



# *Burke*

## **Quality Management Plan FY 2018-2019**

### **I. OVERVIEW**

The Burke Quality Management Plan is based on the mission, vision, values, and goals of the center, which are approved by leadership and communicated center wide.

#### **Mission Statement**

**WORKING TOGETHER TO IMPROVE LIVES.**

#### **Vision Statements**

1. Burke is the provider of choice for citizens in the region.
2. Our customers (internal, external, and ultimate) are delighted with the services they receive.
3. Our customers are actively involved in their care and in the development of their services.
4. Our staff feel valued and challenged and are proud of their association with our Center.
5. The general public knows who we are and values what we do.
6. Our internal and external communications are clear and consistent. We function as an integrated and supportive network.

#### **Centerwide Goals**

1. To continually improve the quality of services
2. To expand services to meet the ever-growing need
3. To provide effective resource management
4. To promote a positive work environment
5. To improve public understanding
6. To ensure the safety of customers

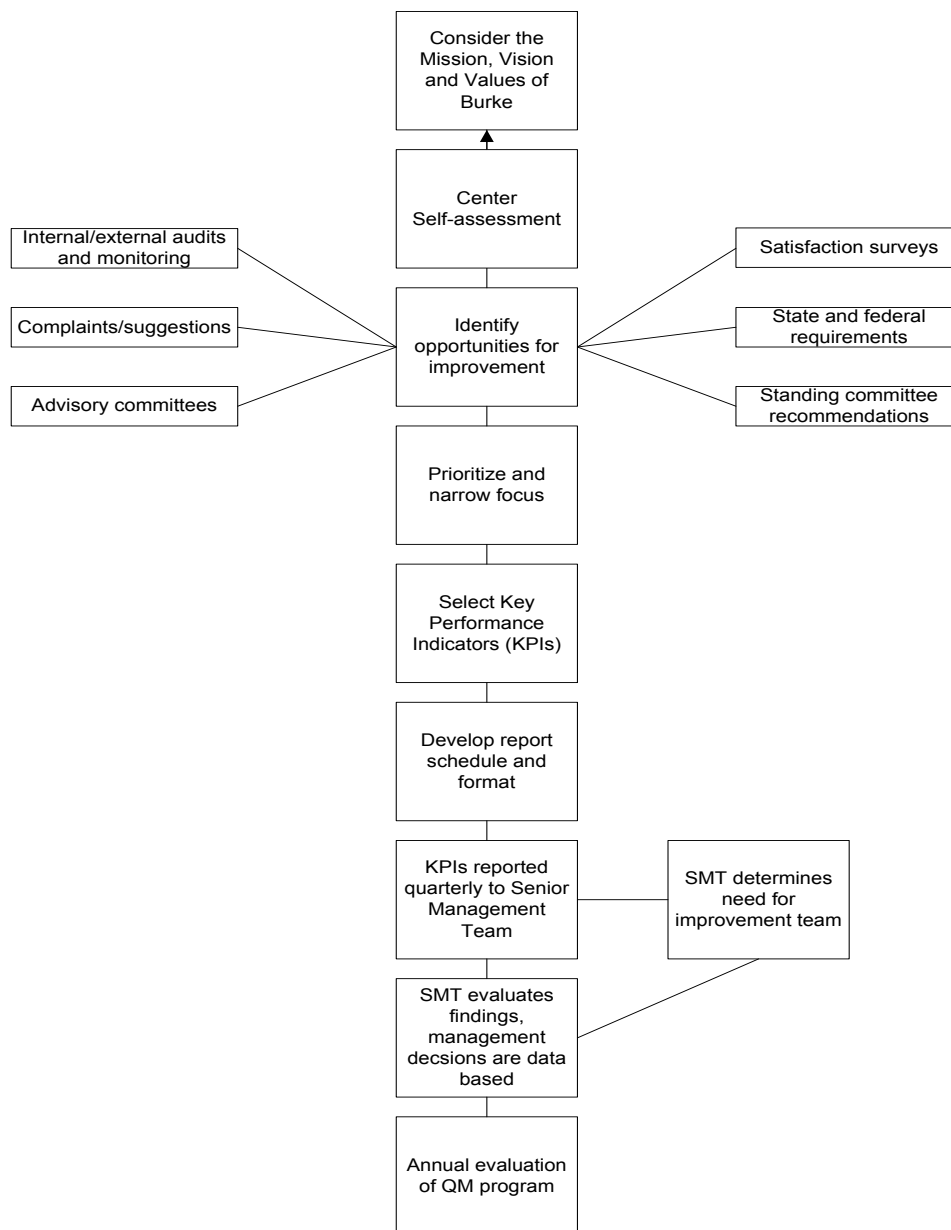
#### **Centerwide Values**

1. We affirm the dignity, rights, and strengths of the people and families we serve.

2. We are committed to excellence in everything we do.
3. We continually seek better and innovative ways to provide and improve services.
4. We use our resources in a careful, efficient, and well-planned manner.

The leadership of Burke is entrusted with the implementation of the quality management plan. Planning involves taking into account the population served, the center's mission, the scope of services and care, and needs identified by all stakeholders. The purpose of the Burke Quality Management Plan is to establish the process by which an objective means of evaluating performance is achieved, allowing management decisions to be data driven, assuring that processes are designed well, and that the center continually assesses, monitors and improves its performance in priority areas of clinical outcome, financial stability and organizational efficiency.

## Process for Quality Management and Performance Improvement



## II. QUALITY MANAGEMENT PROGRAM STRUCTURE

Governance and leadership retain ultimate responsibility for the Quality Management Plan. The Board of Trustees approves the Quality Management Plan and other documents that provide guidelines for management of the center and its network, and entrusts the Senior Management Team (SMT) with its implementation.

