
FATALITY NOTIFICATION

Fatality Review and Notification Procedure

Directive 1.17

Authorizing Code: [26B-6-403](#)

Related Code: [26B-1-501 through 26B-1-507, "Fatality Review Act."](#)

Rule: R380-808

Version Date: January 2024

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Forms: 5-2

PURPOSE

The purpose of this directive is to establish policies and procedures for the notification of fatalities within the Division of Services for People with Disabilities (DSPD). It also sets out DSPD's policies and procedures following a notification of fatality.

DEFINITIONS:

Department – Department of Health and Human Services (DHHS).

Division – Division of Services for People with Disabilities (DSPD).

OSR – Office of Service Review.

PCSP – Person-Centered Support Plan.

Person – an individual who is eligible for services with DSPD.

Provider – a contracted direct service provider.

Support Coordinator – a division employee or a contracted provider that provides case management services

UPI – USTEPS Provider Interface.

USTEPS – Utah System for Tracking Eligibility, Planning, and Services.

Waiver Manager – program manager responsible for a specific waiver or waivers.

CRITERIA FOR REVIEW:

The death of a person who received division funding and who meets one or more of the following criteria is subject to department fatality review:

1. A person who resided at the Utah Developmental Center at the time of death, or within 12 months prior to death;
2. Pursuant to 26B-1-501 - 26B-1-507 (Fatality Review Act), this also includes any person “who is in the custody of the department or a division of the department; and who is in a residential placement by the department or a division of the department.”
 - a. DSPD is not a custodial agency, therefore any cases where this condition applies are exclusively restricted to state match referrals from Juvenile Justice Services (JJS), the Division of Child and Family Services (DCFS), and the Office of Public Guardian (OPG). In those cases, one of the other qualifying conditions of this directive are already in place, and so procedures will be followed accordingly.
3. A person who received support services from a provider who has a contract with the division within 12 months prior to the date of death; unless the person:
 - a. Lived in the family home at the time of death; and
 - b. The director of OSR determined that the death was not in any way related to services that were provided by, or under the direction of, the division.
4. A person whose death the DSPD director or their designee requests be reviewed,
 - a. Where the person was receiving services from DSPD.

Division staff shall follow the department fatality review process as outlined in this directive upon the death of any person who meets the review criteria.

PROCEDURES

The responsibilities of contractors shall be set forth in their respective contracts, and are as described below in sections 1 and 2; the completion of these procedures is to be ensured by the responsible waiver manager, as described below in 3:

1. A contractor shall, upon the discovery of the death of a person who has been receiving its services:

- a. notify the person's family member or guardian, the person's support coordinator, and the DSPD waiver manager at waivermanager@utah.gov, by the end of the next business day;
 - b. comply with the department fatality review process and shall immediately furnish any information or documents requested by the department Fatality Review Committee upon the death of a person who meets the Criteria for Review section, above in this document.
2. A support coordinator shall, upon discovery of the death of a person within their caseload:
 - a. Submit an incident report in UPI, or ensure that one has already been submitted;
 - i. If the person was receiving SAS services, the support coordinator (SC) will submit the incident report in UPI, on behalf of the SAS employer.
 - ii. If the person was receiving provider-based agency services, the contractor will submit the incident report in UPI; but SC must ensure that it was submitted.
 - b. Enter the deceased date in USTEPS in the Personal Information tab;
 - c. Close the PCSP as per the USTEPS help manual instructions.
 - d. Notify the providers that there can be no dates of billing of services following the date of death;
 - e. Submit a completed Form 5-2 to DSPD Incidents at dspdincidents@utah.gov ;
 - f. Notify the waiver manager of the death of the person at waivermanager@utah.gov ;
 - g. Notify the fatality review coordinator at the OSR at dhhsfatalitynotifications@utah.gov ;
 - h. Notify the waiver manager that the plan is closed, and that the case is now ready to be closed, when they have ensured that:
 - i. The plan is closed in USTEPS and the status is "ended";
 - ii. All outstanding billings have been processed;
3. A waiver manager, upon receiving notification of the death of a person who received services through the waiver program for which they are responsible, shall:
 - a. Ensure that the Deceased Client Report (Form 05-02) is completed and sent to the division director within three days;
 - i. Also ensure that it is forwarded to both the department director and fatality review coordinator. (see Procedures 2. g, above).
 - b. Ensure that all necessary steps listed above in Procedures 1 and 2 have been completed by the contractor and support coordinator, including:
 - c. Completing any uncompleted and required steps;
 - d. Submit a waiver closure Form 927 to the Department of Workforce Services (DWS), to close Medicaid eligibility; concurrently copy that notification to both the Division of Integrated Healthcare (DIH) and to DSPD's Finance and Contracts team;

- e. Ensure the completion of the following remaining closure steps in the person's record; the waiver manager may either complete these steps themselves, or else assign some of the steps to others, as needed. In USTEPS, in this order, close:
- i. Close PCSP;
 - ii. Close cohort;
 - iii. Close medicaid eligibility;
 - iv. Close program tracking;
 - v. Close financial eligibility;
 - vi. Consumer Status Change (close the episode)