMU team, Chief Medical Officer (CMO) or the Chief Quality Officer (CQO) or their designee shall conduct an investigation of the reported Immediate Jeopardy situation to determine Member(s) status and remediate the Immediate Jeopardy situation.
 - c. The QMU team shall assume responsibility for resolving the Immediate Jeopardy situation when other Division functional areas are involved, within 24-hours.
 - d. The QMU team shall hold ultimate accountability for resolving the Immediate Jeopardy issue within the 24-hour

timeframe when other Division functional areas are involved with the Immediate Jeopardy situation.

- e. The QMU team shall complete the following steps when an Immediate Jeopardy situation is reported to the QMU within 24 hours:
 - i. QMU Triage Unit staff determines and verifies whether the situation impacts Division Member(s) or provider(s).
 - ii. The QMU Triage Unit notifies the District Nurse Supervisor, once Division Member involvement in the Immediate Jeopardy situation has been verified.
 - iii. The District Nurse Supervisor schedules an immediate health and safety monitoring visit.
 - iv. The QMU Triage Unit notifies AHCCCS of the identity of the Member(s) involved.
 - v. The QMU Triage Unit reports to AHCCCS on status of the Member(s) based upon the monitoring report using the AMPM 960 Attachment C Health and Safety

- Update Onsite Review Form, upon completion of the form.
- vi. The QMU Chief Quality Officer notifies relevant Division functional area(s).
 - vii. The District Nurse Supervisor requires information regarding any findings from the health and safety visit to be forwarded to the QMU Triage Unit as soon as the visit is completed, containing:
 - a) A completed 960 Attachment C Health and Safety Onsite Review Form, one form completed for each Member identified in the incident report; and
 - b) Other required information specifying the immediate steps taken to secure the safety of the Member.
 - f. For Immediate Jeopardy situations affecting Division Member(s) in an acute care funded facility, the District

Nurse Supervisor shall notify the Administrative Services Subcontractor (AdSS) in which the Member is enrolled to:

- i. Take actions to remediate the Immediate Jeopardy situation; and
 - ii. Provide a response to the Division's QMU within 24 hours of the Immediate Jeopardy notification.
2. For Immediate Jeopardy situations requiring coordination between the QMU Triage Unit and the Division's After Hours on-call staff:
- a. The QMU shall notify the Division's After Hours Unit on-call staff that they may be receiving a report after hours.
 - b. The After Hours Unit shall call the District Administrator when the District on-call staff have confirmed the reported situation is an Immediate Jeopardy situation involving a Division Member; and
 - c. The CQO or their designee shall notify the appropriate QM staff of the need for a health and safety visit upon

receiving the call from District on-call staff that the Immediate Jeopardy team needs to convene.

3. For AHCCCS notifications outside of the Business Day:
 - a. The Division's After Hours Unit shall contact the Division's on-call staff upon receiving any AHCCCS notification of an Immediate Jeopardy situation that requires follow-up within 24-hours.
 - b. The Division's After Hours Unit shall contact the QMU CQO or their designee to initiate coordination of any Immediate Jeopardy investigation and follow-up steps as outlined in this section.

B. MEMBER RELOCATION FROM RESIDENTIAL SETTINGS

1. The Division shall offer relocation options to Members living in residential settings when conditions are present which pose a threat to Member health or safety.
2. The Division may relocate Members from the following types of settings when conditions that pose a threat to Member health or safety are present:

- a. Group Homes;
 - b. Nursing Supported Group Homes;
 - c. Behavioral Supported Group Homes;
 - d. ICFs;
 - e. ADHs; and
 - f. CDHs.
3. The Division may elect to relocate Members from their current setting when the following conditions exist:
- a. A Member is injured or ill and has not received medical attention.
 - b. Heating units are not working and the thermostat is displaying a temperature below 65 degrees Fahrenheit on a cold temperature day.
 - c. Air conditioning units are not working and the thermostat is displaying a temperature above 85 degrees Fahrenheit on high temperature days.
 - d. The water or electricity is not working or has been shut off.

- e. The staff-to-client ratio is not adequate to meet the needs of the individuals in the home.
- f. On-duty staff are under the influence of alcohol or drugs.
- g. Staff lack required initial training or have not been oriented to Member needs, placing a Member at risk.
- h. Indication(s) of physical or sexual abuse is present.
- i. Neglect of Member(s) is evident.
- j. A Member expresses fear about remaining in the setting.
- k. Environmental health and safety risks are present, including;
 - i. Fire damage;
 - ii. Fire hazards, such as exposed wiring;
 - iii. Unsecured pool area;
 - iv. Doors or windows cannot be secured;
 - v. Blocked doorways;
 - vi. Unhealthy living conditions; or
 - vii. Other environmental concerns that pose a risk to Member health or safety.

