



**Commonwealth of Massachusetts**  
**Executive Office of Health and Human Services**  
**Office of Medicaid**  
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## Managed Care Entity Bulletin 111

**DATE:** February 2024

**TO:** One Care Plans, Senior Care Organizations, and Program of All-inclusive Care for the Elderly Organizations Participating in MassHealth

**FROM:** Mike Levine, Assistant Secretary for MassHealth

**RE:** **Critical Incident Definition, Criteria, and Reporting Requirements**

### Applicable Managed Care Entities and PACE Organizations

- ☐ Accountable Care Partnership Plans (ACPPs)
- ☐ Managed Care Organizations (MCOs)
- ☐ MassHealth's behavioral health vendor
- ☒ One Care Plans
- ☒ Senior Care Organizations (SCOs)
- ☒ Program of All-inclusive Care for the Elderly (PACE) Organizations

### Background

One Care Plans, Senior Care Organizations (SCOs), and Program of All-inclusive Care for the Elderly (PACE) Organizations (collectively, Integrated Care Plans or ICPs), are required to participate in efforts to prevent and minimize the potential for incidents and/or accidents, as well as to minimize the impact to MassHealth members from any incidents and/or accidents that do occur. If a critical incident, as defined below, occurs while a MassHealth member is enrolled in an ICP, the ICP is responsible for investigating the incident and completing and submitting a MassHealth Integrated Care Plan Critical Incident Report Form (the "Critical Incident Report Form") to MassHealth.

Effective immediately, ICPs must use the Critical Incident Report Form (provided electronically) and follow the reporting protocol described in the MassHealth Integrated Care Plan Reporting Instructions.

This bulletin includes guidance on:

1. Critical incident definition and criteria;
2. Communication and report requirements;
3. Recordkeeping;
4. Injury resulting from suspected abuse or neglect by the caregiver; and
5. The Critical Incident Report Form.

## **Critical Incident Definition**

A critical incident is any sudden or progressive development or event that requires immediate attention and decisive action to prevent or minimize any negative impact on the health and welfare of one or more MassHealth members.

## **Critical Incident Reporting Criteria**

Critical incidents include but are not limited to:

1. Premature death of a member resulting from or related to any of the following:
  - a. suicide;
  - b. homicide;
  - c. drug overdose;
  - d. suspected medication error;
  - e. direct medical care;
  - f. fire or natural disaster; or
  - g. mistreatment, or allegation of mistreatment, of a member, including but not limited to abuse, neglect, emotional harm, or sexual or financial exploitation.
2. Serious physical or psychological injury, regardless of the location where the injury occurred, related to any of the following:
  - a. delivery of care provided directly by an ICP's care staff;
  - b. motor vehicle accident related to a member's substance use disorder or involving ICP-provided transportation;
  - c. medical equipment failure;
  - d. failure to deliver medical equipment in a timely manner;
  - e. second-degree or higher burns;
  - f. suicide attempt;
  - g. self-injurious behavior;
  - h. overdose related to substance use;
  - i. falls with a fracture that meet any of the following three conditions:
    - i. requiring hospitalization (admission or observation stay more than 23 hours) related directly to the fall;
    - ii. involving a member with a history of falls within the past six months; or
    - iii. associated with a head injury.
  - j. exposure to hazardous materials (including lead, chemical, or bloodborne pathogens);
  - k. suspected medication error;
  - l. mistreatment, or allegation of mistreatment, of a member, including but not limited to abuse, neglect, emotional harm, or sexual or financial exploitation;
  - m. suspected or alleged criminal activity against the member;
  - n. preventable pressure injury; or
  - o. any use of restraints, restrictive interventions, or seclusion.

3. Incident that does not involve an injury and is related to one of the following:
  - a. elopement (an incident in which a member wanders away or leaves an area without supervision or authorization) and presents a safety threat to the member and/or others;
  - b. member missing from scheduled care, resulting in potential serious harm;
  - c. displacement of member from permanent or temporary housing due to unsafe living conditions including but not limited to fire, serious flooding, pest infestation, hoarding, or natural disaster;
  - d. failure to follow policies and procedures involving the use of restraints, restrictive interventions, or seclusion;
  - e. mistreatment, or allegation of mistreatment, of a member, including but not limited to abuse, neglect, emotional harm, or sexual or financial exploitation; or
  - f. suspected or alleged criminal activity against the member.

## **Communication and Report Requirements**

The ICP must complete the Critical Incident Report Form and submit it to MassHealth within three business days after the incident. The ICP must continue follow-up communication in the form or format determined by MassHealth if an affected member's condition changes significantly as a result of the incident.

## **Critical Incident Report Form**

The Critical Incident Report Form is for the purpose of reporting the incident to MassHealth. Submission of the form does not supersede or negate any independent responsibility a MassHealth ICP may have to report the incident to other state agencies or authorities.

### **Format**

The Critical Incident Report Form will be provided electronically and must be completed in the form and format provided by MassHealth. The form and format are subject to change as needed and determined by MassHealth.

### **Report Criteria**

The Critical Incident Report Form must contain the following information:

#### ***Section 1: Member Information***

- 1.1 incident reporting information
- 1.2 member demographics
- 1.3 member plan information
- 1.4 care coordinator and primary care provider information

#### ***Section 2: General Nature of Incident***

- 2.1 premature death of member
- 2.2 serious physical or psychological injury
- 2.3 incident not involving an injury

### ***Section 3: Media Involvement***

#### ***Section 4: Incident Description***

- 4.1 other parties involved (police, fire department, etc.), their actions, and the results, including any recommendations
- 4.2 the current status of the affected member(s)
- 4.3 corrective action taken to prevent future incidents, including implementation timelines

#### ***Section 5: Interventions and Outcomes***

- 5.1 action taken by the plan and outcome
- 5.2 medical and/or behavioral health intervention made if needed
- 5.3 external parties notified of the incident

#### ***Section 6: Description of Corrective Action Taken to Prevent Future Incidents***

- 6.1 member-specific actions
- 6.2 systemwide actions

### **Recordkeeping**

One Care Plans and SCOs are required to maintain a centralized enrollee record, and PACE Organizations are required to maintain a comprehensive medical record for every member as outlined in their contracts with MassHealth. This includes documentation of reportable critical incidents, along with any ongoing notes, observations, and follow-up action.

### **Injury Resulting from Suspected Abuse or Neglect by the Caregiver**

If an ICP has reasonable cause to believe that a member has experienced serious physical injury (including fatal injury) or emotional injury, the ICP must:

1. Immediately call the Disabled Persons Protection Commission and file a complaint under M.G.L. c. 19C, if the victim of the alleged abuse or neglect is disabled and is 18 to 59 years old;
2. Immediately call the Executive Office of Elder Affairs and file a report under M.G.L. c. 19A, § 15, if the victim of the alleged abuse or neglect is 60 or older;
3. Immediately call the Department of Public Health (DPH) and file a report under M.G.L. c. 111, § 72G, if the victim of the alleged abuse or neglect resides in a nursing facility or similar establishment required to be licensed or certified by DPH; and
4. Immediately contact the local police department if the provider has reasonable cause to believe that a felony has been committed in connection with an incident.

### **MassHealth Website**

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## Questions

If you have any questions about the information in this bulletin, please contact the MassHealth Integrated Care team.