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2 **966 IMMEDIATE JEOPARDY**

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4 REVISION DATE: (XX/XX/XXXX)
5 REVIEW DATE: 12/14/2023, 11/6/2023
6 EFFECTIVE DATE: April 20, 2022
7 REFERENCES: A.R.S. § 36-551; A.R.S. § 36-401; ~~AMPM Chapter 900, Policy~~
8 ~~960; Division Medical Manual Policy 960;~~ 950, AdSS Medical Manual Policy
9 ~~960~~LTSS 7.a.

10 **PURPOSE**

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

17 ~~This policy establishes the requirements applicable to the Division of~~
18 ~~Developmental Disabilities (Division) when the Arizona Health Care Cost~~
19 ~~Containment System (AHCCCS) notifies the Division with a report of~~
20 ~~Immediate Jeopardy (IJ), or the Division becomes aware of a situation that~~
21 ~~may elevate to the level of immediate jeopardy.~~

22 **Scope**

~~This policy applies to the Division's activities in investigating and resolving incidents involving allegations 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. ~~use of physical management techniques (Prevention and Support Intervention Techniques) in an emergency to manage a sudden, intense, or out of control behavior.~~
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

~~The Division ensures the health, well-being and safety of all Members where a situation may present as Immediate Jeopardy. The Division takes action to remediate/remove any Immediate Jeopardy situation.~~

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.

~~AHCCCS sends an email to the Division Quality Management Unit (QMU) mailbox and Chief Medical Officer, Chief Quality Officer and/or their designee, which details an Immediate Jeopardy situation.~~

~~Notification of the Immediate Jeopardy situation requires the~~

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.

~~Immediately but~~

~~No later than 24 hours after the IJ notification.~~

~~d. In the event other Division departments are involved with the Immediate Jeopardy situation, The QMU team shall holds ultimate accountability for resolving the Immediate Jeopardy IJ 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 occur when an Immediate Jeopardy IJ situation is reported to the QMU within 24 hours:~~

~~i. QMU Triage Unit staff staff determines and verifies whether the situation impacts Division Member(s) and/or provider(s).~~

~~ii. Once verification is determined that Division member(s) are involved, 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, ~~within~~ 24 hours.
- iv. The QMU Triage Unit ~~Division~~ ~~Notifies~~ notifies AHCCCS of the identity of the Member(s) involved.
- v. The QMU Triage Unit ~~shall responds~~ reports to AHCCCS on status of the Member(s) ~~status~~ based upon the monitoring report using the immediate jeopardy form ~~(AHCCCS Medical Policy Manual [AMPM] 960 Attachment C Health and Safety Update Onsite Review Form, upon completion of the form.)~~ within the 24-hour timeline.
- vi. The QMU Chief Quality Officer or their designee notifies relevant Division functional area(s). ~~staff and Department. chain of command,~~ immediate jeopardy form ~~(as appropriate and required.~~

- vii. The District Nurse Supervisor requires information regarding any findings from the health and safety visit to be ~~are~~ forwarded to the QMU Triage Unit as soon as the visit is completed, containing: using
- a) A completed 960 Attachment C Health and Safety Onsite Review Form, ~~The Incident Specific Health and Safety Assessment form is completed~~ one form completed for each Member identified in the incident report; and
- b) ~~in addition to~~ Other required information specifying the immediate steps taken to secure the safety of the Member. ~~resident.~~
- f. For Immediate Jeopardy situations affecting Division Member(s) in an acute care funded facility, the District Nurse Supervisor shall notify the ~~Division contracted~~ 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.

~~If the Immediate Jeopardy situation affects Division member(s) in an acute care funded facility, the Division-contracted Administrative Services Subcontractor (AdSS) plan is notified to complete steps a, b, and e and send the response to the QMU to assess and respond to AHCCCS within 24 hours.~~

2. For Immediate Jeopardy situations requiring coordination between the QMU Triage Unit and the Division's After Hours on-call staff: If the IJ situation arises late in the business day,
 - a. The QMU shall notify the Division's After Hours Unit on-call staff ~~District on-call person is notified that they may be receiving a report after hours.~~
 - b. ~~In the event~~ The After Hours Unit shall call the District Administrator ~~District on-call person~~ when the District

on-call staff have confirmed the reported situation is an Immediate Jeopardy situation involving a Division Member;
and

ii. ~~Determined~~ believes the Immediate Jeopardy team needs to convene, they will call the Chief Quality Officer (

€. The CQO) or their designee and the CQO will shall notify the appropriate QM staff of the need for a health and safety visit initiate the call tree 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: Normal Business Hours:

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 staff contact-s the District on-call staff with any reports of Immediate Jeopardy that require follow-up within 24-hours.

