

2.0 SERIOUS EVENTS DEFINED

Section 1.0 notes that service providers are required to submit reports of unusual incidents to CDDPs or other agencies responsible for individual service coordination. Oregon Administrative Rule (OAR) 411-320-0020 defines unusual incidents as “incidents involving serious illness or accidents, death of an individual, injury or illness of an individual requiring inpatient or emergency hospitalization, suicide attempts, a fire requiring the services of a fire department, or any other incident requiring abuse investigation”. These unusual incident reports are one source of information for CDDP SERT entries. CDDPs also receive reports or complaints---often by phone or in person---from individuals with developmental disabilities, concerned family or other community members. However reports arrive, each CDDP has a process for evaluating them to determine what kind of response is required. At some point in this process the CDDP determines whether one or more of SPD’s “serious events” are involved and, if so, enters initial and follow-up into SERT.

2.1 What *Is* a Serious Event?

SPD developed the current list of serious events to monitor based on state and local experience with licensing and certification, technical assistance, crisis response and mortality reviews. Most serious events involve abuse as defined by Oregon Revised Statute (ORS) or Oregon Administrative Rule (OAR). A smaller set of serious events helps SPD track use of community resources and agencies that assist all Oregonians during medical crises and other emergencies.

2.1.1 Abuse

Any instance of abuse---as defined by Oregon statute or administrative rule---of an individual with developmental disabilities is a serious event. CDDPs treat any complaint or report alleging abuse as a report of a serious event and enter information about the event into the SERT database within one working day of receipt of the report.

Other related processes begin on receipt of report. For example, CDDPs assess individual safety and initiate protective services if required and

either CDDP or OIT begins screening and investigation. It is not always immediately apparent that abuse is involved. The local investigator or OIT representative may assist with making that determination. Whatever process used for assessing the possibility of abuse, it requires a critical eye for the outcomes of abusive behavior. For example, a report of an individual in a 24-Hour Residential service being transported by ambulance and later hospitalized would not on its face indicate abuse, but a CDDP or OIT will add that allegation to a SERT entry if further review of the circumstances indicate the medical crisis may have been the result of abuse or neglect.

OAR 411-320-0020 defines types of abuse of individuals with developmental disabilities. The exact definition of abuse may be different based on individual age, living situation, or provider of service at time of the incident. Tables [2.1.1A](#) and [2.1.1B](#) summarize abuse circumstances and how they are categorized in the SERT system. Statute or rule changes in definitions of abuse will change what is required in the SERT system as well. Users should take advantage of OIT consultation and training, as well as refer regularly to administrative rules, to remain current on abuse identification and investigation responsibilities.

SERT Table 2.1.1A: Abuse definitions derived from statute

Type of Incident on SERT Report Form	Corresponding Abuse Definition under OAR 411-320-0020(2) (rev. 2/06):
Death	(a)(A) and (b)(A) for children and adults in any setting: Any death caused by other than accidental or natural means, or occurring in unusual circumstances. (NOTE: All deaths are reported in SERT, but only deaths which, after consultation with SPD and OIT, are judged to meet this definition are categorized as abuse and subject to protective services investigation.)
Physical Injury by Other than Accident	(a)(B) for children in any setting: Any physical injury including, but not limited to, bruises, welts, burns, cuts, broken bones, sprains, bites that are deliberately inflicted. (b)(B) for adults in any setting: Any physical injury caused by other than accidental means, or that appears to be at variance with the explanation given of the injury.
Willful infliction of physical pain	(b)(C) for adults in any setting and for children in 24-Hour Residential or Proctor Foster Care settings: Willful infliction of physical pain or injury.
Sexual harassment or exploitation	(a)(D) for children in any setting: Sexual abuse and sexual exploitation including, but not limited to, any sexual contact in which a child is used to sexually stimulate another person. This may include anything from rape to fondling to involving a child in pornography. (b)(D) for adults in any setting and for children in 24-Hour Residential or Proctor Foster Care settings: Sexual harassment or exploitation, including but not limited to, any sexual contact between an employee of a community facility or community program and an adult.
Failure to Act/Neglect	(a)(C) for children in any setting: Neglect including, but not limited to, failure to provide food, shelter, medicine, to such a degree that a child's health and safety are endangered. (b)(E) for adults in any setting and for children in 24-Hour Residential or Proctor Foster Care settings: Neglect that leads to physical harm or significant mental injury through withholding of services necessary to maintain health and well-being.