Leadership of Burke conducts the Center’s self-assessment, oversees the collection and evaluation of data from stakeholders (including consumers and families), including gathering assessing and approving action on information related to stakeholder’s satisfaction with treatment, care and services provided. Leaders evaluate results of performance indicators, use data to drive decisions regarding clinical outcomes, financial stability and organizational

efficiency, and identify training programs as needed. Leaders also appoint improvement teams when a multidisciplinary approach is required to address an opportunity for improvement. The leaders ensure that the processes and activities most important to treatment, care and service outcomes are continuously and systematically measured, assessed and improved throughout the center.

The leaders entrust the responsibility for oversight of the Quality Management Plan to the Director of Quality Management (who is a member of the Senior Management Team) and assure that sufficient resources are allocated to make improvements necessary throughout the center. The leaders and the Director of Quality Management assure that a planned, systematic, centerwide approach to process design and performance measurement, analysis and improvement is achieved. The Director of Quality Management reviews the plan annually, and updates as needed, soliciting input from Senior Management Team and other staff and stakeholders.

The leaders entrust operational directors with assuring that all staff participate in the Quality Management Plan by being aware of the outcomes of quality management activities in their service areas and are given opportunities to suggest improvement activities.

Burke endorses the involvement of consumers, family members and advocates in the design, delivery, implementation and evaluation of services. Advisory committees such as the Regional Planning and Network Advisory Committee (RPNAC), internal and external satisfaction surveys and a centerwide self-assessment process contribute to the identification of opportunities for improvement as well the effectiveness of actions taken to make improvements.

### **III: DETERMINING IMPROVEMENT PRIORITIES**

In determining prioritization of improvement opportunities, the following hierarchy will be followed, with declining level of emphasis:

- Issues related to safety and level of risk to consumers served, particularly adverse occurrences affecting individuals served
- Issues related to state or federal mandates
- Issues identified through stakeholder surveys or advisory committees which impact critical functions or outcomes
- Problem prone processes

Priorities are adjusted in response to unusual or urgent events, as determined by the Senior Management Team.

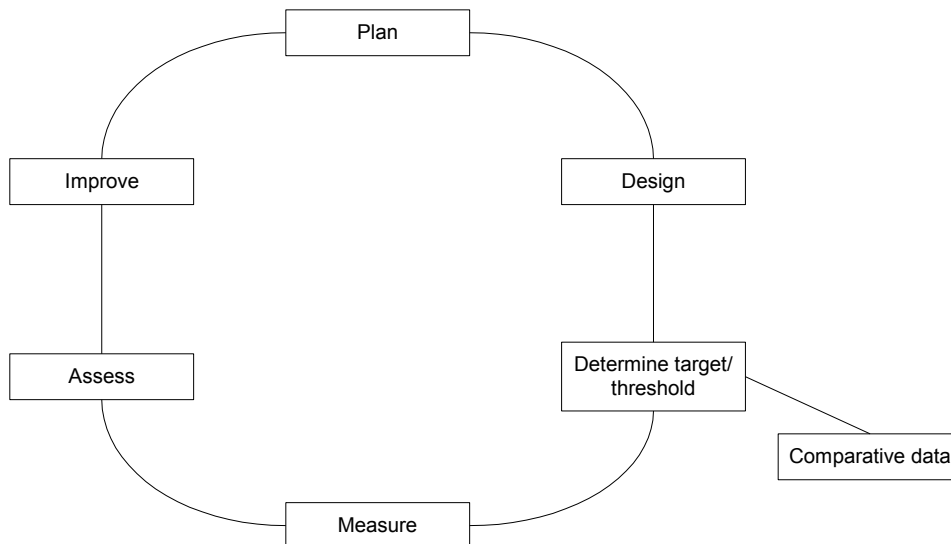
### **IV. KEY PERFORMANCE INDICATORS**

Key performance indicators are measurable, specific monitors of processes or outcomes that are collected in a uniform, systemic manner and reported quarterly to SMT. Each indicator is developed in accordance with consideration of the following information:

- The performance standard it addresses

- The comparative data used to assess performance
- The purpose of the data collection
- How data will be reported
- Data source
- Collection schedule
- Reporting schedule

The diagram below describes the process utilized in performance improvement activities. Processes are planned well and the design of both gathering and measuring data are based on statistically sound premises. Tools such as flow charts, histograms, run charts, control charts and other visual representations of data are used when they facilitate understanding of data. Analysis involves an evaluative process in which data is turned into information. Improvement activities are enacted when substandard performance is identified, or a negative trend identified, and continued data collection and analysis is made. Processes are modified based on data, with appropriate timelines for improvement determined by SMT. Information is shared not only with the Senior Management Team and Board of Trustees but is also reported center-wide and to stakeholders through the Burke intranet.



All data is analyzed quarterly, and reported with the following elements:

- **Findings:** Data is reported is relative to the performance target and in the manner described in the indicator (i.e. rate based vs. incident based. The use of charts and/or tables, including bar graphs, run charts, histograms, pie charts or any other appropriate visual technique is encouraged. Data is reported in a manner determined by the process or outcome measured, to allow identification of unacceptable variations in performance, and focus correction efforts.
- **Analysis/Evaluation:** This section is for discussion of the data, with evaluation of the impact of the findings, turning data into information. The report describes if the process or outcome is assessing, monitoring, improving or maintaining performance.

- **Corrective actions taken/planned:** Actions planned or taken to address unacceptable or unexpected variations are described. Timelines and remedies are determined by the program with input from SMT, and is monitored quarterly.
- **Results of corrective actions:** Results of actions taken or planned are addressed. If a specific service area cannot correct the unacceptable performance by itself, a process improvement team may be suggested.

An annual summary of the results of each KPI is completed at the end of the fiscal year, and compiled into an evaluation of the Quality Management program. This evaluation is reviewed by the Board of Trustees as well as the Senior Management Team.