- b. The Division's After Hours Unit ~~designated staff on call in each District will~~ shall contact the QMU CQO ~~Chief Quality Officer or their designee to initiate coordination of any Immediate Jeopardy investigation and follow-up steps as outlined in this section. to include steps 1.b 1.i a e listed above.~~

B. DIVISION IDENTIFICATION OF IMMEDIATE JEOPARDY

1. ~~During the Business Day During Normal Business Hours,~~ W
hen the Division becomes aware of an Immediate Jeopardy situation from any source involving Division Members:
- a. ~~The QMU team~~ staff shall assume responsibility for resolving the Immediate Jeopardy situation when other Division functional areas are involved with the Immediate Jeopardy situation, within the 24-hour timeframe. of IJ situation /issue. In the event other Division departments are involved with the Immediate Jeopardy situation, the QMU team holds ultimate accountability for resolving the IJ issue within the 24-hour timeframe.

~~b. The QMU team shall complete the following steps are completed within 24 hours of receiving notification/identification of the Immediate Jeopardy situation:~~

- ~~i. QMU Triage Unit staff determines and verifies whether the situation affects Division Member(s) and/or provider(s).
Once verification is determined that a Division member(s) are involved,~~
- ~~ii. The QMU Triage Unit notifies the District Nurse Supervisor, once Division Member involvement in the Immediate Jeopardy situation is verified.~~
- ~~iii. The District Nurse Supervisor schedules an immediate health and/safety monitoring visit within 24 hours.~~
- ~~iv. The QMU Triage Unit Division notifies AHCCCS of the identity of the Members involved.~~

- v. ~~The QMU Triage Unit reports to AHCCCS the Immediate Jeopardy situation, on the Member(s) impacted and the Member status based upon the monitoring report using the immediate jeopardy form (AMPM 960 Attachment C Health and Safety Update Onsite Review Form) within the 24 hour timeline.~~
- vi. ~~The QMU CCO or their designee notifies relevant Division staff, and Department chain-of-command chain-ofcommand, as appropriate and required.~~
- vii. ~~The District Nurse Supervisor requires information regarding any findings from the visit to be forwarded to the QMU Triage Unit as soon as the health and safety monitoring visit is completed, containing:~~
using
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. The Incident Specific Health and
Safety Assessment form is completed for each
member identified in the incident report and in
addition to other required information specifies
the immediate steps taken to secure the safety
of the resident.~~

c. ~~For If the Immediate Jeopardy situations affecting Division
Member(s) in an acute care funded facility, the District
Nurse Supervisor shall notify the Division contracted AdSS
is notified to:~~

- ~~i. Take actions to remediate the Immediate Jeopardy
situation Complete steps a-c; and~~
- ~~ii. Send the response to the QMU Triage Unit to assess
and respond to AHCCCS within 24 hours.~~

2. ~~For If the notifications of Immediate Jeopardy IJ situations arising late in the Business Day:~~

i. ~~The QMU shall notify the After Hours Unit (On-Call) District on-call person is notified that they maybe receiving a report may be sent after hours.~~

ii. ~~The In the event the After Hours Unit District on-call staff shall call the CQO when the District on-call staff believes the Immediate Jeopardy team needs to convene.~~

iii. ~~The the staff will call the Chief Quality Officer (CQO) or their designee and the CQO will shall initiate the call tree upon receiving the call from District on-call staff that the Immediate Jeopardy team needs to convene.~~

3. ~~For notifications outside of the Business Day:After Normal Business Hours.~~

~~The After Hours Unit District on-call staff shall contact the QMU CQO or their back-up to hand off coordination of follow-up for the Immediate Jeopardy notifications to include guidance as outlined in this section, upon receiving any reports of Immediate~~

~~Jeopardy that require follow-up within 24 hours. on-call staff in the District contacts the QMU CQO or their back-up to hand off coordination of follow-up for the Immediate Jeopardy notifications to include steps a-e listed above.~~

B. MEMBER RELOCATION FROM RESIDENTIAL SETTINGS

- ~~1. When certain serious conditions are present at residential facilities, 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. to ensure Member their health and safety. This section describes the following:
 - a. The types of facilities where Members reside that may be subject to relocation;
 - b. The types of presenting circumstances that may support a decision to relocate Member(s);
 - c. The decision makers authorized to make the determination to relocate Members.~~

- ~~2. The Division may relocate Members from the following the types of settings when conditions that pose a threat to Member health or safety are present: facilities from which Members may be subject to relocation under this policy include the following:~~

- a. Group Homes;
 - b. Nursing Supported Group Homes;
 - c. Intermediate Care Facilities (ICFs);
 - d. Adult Developmental Homes (ADHs); and
 - e. Child Developmental Homes (CDHs).
3. The Division may elect to relocate Members from their current setting when the following conditions exist: for the following reasons; including but not limited to:
- a. An individual A Member is injured or ill and has not received medical attention.
 - b. Air conditioning or heating units are not working and the thermostat is displaying a temperature facility is above 90 degrees Fahrenheit on high temperature days or below 650 degrees Fahrenheit on a cold temperature day.s.
 - c. Heating 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. ~~For example, a resident requires a two person lift and there is only one staff on duty; a resident requires 1:1 staffing according to their Service plan and there is insufficient staffing to meet the requirement.~~
- f. On-duty staff are ~~is unable to meet the needs of residents due to being~~ under the influence of alcohol or drugs.
- g. Staff lack required initial training or have not been oriented to Member client needs, placing a Member residents at risk.
- h. Indication(s) of physical or ~~abuse,~~ sexual abuse is present, and/or
- i. Neglect of Member(s) residents is evident.
- j. A Member Resident expresses fear about remaining in the setting facility.
- k. Environmental health and safety risks are present, including; ~~For example,~~