SERT Incident Table 2.1.1B: Additional abuse definitions in OAR

For 24-hour residential (children and adults) homes; adult foster homes; children’s proctor/foster homes; employment/community inclusion programs; supported living programs; semi-independent living programs; CDDPs; support service brokerages

Type of Incident on SERT Report Form	Corresponding Abuse Definition under OAR 411-320-0020(2):
Failure to Act/Neglect	(c)(A)—for children and adults in 24-hour residential programs, adult foster homes, employment or community inclusion programs, supported living programs, semi-independent living programs; prohibition also applies to staff and volunteers of CDDPs and Brokerages: Failure to act or neglect that results in the imminent danger of physical injury or harm through negligent omission, treatment, or maltreatment.
Verbal Mistreatment with implied Threat	(c)(B) Verbal mistreatment by subjecting an individual to the use of derogatory names, phrases, profanity, ridicule, harassment, coercion or intimidation of such a nature as to threaten significant physical or emotional harm or the withholding of services or supports, including implied or direct threat of termination of services.
Placing restrictions on an individual’s freedom of movement	(c)(C) Placing restrictions on an individual’s freedom of movement by restriction to an area of the residence or program or from access to ordinarily accessible areas of the residence or program, unless agreed to by the ISP team and included in an approved behavior support plan.
Using restraints inappropriately	(c)(D) An inappropriate or unauthorized physical intervention that results in injury. A physical intervention is inappropriate if: it is applied without a functional assessment of the behavior justifying the need for the restraint; it is used for behaviors not addressed in a behavior support plan; it uses procedures outside the parameters described in a behavior support plan; or it does not use procedures consistent with the Oregon Intervention System. A physical intervention is not authorized if: there is not a written physician’s order when intervention is used as a health related protection; or it is applied without ISP team approval as identified on the ISP or as described in a formal written behavior support plan. It is not abuse if it is used as an emergency measure, if absolutely necessary to protect the individual or others from immediate injury and only used for the least amount of time necessary.
Financial Exploitation	(c)(E) Financial exploitation that may include, but is not limited to: an unauthorized rate increase; staff borrowing from or loaning money to an individual; witnessing a will in which the program or staff is a beneficiary; adding the program’s name to an individual’s bank account(s) or other titles for personal property without approval of the individual or the person’s legal representative and notification of the ISP team.

Type of Incident on SERT Report Form	Corresponding Abuse Definition under OAR 411-320-0020(2):
Inappropriately expending an individual's personal funds	(c)(F) Inappropriately expending an individual's personal funds, theft of an individual's personal funds, using an individual's personal funds for the program's or staff's own benefit, commingling an individual's funds with program or another individual's funds, or the program becoming guardian or conservator.

2.1.2 Other serious events

These additional circumstances do not necessarily involve or imply abuse has occurred, but need to be monitored to help state and local planners take appropriate steps to assure individual health and safety.

SERT Incident Table 2.1.2: Other serious events

Type of Incident on SERT Report Form	Typical circumstances in this type of SERT report
Death	The death of <u>any</u> individual who receives DD service coordination (case management) services. (NOTE: Death also appears on Table 2.1.1A. While every death must be reported, not all deaths occur because of abuse.)

The remaining serious events apply to children and adults in: 24-hour residential programs; foster homes; employment or community inclusion programs; supported living programs; semi-independent living programs:

Fire department	Fire department responds to fire emergency, called by program staff, volunteers, individual(s) in service, or community members. Fire department may also come in response to fire alarm.
Police	Police are on site in response to: 1) known or suspected criminal activity (e.g. individual violation of probation, individual arrested, suspected theft from individuals); or 2) individual or public safety emergency (e.g. individual returned following incident in community, call from foster provider to help find missing individual, complaint from neighbors about noise).
Criminal referral made	1) Law enforcement agency (LEA) has been asked to assess and investigate (as appropriate) suspected crime against individual(s) with DD (e.g. theft from an individual with DD, assault associated with abuse). 2) LEA has filed criminal charges against an individual in service (e.g. violation of probation) or against program staff or volunteers for crimes against individual(s) in service.
Ambulance service other than routine transport	Ambulance responds with medical assistance or transportation (or both) in response to medical emergency involving individual(s). (Is NOT use of ambulance for routine, planned medical service.