## V. OTHER QUALITY MANAGEMENT ACTIVITIES

### 1. Stakeholder Involvement:

- Customer Satisfaction and Perception of Care:** Burke utilizes several different means to gather information regarding stakeholder's perception of care and services. Consumer satisfaction is assessed with evidence based tools and comparative benchmarks are employed when available. Client satisfaction with video conferencing processes is assessed no less than annually. Other program specific survey tools are utilized as appropriate. Findings of all of these surveys are reported to the Senior Management Team and are used to identify areas of exceptional service and opportunities for improvement.
- Employee Engagement:** Biannually and as needed, Burke conducts an employee engagement survey. Results of the survey are discussed at Senior Management Team and with employees, and improvement activities are identified. Periodic meetings by Human Resource staff with employees at their job sites also allow input.

### 2. Measuring, Assessing and Improving Services and Outcomes:

- Feedback from state contract oversight:** Reports, data and results from reviews from various oversight divisions of Texas Health and Human are used to identify performance improvement activities and to assess unmet needs of individual served, service delivery problems and effectiveness of system interventions.
- Compliance Audit Calendar:** The Compliance Audit Calendar, as determined by the Compliance Committee, sets out a schedule of routine and focus audits, assessing quality of services, treatment and care, timeliness and completeness of documentation and outcome of staff training. Results are shared with staff and managers, and with the Compliance Committee and Senior Management Team as needed. Results of the audit are used to identify staff training needs as well opportunities to improve patient care and organizational efficiency.

Medical staff billing is audited quarterly to assure that documentation required to support E&M code usage, and results are shared with the medical and program staff as well as the Compliance Committee.

Burke is in full compliance with the Federal Deficit Reduction Act (DRA) of 2005, as described in the Burke Code of Conduct and Compliance Plan, as well as the procedure supporting these processes.

- C. Safety, Risk Management and Infection Control Committee:** Along with other duties, this committee review all incident reports and results of hazard surveillance. Data is aggregated, and summarized and evaluated quarterly, with an annual evaluation of the program completed at the end of the fiscal year. Results are reported to the Senior Management Team, and are used to assess the safety of services and the environment, staff training needs and other opportunities for improvement. Facilities are inspected quarterly by the safety officer. Other safety inspections include Fire Marshal inspection, Fire Alarm Inspection, Kitchen Inspection by local health authority, Fire Extinguisher Inspection by a certified business and monthly by maintenance foreman, and routine fire and emergency drills. All reports are submitted to Burke's safety officer. Deficiencies are noted and corrected. The Risk Management process also includes the manner in which deaths of person served are recorded, reported and analyzed, in accordance with state and contract requirements.
- D. Accreditation by The Joint Commission:** Burke maintains accreditation by the Joint Commission, requiring adherence to nationally recognized standards related to the provision of care. Through ongoing self-assessment of Center services and compliance with standards, this accreditation assures a constant process of improvement of services.
- E. Specialty Programs:** Programs and Processes such as Co-Occurring Psychiatric and Substance Use Disorders (COPSD), Youth Enrichment Services (YES), Specialized Treatment of Early Psychosis (STEP), and IDD Crisis Services are audited per contract requirements and no less than annually. Records are assessed for adequacy of assessment, service planning, education and documentation. Results are shared with staff and managers, aggregated and reported to the Compliance Committee. Results of these audits are used to identify staff training needs as well opportunities to improve client care.
- F. Crisis Response:** Oversight of the response system includes data collection on timeliness of response and appropriateness of care. Data on SMHF usage is aggregated and reported to the Utilization Management Committee.
- G. Staff Competency Determination:** Qualified and trained staff make up an important component of quality service provision. Qualifications and education are verified prior to hire and competency to perform essential direct care duties is assessed prior to staff's working unaided with consumers. All staff complete required training and competency assessment annually and compliance with this KPI is monitored and reported quarterly to SMT.

**H. Certified Community Behavioral Health Clinic (CCBHC):** In addition to routine monitoring of clinical outcomes and organizational indicators, continuous quality improvement is monitored relative to ongoing compliance with CCBHC certification. Individual provider adherence to evidence based provider protocols is done no less than quarterly, and overall adherence to CCBHC criteria is formally assessed no less than annually. Consumer input is gathered and aggregated through the use of consumer satisfaction and outcome of care surveys.

**3. Measuring, Assessing and Improving Data Integrity:**

**A. Claims Oversight:** Ongoing validation audits of claims are done to assure data quality and accuracy. Audits of factors such as use of incorrect service codes, denied claims, and unauthorized services, and results are used to refine Burke's billing system and data reporting. As issues are identified, modifications to the data reporting and billing system are made. Staff training needs are also identified in this process.

**B. IDD Targeted Case Management (TCM) Encounters:** IDD Authority Services audits TCM encounters to assure data quality and accuracy. Type A and B claims are monitored monthly. Staff training needs are identified through this process.

**C. Cost Accounting Methodology (CAM):** CAM data is developed annually. The process involves assessing accuracy of data collection and reporting as well as to compare Burke's costs with that of other centers.

**D. MBOW Data Warehouse:** The reports generated in the state database are constantly reviewed by management staff to assess Burke's performance on a variety of indicators, and used as a means to judge accuracy of data collection as well as to evaluate Burke's performance on outcome measures.

**4. Measuring, Assessing and Improving Service Delivery, Continuity and Access to Services:**

**A. Utilization Management (UM):** Burke participates in both a local and regional UM Committee for mental health services, both of which meet no less than quarterly. Established as a regional committee within the East Texas Behavioral Health Network (ETBHN), the primary function of the UM Committee is to monitor utilization of Burke's clinical resources to assist the promotion, maintenance and availability of high quality care in conjunction with effective and efficient utilization of resources. Please see Appendix A for Burke's UM Plan.

**B. Request for Services:** Burke monitors access to services by monitoring fair hearings and appeals of termination, reduction and denial of services.

**C. Intellectual and Developmental Disabilities Key Performance Indicators:** Tracking is completed on a monthly basis to assess the referral and admission process to ensure that individuals are enrolled into services in a timely manner.



This data assist managers in assessing intake and referral procedures and the accessibility of Developmental Disabilities Services provided by Burke. Additionally productivity of individual staff is monitored to maximize caseload capacity. Findings are reported to SMT quarterly.