- I. Food supplies are inadequate. An inadequate amount of food supplies available in the setting is represented by lack of enough food to prepare a well-balanced dinner, breakfast the next morning, and lunch for the next day, relocating the Member(s) only if the provider is unable or unwilling to immediately remediate this issue.
 - m. Provider license is suspended, expired, or voluntarily surrendered.
 - n. Serious infestation of insects or rodents in the setting.
 - o. Major appliances in the setting are not working properly or are inoperable.
 - p. Members do not have adequate furniture.
4. The Network Residential Manager, District RN Supervisor, District QA Manager, QMU Administrator, DDD Contract Action Unit staff and Support Coordination staff shall be responsible for:
 - a. Making the determination to relocate the Member(s) from residential facilities; and

- b. Documenting in a summary note in FOCUS/Incident Management System (IMS).

C. SITUATIONS REQUIRING IMMEDIATE RESPONSES

The QMU Triage Unit shall conduct a health and safety monitoring site visit, to determine if site safety concerns related to the allegations identified in the Immediate Jeopardy notification exist upon receiving the notification of the following situations:

- a. Unexpected death;
- b. Accidental injury with hospitalization;
- c. Neglect with imminent danger;
- d. Attempted suicide with serious injury;
- e. Physical or sexual abuse with serious injury;
- f. Emergency Measures utilizing a prohibited restraint;
- g. Emergency Measure with serious injury;
- h. Physical or sexual abuse, without serious injury;
- i. Neglect with potential danger;
- j. Medication error with hospitalization;
- k. Human rights violation allegation;

- l. Injury of unknown origin;
- m. Programmatic abuse allegation;
- n. Verbal or emotional abuse allegation; or
- o. Unapproved, but not prohibited, Emergency Measure without serious injury.

**D. INVESTIGATION, EVALUATION AND RESOLUTION OF
IMMEDIATE JEOPARDY FINDINGS**

1. The District Nurse conducting the safety and monitoring visit shall take action to ensure the health, safety and well-being of the Member(s).
2. The QMU Triage Unit shall address concerns in a manner as outlined in Division Medical Policy Manual 960.
3. The QM Manager shall track Immediate Jeopardy incidents to identify trends and determine systemic interventions and opportunities for quality improvement, incorporating:
 - a. Timeliness of the QMU response to QOC Concerns and complaints involving allegations of Immediate Jeopardy;
 - b. Findings from investigations;

- c. Investigation outcomes noting whether the allegations were:
 - i. Substantiated;
 - ii. Unsubstantiated; or
 - iii. Unable to substantiate; and
 - d. Categories of findings that are being tracked, including:
 - i. QOC or treatment;
 - ii. Member neglect;
 - iii. Member rights;
 - iv. Physical environment;
 - v. Member abuse; and
 - vi. Other categories as identified by the QM Manager.
4. The QM Manager shall report results of tracking and trending Immediate Jeopardy data for analysis, review, and discussion at monthly Quality Management subcommittee meeting, the monthly Performance Improvement Monitoring Subcommittee meeting, and the quarterly Quality Management Program

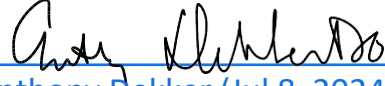
Improvement (QMPI) Committee for discussion and any decision making with senior leadership.

SUPPLEMENTAL INFORMATION

1. The Division complies with Division Medical Policy 960 Quality of Care (QOC) Concerns for investigating, reviewing, evaluating, monitoring, and resolving all QOC concerns including concerns that involve allegations of Immediate Jeopardy.
2. Based on the findings of the investigation of an Immediate Jeopardy situation, in accordance with Division Medical Policy 960, the Division may implement any or all the following:
 - a. Actively participate in meetings focused on ensuring incident resolution and health and safety of Members, as well as identifying any immediate care or recovery needs.
 - b. Actively participate in meetings scheduled to develop work plans and corrective action plans to ensure placement setting or service site compliance with Arizona Department of Health Services (ADHS) Licensure, Division contract requirements,

and/or AHCCCS requirements, including, but not limited to, policy, training and signage requirements aimed at preventing and reporting abuse, neglect and exploitation as specified in AHCCCS Minimum Subcontract Provisions.

- c. Participate in scheduled and unscheduled monitoring of placement setting or service sites that are in an Immediate Jeopardy status, have serious identified deficiencies that may affect health and safety of Members or as directed by AHCCCS.
- d. Assist in the identification of technical assistance resources focused on achieving and sustaining regulatory compliance.
- e. Monitor placement setting or service sites upon completion of the activities and interventions to ensure that compliance is sustained.
- f. Initiate corrective actions that may include sanctioning the provider or other appropriate contract actions to ensure client safety and provider response.
- g. Take adverse action against the credentialing or contract status of a provider pursuant to Division Medical Policy 950.

Signature of Chief Medical Officer: 
[Anthony Dekker \(Jul 8, 2024 07:45 PDT\)](#)
Anthony Dekker, D.O.