Medical hospitalization	Admission and at least overnight stay at hospital due to a medical emergency involving Individual injury or illness. Does NOT include stay for dental treatment under sedation or for planned, non-emergent surgical interventions.
Emergency room visit	Emergency room visits for injury or acute physical or mental illness. Does NOT include emergency room visits for routine health care or visits to immediate care and urgent care facilities.
Psychiatric hospitalization	Admission for any length of time to a psychiatric treatment facility

2.1.3 Categories of Serious Events Vary by Type of Service

The matrix on the following page summarizes the information in previous tables about what must be entered in SERT. Examples may also help:

Example 1. An adult receives no DD services other than Service Coordination. Enter serious events listed in [Table 2.1.1A](#) unless the alleged perpetrator is a staff member or volunteer of the CDDP, in which case events in [Table 2.1.1B](#) also apply.

Example 2. An adult is enrolled in Support Services. Enter serious events listed in [Table 2.1.1A](#) unless the alleged perpetrator is a staff member or volunteer of:

- a. The CDDP;
- b. The Brokerage in which the adult is enrolled; or
- c. An agency qualified to provide support services due to SPD license or certification as a 24-Hour Residential, Supported Living, Foster Care, Semi-Independent Living, or Employment/Alternative to Employment program.

If any of situations a - c apply, the events listed in [Table 2.1.1B](#) also apply.

Example 3. An adult is enrolled in 24-Hour Residential Services. Enter serious events listed in all three tables.

Example 4. A full-time resident in a nursing facility receives specialized services from a DD Employment/Alternatives to Employment program. Enter serious events defined in all three tables if the incident occurs when the individual is away from the nursing home and under the care and supervision of the DD Employment/Alternatives to Employment program.

SERT Table 2.1.3. Matrix for Reporting Serious Events

A symbol in the box under the type of serious event means the event must be entered in SERT if it involves an individual in the type of service indicated.

Type of DD Service	Entered by	Death	Physical Injury (Physical Abuse)	Willful Infliction of Pain (Injury/Pain)	Sexual Harassment/Exploitation	Failure to Act/Neglect	Verbal Mistreatment w/Implied Threat	Restricting Freedom of Movement	Restraints	Financial Exploitation	Inappropriate Use of Personal Funds	Medical Hospitalization	Emergency Room Visit	Psychiatric Hospitalization	Police, Fire, or Ambulance	Criminal Referral Made
Adult 24-Hour Residential	CDDP	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Adult Foster Care	CDDP	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Children Living at Home (inc. Family Support and CIIS)**	CDDP	✓	✓	✓	✓	✓										
Children's Proctor Foster Care*	SPD	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Children's Residential*	SPD	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
DD-Eligible Adult w/Service Coordination Only	CDDP	✓	✓	✓	✓	✓	▲	▲	▲	▲	▲					
Employment/Alternative	CDDP	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Adults in Support Services or Comp. In-Home Support	CDDP	✓	✓	✓	✓	✓	▲▼	▲▼	▲▼	▲▼	▲▼					
Supported Living and SILP	CDDP	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

* CDDP staff who learn about a serious event involving a child in these services must contact the SPD Residential Services Coordinator assigned to the program. SPD staff will enter incident information into SERT.

** If you learn about any of these serious events involving a child living at home, notify the DHS agency providing child protection services and enter the event in SERT.

▲ Report and enter in SERT if staff of CDDP or Brokerage are alleged to have committed this abuse.

▼ Report and enter in SERT if staff of program are alleged to have committed this abuse **and** program is qualified to provide this support service due to SPD license or certification as 24-hour residential, foster home, employment/alternative to employment, supported living, or semi-independent living program.