**5. Rights Protection Process**

Please see Appendix B for Burke's Rights Protection Process.

**6. Reduction in Abuse, Neglect and Exploitation**

Please see Appendix C for Burke's plan to reduce the incidence of abuse, neglect and exploitation.

**VI. AUTHORITY FUNCTION**

**1. Regional Planning and Network Advisory Committee (RPNAC)**

The RPNAC contributes to the development and content of the Network Plan, including the process of Local Planning and Network Development, which assures appropriate procurement of goods and services and reviews and makes recommendations that consider public input, best value and client care issues to ensure consumer choice and best use of public money in assembling a network of providers. The RPNAC also evaluates programs and services offered by the Burke, and compares services to that of other network centers. Outcomes of these activities form the basis for improvement activities. The RPNAC meets quarterly and through its Burke liaison reports to leadership.

**2. Contract and Network Management**

The Contract Management process coordinates procurement of services in compliance with 25 TAC Chapter 412B. Community services contracts are evaluated bi-annually on variables such as staff competency, access to services, safety of environment, continuity of care, compliance with performance expectations, consumer satisfaction, and utilization of resources.

**3. Criminal and Juvenile Justice Diversion**

Services and processes related to criminal and juvenile justice diversion are monitored through quarterly county and regional stakeholder meetings, which include attendance by law enforcement, hospital staff and local judges. Additionally, the service director of the TCOOMMI (Texas Correctional Office on Offenders with Medical or Mental Impairments) program monitors referrals and services provide to clients on probation and parole.

**4. Quality Management oversight of Texas Resilience and Recovery (TRR)**

Ongoing monitoring of TRR processes is conducted to systematically monitor, analyze and improve performance of provider services and outcomes for individuals and to

review whether practices are consistent with approved evidence based practices, accuracy of assessment and treatment planning and include the following:

- A. **Self-Assessment:** Self-assessment tools from the TRR fidelity toolkits are used to identify degree of compliance with TRR processes and documentation.
- B. **Outcome Measures:** Burke's performance on state contract TRR outcome measures are monitored monthly and reported quarterly, assessed against both state averages and targets.
- C. **Fidelity Measures:** Burke's performance on state contract TRR fidelity measures are monitored and reported quarterly. Technical assistance to providers is provided as necessary to improve fidelity and accountability.
- D. **Utilization Management Processes:** Deviations and appeals are monitored to assess for consistency, appropriateness and clinical necessity. Additionally, the UM program is evaluated by the Regional UM committee.

## **APPENDIX A UTILIZATION MANAGEMENT PLAN**

*This Utilization Management Plan (UM Plan) describes the Utilization Management (UM) program of Burke, hereafter “the Center”, and is written to be consistent with the Center’s policies and procedures and applicable regulatory and contractual requirements. The Center’s Utilization Manager, under the direction of a UM psychiatrist and in consultation with the UM Committee, assumes the responsibility for execution of this UM Plan. This Utilization Management Plan shall be reviewed and revised annually or more frequently, as necessary.*

### **A. Psychiatrist Oversight of UM Program**

The psychiatrist who provides oversight of the responsibilities of the UM Program and Committee, through both the local UM committee and the East Texas Behavioral Healthcare Network (ETBHN), is Mark Janes, M.D, Burke Medical Director.

### **B. Utilization Manager Designation**

The Center Utilization Manager is Shaun Suttles, LPC. The Utilization Managers of ETBHN are listed on Attachment A, along with their minimum qualifications. The Center’s Utilization Manager’s job description includes UM responsibilities.

### **C. Utilization Review Activities**

- 1. Procedure for Eligibility Determination:** The Center conducts screenings of each individual to determine whether the requirements are met for admission to services and initial Level of Care assignment using Texas Department of State Health Services (DSHS) criteria. Determinations are conducted to ensure the Center’s practice guidelines deliver treatment in the most effective and efficient manner.
  
- 2. Procedure for Level of Care Assignment:** The Center assigns each individual to the appropriate Level of Care according to DSHS UM guidelines and conducts retrospective oversight of initial and subsequent level of care assignments to ensure consistent application of DSHS UM guidelines. These processes ensure sufficient utilization and resource allocation determinations based on clinical data, practice guidelines, and information regarding the individual’s needs with consideration of the individual’s (and LAR's on the individual’s behalf) treatment preferences and objections.

Medical necessity is assessed on every individual and admission to medically necessary services is jointly determined by the individual and the Center. Documentation of medical necessity is made in the individual’s medical record.

In addition to the verbal discussions that occur regarding authorizations, providers document importation information relative to requests for deviations, overrides and add-ons in the notes section of the Uniform Assessment (UA).

The Center ensures that the UM system facilitates timely access to services, and as such the safety of individuals requesting or receiving services is not

compromised. The flow of information between the crisis response system, entry into routine services and the UM system is monitored.

Providers have direct access to UM staff from 8 AM to 5 PM each business day to afford discussion of relevant clinical information. After hours, back up is available by secure email and voice mail to ensure timely authorizations. After hour messages' date and time data are available.

Psychiatric consultation is available 24 hours a day for the crisis response system, including discussion of potential adverse determination decisions.

3. **Procedure for Authorizations and Reauthorizations:** The Center conducts retrospective oversight of initial and subsequent level of care assignments to ensure consistent application of DSHS Utilization Management guidelines.
4. **Procedure for Outlier Review:** The Center and ETBHN, as designated by the Center, by and through its Utilization Management Committee, will conduct Outlier Review. This process will consist of a review of data to identify outliers and to determine any need for change in level of care assignment processes, service intensity or other Utilization Management activities. These reviews are conducted to ensure provider treatment is consistent with practice guidelines as is the process for making utilization/resource allocation determinations.
5. **Procedure for Inpatient Admissions, including State Hospitals and Discharge:** The Center conducts reviews of inpatient admissions to ensure the most clinically effective and efficient length of stay at an inpatient facility and reviews discharge plans to ensure timely and appropriate treatment following an inpatient stay. These reviews are conducted to ensure continuity of services for coordinating the delivery of mental health community services by multiple providers. Authorization for hospitalization and continued stay are made through the Center's UM staff and/or designee.

