Risk Management and Participant Direction

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Today's Discussion

- Define Risks

- Explore Traditional System/Participant-Directed System

- Components of Risk Management
  - Person Centered Planning Practices
  - Assessment
  - Applying Interventions
  - Data Collection & Analysis Activity
  - Individual & Programmatic Improvement

- Resources

Risks Defined

- Chance or Possibility of Loss, Injury, Endangerment, or Exposure

- Probability is High that Something "Bad" May Happen

- Individual's Choices/Actions May Result in Potential Conflict or Danger to Themselves or Others

Managing Risks

- Balance Autonomy & Self-Expression with Safety
- Goal is to Manage Risks NOT Eliminate
- Impossible to Prevent all Untoward Incidents
- Moral Obligation to Protect Citizens
- Comply with Program Policy
- Apply Consistency & Equitability
- Support Front-Line Staff
- Reduce Liability

Traditional System

- Provider Held Accountable for Health, Welfare, & Accomplishing Outcomes

- Represents Strong Relationship Between State/Agency and Provider

- Funding Source Controls:
  - Nature, Scope & Extent of Support
  - Adequacy of Services
  - Appropriateness of Service Delivery

- Program Emphasis on Safety & Management of Liability

- Assigns Responsibility to Provider through Licensing and Certification

- Enforced Through Policy, Procedures & Law

- Providers are the Primary Judge Quality of Services

- Monitors Service Delivery Through Sporadic Visits & Inspection Strategies

Participant Direction

- Shifts Authority, Responsibility, & Decision-Making from Provider to Participant
- Provides Flexible Approach to Services & Supports
- Opens Creative Solutions
- Participant is Primary Authority to Balance Safety, Adequacy & Acceptability
- Effectiveness of Services & Supports Measured by the Participant
- Service Plan
    - Specifies Roles & Responsibilities
    - Sets Pathway for Accountability

Considerations to Shift in Authority

- May Vary with Interest & Capacity
- Delegation of Decision-Making May Occur
- Supports & Training May be Required
  - Unaccustomed to Decision-Making
  - New Coping Skills Needed
  - Lacking Confidence
- Mechanism to Effect Changes Must be in Place
- Mechanism to Resolve Complaints/Concerns
- Assessment Documents Participant's Perspective

Exercise in "Letting Go"

- Counselors are Released from Overarching Responsibility to Assure Health & Welfare

- Agency Staff NOT Responsible for all Negative Outcomes

- Service Plan Becomes Official Contract Between Counseling Agency and Participant

- Programmatic Decisions Determine Amount & Nature of Risk

- Support & Training May be Needed for Counselors & Participants

- Resources Provide Participants with Opportunity to Exercise Authority

- Funding Source Continues to Account for Expenditures & Oversight of Public Dollars

"Letting Go" Strategies

- Agency and Funding Source:
  - Apply Assessment & Competency Standards
  - Specify Roles & Responsibilities
  - Create Policy & Procedures
  - Identify Acceptable Risks/Unacceptable Risks (Thresholds)
  - Develop Risk Prioritization Protocol
  - Assign Resources

- Team Approach – Counselor, Supervisor, Peers, Participants, Representatives, Clinical Professionals, & Advocates

Format for a Risk Management System

- Person-Centered Approach
- Assessment of Need & Capacity
- Identification of Risks
- Develop Risk Management Plan
- Examination & Application of Interventions
- Monitor Plan
- Collect & Analyze Data
- Improve Individual Outcomes and Program
- Evaluate System

Person-Centered Planning

- Determine an Individual's Life-Style, Preferences, Goals

- Develop Service Plan Based on Preferences & Needs

- Uncover Potentially Harmful Activities

- Explain Cause of Concern

- Obtain Participant Feed-Back on Developing Interventions

Assessment Process

- Identifies Need

- Creates Service Plan

- Documents Potential or Perceived Risks

- Recognizes & Applies Risk Management Policy

- Honors Preferences, Appreciates Values

- Applies a Consistent Approach

Assessing Capacity

- Measure Participant's Decision-Making Capability/Ability/Competency
  - Not Substantially Impaired & Consequences are Acceptable
  - Not Substantially Impaired & Consequences are Unacceptable
  - Ability is Unclear or Questioned
  - Substantially Impaired
- Determine Who is Involved with Decisions
  - Participant
  - Legal Guardian
  - Informal Representative
  - Others
- May be Determined by:
  - Informal Observation
  - Formal Questions & Answers
  - Apply Orientation of Time and Plan
  - Application of Formal Mental/Cognitive Assessment

Common Risk Assessment Components

1. Living Arrangements
2. Eating & Meal Preparation
3. Administering Medication
4. Toileting
5. Mental/Mental Health Status
6. Mobility
7. Using the Telephone

