

Critical Incident Management System – Home and Community-Based Services

9.101 Critical Incident Reporting (07/27/2025, GCR 25-009)9.101.1 Introduction

The rule sets forth Vermont Medicaid's responsibilities under 42 CFR 441.302(a)(6) to implement, operate, and maintain an incident management system that protects the health and welfare of individuals receiving home and community-based services authorized under the Global Commitment to Health Waiver, as approved by the Centers for Medicare and Medicaid Services (CMS). The rule sets the minimum requirements of an incident management system that identifies, reports, triages, investigates, resolves, tracks, and trends critical incidents.

9.101.2 Definitions

For the purposes of this rule, the term:

- (a) **“Individual”** means a person enrolled in one of Vermont’s Medicaid Home and Community-Based Services (HCBS) programs.
- (b) **“Investigation”** means a response to a report of abuse, neglect, or exploitation that begins with the systematic gathering of information to determine whether the abuse, neglect, or exploitation has occurred and, if so, the appropriate response.
- (c) **“Investigative Agency”** means Vermont’s Adult Protective Services (APS) program as the primary unit of state government responsible for investigating allegations of abuse, neglect, and exploitation of vulnerable adults, or Vermont’s Child Protective Services (CPS) program as the primary unit of the state government responsible for investigating allegations of abuse, neglect, and exploitation of children.
- (d) **“Critical Incident”** means, at a minimum:
 - (1) Verbal, physical, psychological, or emotional abuse,
 - (2) Neglect,
 - (3) Exploitation, including financial exploitation,
 - (4) Misuse or unauthorized use of restrictive interventions, including restraints and seclusion,
 - (5) A medication error resulting in a telephone call to or a consultation with a poison control center, an emergency department visit, an urgent care visit, a hospitalization, or death, or
 - (6) An unexplained or unanticipated death, including but not limited to a death caused by abuse or neglect.

9.101.3 Establishing and maintaining protocols for critical incident reporting

- (a) The incident management system must include maintaining and updating protocols as appropriate, specifying how to report critical incidents.
 - (1) These protocols must include a standardized form for reporting critical incidents to ensure consistency and clarity.

Critical Incident Management System – Home and Community-Based Services

9.101.4 Developing and implementing the incident system

- (a) The incident management system must, at a minimum include:
 - (1) Electronic incident system that enables electronic collection and tracking, including the status and resolution of investigations and trending of data on critical incidents.
 - (2) A method for providers to report any critical incidents that occur during the delivery of services as specified in the individual's person-centered service plan or any critical incidents that are a result of the failure to deliver authorized services.
 - (3) Investigation protocol that includes sharing information on the status and resolution of investigations.
 - (4) Separately investigate critical incidents if the investigative agency fails to report the resolution of an investigation within the AHS-specified timeframes.

9.101.5 Additional System Requirements

- (a) The incident system must have the ability to determine if the AHS met its specified timeframes for initiating investigations, completing investigations and determining resolution, and completing corrective action plans for all incidents requiring an investigation.