**D. UM activities Fulfilled by persons other than Utilization Manager**

The following person conducts UM activities and is not the qualified Utilization Manager: Gale Culpepper, LBSW. At a minimum, staff is a QMHP-CS with 3 years' experience in direct care for adults with serious mental illness or children and adolescents with serious emotional disturbances and have all UM activities directly supervised by the qualified Utilization Manager. The UM activity conducted by this person is: Authorization for hospitalization and continued stay.

**E. Conflict of Interest**

It is the policy of the Center that providers of mental health services may conduct screening and eligibility determination functions on behalf of the Center, as well as other business functions. However, providers of mental health services may not grant authorizations.

**F. UM Documentation of Training and Supervision**

It is the policy of the Center that UM staff are properly trained and supervised as required by DSHS or by other policy, law or regulation. It is the responsibility of the Center's Utilization

Manager, in consultation with the UM psychiatrist and the Human Resources department, as necessary, to ensure documentation and supervision are properly maintained.

#### **G. UM Committee**

The Center maintains a Utilization Management Committee through ETBHN, as well as a center UM sub-committee.

The primary function of the UM Committee is to assist the promotion, maintenance and availability of high quality care in conjunction with effective and efficient utilization of resources. ETBHN facilitates a UM Committee to ensure compliance with applicable contractual and regulatory UM requirements. UM Committee meetings are held quarterly or more frequently as needed at a designated time and include a physician, UM staff, Quality Management staff, and fiscal/financial services staff. The UM Committee will maintain representation from all Member Centers of ETBHN. UM Committee members are appointed by each ETBHN Member Center's respective Executive Director/CEO. ETBHN is responsible for taking, distributing, and storing minutes of every UM Committee meeting.

The Center sub-committee is responsible for monitoring the Center's UM data and performance contract requirements, including hospitalization access and utilization, waiting list, appeals, provider profiles and other data relative to the Center UM plan goals.

The role and responsibilities of the Center sub-committee are as follows:

1. Identify and analyze current service, provider, and individual outlier use patterns.
2. Recommend methods to minimize inappropriate or outlier practices.
3. Develop and distribute basic provider profiles to providers and managers.
4. Develop and deploy methods to educate clinical decision-makers regarding practice improvement and over- and under-use of service.
5. Review reports from MBOW to monitor appropriateness of eligibility determinations, the use of exceptions and overrides, over- and under- utilization of services, appeal and denials, fairness and equity, the cost- effectiveness of services provided, and authorizations prior to services being provided.
6. Review recommendations from other existing review mechanisms regarding individual practitioner activity.
7. Review state hospitalization bed day trust fund use.

#### **H. Exception/Clinical Override Process**

The Center will maintain a system to override the UA) when there is the need and to make exceptions to and manage the number of units of service authorized for an individual. The Center will report on exceptions and overrides as required by DSHS.

#### **I. Appeal Process**

##### **Appeal by Client:**

Pursuant to 25 TAC 401.464, the Center is dedicated to providing mental health services which are viewed as satisfactory by individuals receiving those services and their legally authorized representatives. The purpose of this procedure is to assure that these individuals

have a method to express their concerns or dissatisfaction, are assisted to do so in a constructive way, and have their concerns or dissatisfaction addressed through a review process.

A request to review decisions described in this section may be made by the individual requesting or receiving services, the individual's legal representative, or any other person with the individual's consent.

At the time of admission into services and on an annual basis thereafter, the Center shall provide to individuals who receive services and their legally authorized representatives written notification in a language and method understood by the individual of the Center's policy for addressing concerns or dissatisfaction with services. The notification shall explain an easily understood process for individuals and legally authorized representatives to request a review of their concerns or dissatisfaction by the Center, informing that the individual may receive assistance in requesting the review, the timeframes for the review, and the method by which the individual is informed of the outcome of that review.

The Center shall notify individuals and legally authorized representatives in writing in a language and/or method understood by the individual of the following decisions and of the process to appeal by requesting a review of those decisions:

- (1) a decision to deny the individual services at the conclusion of the Center's intake procedure which determines whether the individual meets the criteria for the priority population;
- (2) a decision to terminate services and follow-along from the Center or its contractor, if appropriate; and,
- (3) a decision to reduce services during the course of treatment.

The written notification referred to above must:

- (1) be given or mailed to the individual and the legally authorized representative **within ten working days** of the date the decision was made;
- (2) state the reason for the decision;
- (3) explain that the individual who has Medicaid may contact DSHS with a request for a Fair Hearing within ninety days if dissatisfied with the decision; and/or
- (4) explain that the individual and legally authorized representative may contact the Center if dissatisfied with the decision and request that the decision be reviewed in accordance with this procedure; and
- (5) include name(s), phone number(s) and address(es) of one or more accessible staff to contact during office hours.

If an individual or legally authorized representative believes that the Center has made a decision to involuntarily reduce services by changing the amount, duration, or scope of services provided and is dissatisfied with that decision, then the individual may request in writing that the decision be reviewed in accordance this procedure.

The review by the Center shall:

- (1) begin within ten working days of receipt of the request for a review and be completed within ten working days of the time it begins unless an extension is granted by the CEO of the Center;

- (2) begin immediately upon receipt of the request and be completed within five working days if the decision is related to a crisis service;
- (3) be conducted by an individual(s) who was not involved in the initial decision;
- (4) include a review of the original decision which led to the individual's dissatisfaction;
- (5) result in a decision to uphold, reverse, or modify the original decision; and
- (6) provide the individual an opportunity to express his or her concerns in person or by telephone to the individual reviewing the decision. The review shall also allow the individual to have a representative talk with the reviewer or submit his or her concern in writing, on tape, or in some other fashion.