8. Managing Environment
9. Communicating
10. Social & Informal Supports
12. Financial Status
13. Quality of Life

Identification of Risk Indicators

- **Environment:**
    - Availability or lack of unpaid support
    - Incidents of abuse, neglect or financial exploitation
    - High stress
    - Burden of providing care-giving behaviors or need for care-giving behaviors
    - Social isolation and lack of connectedness with others
- **Behavior:**
    - History of non-compliance with medication or diet
    - Displaying Inappropriate Behavior
    - Excessive alcohol consumption
    - Lack of general well-being; inability to live joyfully with meaning and purpose
- **Medical:**
    - Frequent Hospitalizations over a short period of time or Frequent visits to the emergency room
    - High blood pressure, glucose or cholesterol
    - Depression
    - Ability to make Decisions or Cognition Issues
- **Physical:**
    - Falls (preventable accidents)
    - Physical inactivity/lack of exercise
    - Poor nutrition

Risk Management Plan

- Follows Prescribed Policy & Procedures

- Describes Provision of Services to Meet Assessed Needs

- Describes Risks

- Presents Interventions

- Documents Discussions, Recommendations, & All Associated Activity

Risk Plan

- Obtain History

- Specify Underlying Illness or Problems

- Review Medications

- Assess Medical, Functional, Sensory, Psychological Status

- Assess Environmental Status

- Identify Consequences

- Present Remediation Strategies

Apply Interventions

- What Might Prevent or Reduce Impact of Serious Risks?
- Ensure Participant Understands the Consequences of their Actions/In-Actions (or lack of) Taking Action
- Increase Level of Supports
- Obtain Second Opinion – peer case managers, supervisor, family, state supervisors, independent mediator or arbitrator using neutral party
- Recommend Informal Representative to Assist with Decision-Making
- Appointment of Legal Guardian
- Informed Consent
- Present Alternatives to Reduce/Minimize Risks
    - Add Services to Plan
    - Replace Services in Plan
- Provide Participant Skills Training
- Provide Worker Skills Training/Educational Opportunities
- Offer Alternative Assistive Devices
- Execute Negotiated Risk Agreement
- Voluntary Termination from Program
- Involuntary Termination from Program

Risk Agreements

- Written and Signed Statement to Negotiate Risks

- Process Balances Autonomy & Safety

- Degree of Specialization of Service Plan

- Tool:

  - Identifies Real or Potential Risks

  - Fosters Communication, Discussion and Sets Expectations

  - Describes Service Delivery Plan

  - Acknowledges Participant's Right to Make Choices Involving Risks

  - Assigns Responsibilities

  - May Limits Liability

Monitoring Strategies

- Are Interventions Working?

- Are New Risks Identified?

- Scope & Duration Depends on Risk Ranking

- Telephone Contacts, Face-to-Face Visits, Representative Contacts

Reviewing Risk Data

- Track & Review:
  - ❑ Critical Incident Management Reports
  - ❑ Adult Protective Services Investigations
  - ❑ Mortality Reviews
  - ❑ Expressed Complaints/Concerns
  - ❑ Audits/Quality Monitoring Site Visits
  - ❑ Results of Case Management Contacts

Analyze Information

- Analyze Data:
  - Categorize by Frequency & Consequences
  - Identify Underlying Causal Factors
  - Examine Common Factors or Sequence of Events
  - Identify Patterns/Trends
- Compile Findings:
  - Determine Probability, Consequences & Impact
  - Identify Interventions to Reduce or Eliminate Risks

Initiate Improvements

- Use Data to Identify Technical Assistance and Training

- Develop Standards to Accept Certain Risks

- Initiate Changes to Policy, Practices, Procedures, and Processes

- Improve Assessment Process

- Share Successful Intervention Strategies

In Review

A System to Deal with Risks

- Develop Flexible Service Plan Using a Person Centered Planning Process and Assessment
- Assess Cognition – Ability to Make Decisions
- Create and Consistently Apply Policy & Procedures
- Inform Participants
- Ensure Adequate Services
- Develop Effective Supports
- Develop & Train Support Staff on Identification, Policy & Procedures
- Is there a Chance for:
  - Negotiations?
  - Interventions?
  - Alternatives?

- Involve Others
- Collect & Analyze Data
- Implement Provider Qualifications/Oversight
- Reimburse Staff Sufficiently with Benefits Offered
- Train Staff Sufficiently:
  - Universal and Specific Skills
  - Executing Plan of Care
  - Respectful of Participant's Values
  - Establish Code of Ethics
- Collect & Analyze Data
- Consider Program, System, and Individual Strategies to Improve Outcomes

Questions, Comments, Discussion

Thank you!

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