

Bureau of Human Services Licensing – Complaint and Incident Investigation Matrix November 8, 2012

A complaint is an allegation of regulatory noncompliance made by someone who is not reporting on behalf of a licensed setting; such persons include but are not limited to individuals in care, current or former employees, advocates or advocacy associations, and the general public. Each complaint that is communicated to the Bureau of Human Services Licensing (BHSL) will be investigated, OR if the nature of the complaint is outside the regulatory authority of BHSL it will be referred to an appropriate investigative agency, unless the nature of the complaint is outside the scope of responsibility of all other known agencies.

An incident is a report of actual or suspected regulatory noncompliance made by someone who is reporting on behalf of a licensed setting. Each incident that is reported in accordance with regulatory requirements will be reviewed by BHSL to determine if an investigation is required.

Complaints and incidents to be investigated are assigned risk levels and stages based on the relationship of the degree of risk to persons in care and the immediacy of BHSL's response. Risk levels and stages are assigned by considering the probable increase in the scope and intensity of harm to persons in care in relation to the speed of BHSL's response. The perceived credibility of the complaint source, licensing history of the setting, and regional licensing workload are not considered when assigning Risk Levels and Stages.

BHSL uses the table on the following page to assign levels and stages to complaints and incidents.

Questions about the BHSL complaint and incident process should be directed to the Operator Support Hotline at 1-866-503-3926 or by electronic mail at rapwarheadquarters@state.pa.us

BHSL Complaint and Incident Investigation Matrix

Level	Description	Examples <i>(examples only--assessments to be made based on seriousness of concern)</i>	Timeframe for initiation of on-site investigation <i>(includes nights, holidays and weekends)</i>
Stage			
Immediacy of Risk			
Level: 1 Stage: 1 IR: IMMINENT	Immediate life-safety risk in the absence of instantaneous intervention by BHSL	<ul style="list-style-type: none"> -No staff on duty -No food/water -No heat in winter / extreme heat in summer -Physical abuse by management staff or legal entity -Any abuse by a direct-staff person where the setting refuses to suspend the suspected perpetrator -Current and ongoing use of unauthorized restraints 	Immediately upon receipt of complaint (0 hours)
Level: 1 Stage: 2 IR: CRITICAL	Immediate life-safety risk in the absence of rapid intervention by BHSL	<ul style="list-style-type: none"> -Fire-safety violations -Minimal food/water -Extremely unsanitary conditions -Elopement by a person with cognitive impairment who is still missing or has been found deceased - Elopement by a person with cognitive impairment who has been found with injuries -Past use of unauthorized restraints 	Within 48 hours of receipt of complaint
Level: 1 Stage: 3 IR: HIGH	Immediate life-safety risk in the absence of expedited intervention by BHSL	<ul style="list-style-type: none"> -Inadequate staffing -Resident-to-resident abuse resulting in serious injury - Elopement by a person with cognitive impairment where the resident has been unharmed 	Within 72 hours of receipt of complaint
Level: 2 Stage: 1 IR: Medium-High	Probable risk in the absence of expedited intervention by BHSL	<ul style="list-style-type: none"> -Moderately unsanitary conditions --Resident-to-resident abuse resulting in minor injury -Medication violations -Unmet needs not resulting in harm 	Within 21 days of receipt of complaint
Level: 2 Stage: 2 IR: Medium-Low	Possible risk in the absence of any intervention by BHSL	<ul style="list-style-type: none"> -Moderate physical site violations -Inadequate Resident Assessment-Support Plans or ISPs -Financial management 	Within 45 days of receipt of complaint
Level: 3 IR: Low - Minimal-None	Minimal to no risk in the absence of any intervention by BHSL; regulatory violations possible	<ul style="list-style-type: none"> -Policy and procedures -Disputes over moneys owed after discharge -Contractual violations -Minor physical site violations 	During next scheduled licensing renewal inspection
Level:4	Not under regulatory authority of BHSL	<ul style="list-style-type: none"> -Landlord disputes -Zoning 	None