Following a review, either the Center shall explain to the individual and legally authorized representative in writing and also if requested in person or by telephone, the action it will take or, if no action will be taken, the reason it will not change the decision or believes such action would not be in the individual's best interest. This is the final step in the review process.

The notification and review process described in this procedure is applicable only to services funded by DSHS and provided or contracted for by its local authorities and does not preclude an individual's or legally authorized representative's right to reviews, appeals, or other actions that accompany other funds administered through the Center or its contractors, or to other appeals processes provided for by other state and federal laws, e.g., Texas Health and Safety Code, Title 7, Chapter 593 (Persons with Mental Retardation Act); 42 USC §1396 (Medicaid statute); and Texas Human Resources Code, Chapter 73 (Chapter 621 of this title (relating to Early Childhood Intervention)), Early Childhood Intervention programs as funded by the Texas Interagency Council for Early Childhood Intervention.

Additionally, the Center will give Medicaid-eligible individuals notice of their right to request a fair hearing prior to denial, reduction, or termination of services, in accordance with 25 TAC §419.301.

### **Appeal by Provider:**

In addition to the appeals an individual may request, service providers may appeal UM decisions. The provider has the right to appeal if, in his or her clinical judgment, the services approved are not sufficient to meet the needs of the individual. Such reviews will be handled by the Medical Director, unless the Medical Director is the provider, in which case the review will be made by another member of the center medical staff.

Such reviews must begin within ten working days of receipt of the request for a review and be completed within ten working days of the time it begins, will include a review of the original decision, and will result in a decision to uphold, reverse or modify the original decision. In such appeals, the decision of the Medical Director is final.

Providers are informed of this right to appeal, including their obligation to assist an individual in filling an appeal. Contractual providers are educated on this expectation via the Request for Proposal (RFP) process and at the time of contracting. Allegations that a provider, whether Center staff or contractual, failed to assist a client in the appeals process shall be referred to the Center's Right's Protection Officer for investigation.

**K. DSHS UM Oversight Activities**

The Center will participate in UM oversight activities, including submitting the requisite Appeal Reports, as defined and scheduled by DSHS.

**L. Quality Management and Utilization Management**

The Center Quality Management (QM) staff provides oversight to ensure compliance with and the quality of the implementation of Texas Resiliency and Recovery (TRR) practices, monitor fidelity to service models, monitor performance in relation to DSHS-defined performance measures, and coordinate activities with the UM program.

Goals of Burke’s UM plan include the following:

1. Assure and improve accessibility by monitoring timely authorization of UAs and meeting average hour requirements.
2. Assure and improve availability of services by monitoring the time to the first service and proper use of the wait list.
3. Improve quality of services by monitoring outcomes.

**M. Provider Profiling**

The Center will utilize provider profiling to review, identify, and analyze current mental health community services, providers, and utilization patterns in order to educate clinicians and facilitate practice improvement. Provider profiles will include assessment of caseload size, UA competency, number of clients on caseload served but not assessed, percent for clients not meeting their required average hours, and total hours by level of care.

**N. Delegated UM Activities and Oversight**

Pursuant to a written agreement, certain Utilization Management Activities have been designated by the Center to East Texas Behavioral Healthcare Network (ETBHN), as have been described in this Utilization Management Plan. It is the responsibility of the Center’s Utilization Manager to ensure oversight of these delegated activities. To that end, ETBHN will provide all Utilization Management reports, results, and analysis, of the above-mentioned Delegated Activities to the ETBHN Regional Oversight Committee, as well as to the Center’s Utilization Manager.

**O. Utilization Management Program Evaluation**

The UM program of the Center is evaluated at least annually to determine its effectiveness in facilitating access, managing care, improving outcomes, and providing useful data for resource allocation, quality improvement, and other management decisions, as well as identifying improvements that can be made. Any Utilization Plan Evaluation conducted by the Center will include an evaluation of the Center’s Performance Contract measures. UM Program Evaluation activities will be reflected in the UM Committee meeting minutes.



## **APPENDIX B RIGHTS PROTECTION PROCEDURE**

### **1. COMMUNICATION OF CONSUMER RIGHTS**

The Texas Health and Human Services office of Consumer Rights and Services publishes rights handbooks written in simple and non-technical language that contains interpretations of the various rights afforded consumers receiving services in mental health, early childhood intervention, and intellectual and developmental disabilities programs. Any rights handbooks designed by Burke must be approved by HHSC.

Copies of rights handbooks shall be displayed prominently at all times in all areas frequented by consumers. A sufficient number of copies shall be kept on hand in each of these areas in order that a copy may be readily available to anyone requesting one. In addition, all staff members who perform intake and screening functions for admission to Burke services shall also maintain a supply.

Upon admission into Burke services, each individual and their legally authorized representative (LAR), if applicable, shall be given a copy of the appropriate rights handbook by intake staff. Rights shall be reviewed orally using simple language and terms and explained in the primary language of the individual. The explanation includes a description of the circumstances under which those rights may be limited and an explanation of how a compliant may be filed.

Accommodations will be made for hearing or visual impairment or language barriers.

When an individual receiving services is unable or unwilling to sign a document confirming that rights have been explained, a brief explanation of the reason shall be entered into the client record along with the names of the staff member who explained the rights and a third-party witness.

If the individual does not appear to understand the rights explanation, staff will attempt to provide another explanation periodically until understanding is reached, or until discharge. The necessity for repeating the communication of rights is documented.

Staff will document each attempt to explain the individual their rights and may, if applicable, develop a goal on the individual's treatment plan to address the continuing need of the individual to be informed and understand their rights.

Oral communication of rights shall be documented on a form bearing the date and signature of the individual or their LAR and the staff member who explained the rights. Initial and annual notification of rights shall be documented.

Changes in federal or state statues regarding rights will be communicated promptly to each clients and their LAR. Documentation of notification of any changes in client rights will be obtained.

### **RESTRICTION OF CONSUMER RIGHTS**

Client rights are guaranteed under this provision of the Texas Administrative Code, although under special circumstances, certain rights can be limited. For an individual's personal safety, certain rights for persons with IDD may be limited. In these cases, it is mandatory to obtain informed consent when the limitation of rights is contemplated, as well as afford the individual due process.

All restrictions in IDD programs are enacted only with due process. Additionally, in some circumstances, restrictions are reviewed by the Human Rights Committee (HRC). Rights restrictions are reviewed by the Rights Protection Officer and aggregated to identify trends in use.

Rights for children or adults in outpatient mental illness shall not be restricted under any circumstances. Rights for individuals in residential crisis services are restricted only by physician's order and in accordance with state law and Joint Commission standards.

### **INFORMED CONSENT**

All individuals have the right to make informed decisions and to give informed consent regarding treatment. Informed consent is a process involving mutual understanding between the individual/LAR and the service provider. To be able to make informed decisions individuals should be given a clear, concise explanation of:

- their situation;
- proposed interventions, treatment, care, or services, or medications;
- potential benefits, risks or side effects;
- any limitations or confidentiality;
- the likelihood of success;
- any significant alternatives or interventions; and
- their right, to the extent permitted by law, to refuse interventions/treatment.

When asking individuals to give their informed consent staff should present the information to the individual in a manner in which they can understand and allow them the opportunity to seek more information prior to making an informed decision. Informed consent will be documented in the individual's record.

### **OPTIONS FOR REPORTING SUSPECTED VIOLATIONS OF CONSUMER RIGHTS**

A consumer, family members of a consumer, a staff member, or other interested party have choices when reporting suspected violations of individual rights. Allegations may be reported to:

#### **A. Burke Rights Protection Officer:**

The Chief Executive Officer shall appoint a Rights Protection Officer. Individuals desiring to contact the RPO shall be allowed access to a Burke telephone to do so. Duties of the RPO are specified by the CEO, and must include at least the following:

1. Receive complaints of violations of rights, allegations, of inadequate provision of services, and requests for advocacy from service recipients, their families, their friends, service providers, other staff, other agencies, the general public, and the HHSC Office of Consumer Rights and Services.
2. The thorough investigation of each complaint.
3. Representing the expressed desires of the complainant and advocating for the resolution of their grievance.
4. Reporting the results of investigations to the complainants, consistent with the protection of the service recipient's right to have any identifying information remain confidential.
5. Ensuring that consumer rights have been thoroughly explained to staff through periodic training.
6. Reviewing all policies, procedures, and rules that affect the rights of consumers.

**B. Office of Consumer Rights and Services:**

In addition to the Rights Protection Officer, complaints may be made to HHSC:

IDD: 800/458-9858  
MH: 800/252-8154  
ECI: 800/628-5115

**C. Disability Rights Texas**

Disability Rights Texas (formerly Advocacy, Inc.) is a nonprofit corporation funded by the United States Congress to protect and advocate for the legal rights of people with disabilities in Texas:

Disability Rights Texas  
1500 McGowen Suite 100  
Houston, Texas 77004  
(800) 252-9108  
V/TDD (866) 252-9108

**D. The Joint Commission**

The Joint Commission  
One Renaissance Plaza  
Oakbrook Terrace, Illinois 60181  
Fax: 630-792-5636  
**E-mail: [complaint@jointcommission.org](mailto:complaint@jointcommission.org)**

**PROCEDURES FOR REPORTING AND INVESTIGATING ALLEGATIONS OF CONSUMER RIGHTS VIOLATIONS TO THE BURKE RIGHTS PROTECTION OFFICER**

Suspected violations of consumer rights will be reported to the Rights Protection Officer within 24 hours of the event. Individuals reporting rights violations will provide, at

minimum, their name and phone number. Anonymous complaints will be investigated to the extent possible given limited information.

Rights investigations will begin within ten working days of receipt of the request for review and be completed within ten working days of the time it begins unless an extension is granted by the CEO or their designee. The investigation will begin immediately and be completed within 5 working days if the decision is related to a crisis service. Investigations are conducted by the RPO or their designee, but may not be conducted by a person involved in the complaint. The investigation will include a review of the original action or decision that led to a person's dissatisfaction, and result in a decision to uphold, reverse or modify the original decision. The individual will be provided opportunity to express their concern directly, if appropriate, and may appoint a representative to act in their behalf. Following investigation, the RPO will explain to the individual the action taken, or, if no action will be taken, why the original decision will not be changed.

### **STAFF TRAINING**

All new employees shall receive training on client rights during their orientation training and prior to beginning work.

Within 60 days of the effective date of new rights directives from HHSC, the RPO shall brief all employees of updates or changes.

In any program having special requirements related to consumer rights, training in those requirements is provided by the Service Director or designee within the first five working days of a new employee's employment. This training shall also be documented on the staff training record.

### **QUARTERLY REVIEW**

All rights violation allegations are logged into a database by date, complainant, alleged perpetrator, program, type of complaint, and outcome of the investigation. Allegations are aggregated and compiled quarterly, and reviewed by the Compliance Committee to assess for training needs, trends, or situation that requires broader attention. An annual report of rights violation allegations is also compiled. The Compliance Committee reports to the Senior Management Team and to the Board of Trustees.

**APPENDIX C**  
**PLAN FOR REDUCING THE NUMBER OF CONFIRMED**  
**INCIDENTS OF ABUSE, NEGLIGENCE & EXPLOITATION**

The Burke Board of Trustees has adopted a policy that prohibits the abuse, neglect, and/or exploitation of individuals served by Burke employees, volunteers, consultants, and contract providers. Supports have been designed and implemented to ensure that all risks to individuals have been minimized. They include staff screening, staff education and training for individuals served in recognizing and reporting all forms of abuse and neglect.

Pre-Employment Screening Procedures:

To minimize unnecessary or unreasonable risk, Burke mandates the following:

- A. All individuals considered for employment, as well as direct care contractors, interns and volunteers, will have an investigation made to determine the existence of a criminal history with the Texas Department of Public Safety or other suitable sources; a driver's record check; and an investigation made to determine the existence of an abuse, exploitation or neglect confirmation through the Texas Health and Human Services Commission, the Employee Misconduct Registry, and the Nurse Aid Registry. This also applies to volunteers. If the applicant has lived outside of Texas within the past two years preceding the application for employment/volunteer status, Burke will obtain criminal history information through the FBI. These screenings are done monthly for any individual providing direct care.
- B. Human Resources, will review all pre-employment checks that reflect convictions of other types of criminal offenses that may be considered a contraindication to employment or volunteer status and make the decision relative to the employment (of the applicant or conditional new hire) or continued employment (of an existing employee).

If an applicant is denied employment because of information obtained through the Texas Department of Public Safety, Nurses Aid Registry or Employee Misconduct Registry, they will be notified in writing by the Human Resource Department. As required by Texas Government Code 411.115, Burke must destroy conviction information that relates to an applicant/volunteer immediately after making an employment decision or taking personnel action to determine employment status.

- C. All individuals considered for employment will have an initial driving record check and the same driving check will be conducted annually for all staff to verify valid Texas driver's licenses and to determine whether or not the driving record is insurable by our insurance carrier. This also applies to volunteers. This will be done by the Human Resource Office, and appropriate supervisors will be notified by Human Resources if anyone's driver's license has been revoked or driving record is uninsurable. An employee without a valid Texas driver's license will not be eligible to drive Burke vehicles, transport consumers in any vehicle, or drive any vehicle on Burke business.

Staff Training:

All employees will receive pre-service training and annual training through written curriculum and competency-based test. The material covered includes a thorough explanation of the acts and signs of possible abuse, neglect, or exploitation, disciplinary consequences of abuse, neglect or exploitation, procedures for reporting incidents, and methods for prevention.

#### Consumer Training:

The IDD Service Division provides training to individuals who request and/or have not achieved their personal outcome of “People will be free from abuse” on the Personal Outcomes Assessment. Training provided to individuals may be provided one-on-one or in a classroom setting.

#### How Allegations are Addressed:

- A. Any employee or agent of the Burke or a contractor who suspects or has knowledge of the abuse, neglect, or exploitation of a person served, must report it immediately, but in no case more than one hour after suspicion or knowledge of the abuse, to TDFPS at **1-800-647-7418; and/or the appropriate state agency. Allegations of abuse may also be reported online at: [www.txabusehotline.org](http://www.txabusehotline.org).**
- B. In addition to notifying TDFPS, programs surveyed by Long Term Care/ICF must also report allegations of abuse to HHSC immediately, but in no case more than one hour after suspicion or knowledge of the abuse, at 1-800-292-2065. Within five (5) days of the initial notification, Burke must fax a “Status of Investigation” report to HHSC at 1-877-438-5827. When the investigation is complete, the Director of IDD Authority Services will forward a copy of the report to the appropriate service director who will then be responsible for submitting the investigation report and description of action taken to prevent further incidents from occurring to Long Term Care/ICF in Austin.  
  
When an investigation is completed on an individual receiving Home Community-based Services, the Director IDD Authority will forward a copy of the report to the Director Provider Services who will in turn complete documentation and submit a summary of the allegation and findings to Waiver Services.
- C. Notify the individual’s Individual Program/Service Coordinator (whether internal or external staff) of the allegation of abuse immediately, but in no case more than one hour after the allegation is made. If the alleged perpetrator is the individual’s IPC, the notification must be made to that person’s supervisor instead. Once a staff member of a consumer has reported allegations of abuse, neglect, or exploitation, the information concerning the allegation should be treated as privileged and confidential. *Allegations must not be discussed with other staff members.*
- D. Promptly arrange for medical care or emotional support if appropriate.
- E. If an employee, contractor employee, or agent of the Burke files a complaint on behalf of a consumer, the consumer shall be reassured they are protected from

retaliation (harassment, disciplinary measures, discrimination, reprimand, threat, or censure).

- F. If needed, take action to preserve the safety of the consumer, to include separating the individual from the
1. placing the alleged target on administrative leave;
  2. allowing the alleged target to work only when the supervisor can provide line of sight supervision, or
  3. reassigning the alleged target to a non-direct care position during the course of the investigation.
- G. Preserve or protect any evidence connected with an allegation in accordance with instructions from TDFPS personnel or the Burke Rights Officer (i.e., take pictures of injuries, secure the consumer's records, etc.). Individuals suspected to have been sexually abused should not bathe prior to being examined by a physician.
- H. If alleged victim is served through contract, the Director of IDD Authority Services will ensure that the contractor receives any documentation pertinent to the investigation (i.e.: incident report, progress notes, TDFPS Investigative Findings) for their internal records.
- I. Management staff must refrain from conducting a unit-level investigation by interviewing alleged victims and the target prior to reporting the incident to TDFPS or the appropriate party. The alleged target has the right to a fair and impartial investigation. Conducting such a preliminary investigation could bias the formal investigation and render the findings invalid.
- J. If an allegation of abuse, neglect or exploitation involves the clinical practice of a licensed professional, the Director of Authority Services shall refer the allegation to the Professional Review Committee (PRC). If a Burke contractor does not have a professional review process, the allegation shall be referred to the appropriate licensing authority. The PRC shall ensure that relevant conclusions of a professional review are submitted to the appropriate licensing authority. The physician and nursing peer review process used shall be consistent with state laws.

#### Trending of Allegations:

All allegations of abuse are trended. By trending allegations, Burke is able to identify information such as the number of times a staff member has been an alleged perpetrator, the number of allegations made on behalf of an individual, the number of allegations submitted per unit/location, action taken on confirmed allegations. Trending may be the source of further action such as employment action, training, or modifications in procedures.

The designee submits a quarterly report to the Compliance Committee of all allegations made during the quarter. Confirmed allegations are also reported to the Board of Trustees quarterly.