- i. Fire damage;
 - ii. Fire hazards, such as exposed wiring;
 - iii. Unsecured pool area;
 - iv. Doors or/windows cannot be secured;
 - v. Blocked doorways; or
 - vi. Unhealthy living conditions; or
 - vii. Other environmental concerns that pose a risk to Member health or safety.
- l. Food supplies are inadequate. ~~There must be~~ An inadequate amount of food supplies available in the setting is represented by lack of enough-sufficient food to prepare a well-balanced dinner, breakfast the next morning, and to pack lunches for the next day, relocating the Member(s) only if the provider is unable or unwilling to immediately remediate this issue. ~~would residents be relocated.~~
- m. Provider license is suspended, expired, or voluntarily surrendered.

- n. ~~Serious infestation of insects or rodents in the setting. in the facility of insects or rodents.~~
 - o. Major appliances in the setting are not working properly or are inoperable. ~~The residential setting facility has non-working major appliances that do not work, such as a stove or refrigerator.~~
 - p. ~~The Members residents do not have adequate furniture.~~
4. The A Network Residential Manager, District RN Supervisor, District QA Manager, QMU Administrator, DDD Contract Actions Administration Unit staff and Support Coordination staff or members of the Executive Leadership Team are 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 REQUIRED
WITHIN 24 HOUR TIMEFRAMES FOR RESPONSE

~~Below are standard~~ The QMU Triage Unit shall conduct a ~~expected~~ response times for face-to-face visits with the Member, ~~and/or~~ purposeful health and safety monitoring site visit, to determine if site safety concerns related to the allegations identified in the Immediate Jeopardy notification exist, within 24 hours of upon receiving the notification of the following situations: ~~to the place of occurrence to determine whether there are site safety concerns related to allegations of Immediate Jeopardy include:~~ The types and categories below are not an exclusive list and the Quality Assurance Manager and/or Supervisor may exercise discretion to dispatch staff for a site visit that is not listed below.

~~2. Response within 24 hours of notification:~~

- 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;_i
- h. Physical or sexual abuse_i (without serious injury;_i)
- i. Neglect with potential danger;_i
- j. Medication error with hospitalization;_i
- k. Human rights violation allegation;_i
- l. Injury of unknown origin;_i
- m. Programmatic abuse allegation;_i
- n. Verbal or/emotional abuse allegation;_i or
- o. Unapproved,(but not prohibited,) Emergency Measure without serious injury.

D. INVESTIGATION, EVALUATION AND RESOLUTION OF IMMEDIATE JEOPARDY FINDINGS

~~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.~~

1. The District Nurse conducting the safety and monitoring visit investigator shall take prompt action to ensure the health, safety

and well-being of the Member(s), ~~including remaining with the member(s) until the risk of harm or likelihood for serious harm is remediated.~~

2. The QMU Triage Unit shall address concerns in a manner as outlined in Division Medical Policy Manual 960.
3. ~~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.~~

3. ~~The QM Manager Division shall track Immediate Jeopardy incidents to identify trends and determine systemic interventions and opportunities for quality improvement, incorporating:~~
- ~~a. The Division tracks the timeliness of the QMU its response to QOC quality of care Concerns and complaints involving allegations of Immediate Jeopardy; The timeframes for response set forth in this policy at Section D. 3-5 are tracked and trending to identify member/provider systemic issues. The following are tracked:~~
 - ~~i. Number and reason for failure to respond within designated timeframes.~~
 - ~~ii. Number and types of corrective actions per complaint type.~~
 - ~~iii. Number and types of notifications to outside agencies including, but not limited, to law enforcement, Adult~~

~~Protective Services, Department of Child Services, Arizona
Department of Health Services.~~ The following are
tracked:

- ~~i.~~ Number and reason for failure to respond within
designated timeframes.
 - ~~ii.~~ Number and types of corrective actions per
complaint type.
 - ~~iii.~~ Number and types of notifications to outside agencies
including, but not limited, to law enforcement, Adult
Protective Services, Department of Child Services, Arizona
Department of Health Services.
- b. Findings from investigations; ~~are also tracked and trended,~~
including
- c. Investigation outcomes noting whether the allegations
were: are
- i. Substantiated;
 - ii. Unsubstantiated; or
 - iii. Unable to substantiate; and

- d. Categories of findings that are being tracked, including:
- i. ~~QO~~Quality of care/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 the ~~Division's~~ tracking and trending ~~for Immediate Jeopardy-related data~~ for ~~are~~ analyzed, reviewed, and discussed, at the 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: