

# LARGE Loss Investigation Form

## Improper Client Supervision - Choking

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**Type of Loss:** Fatal injury to a Developmentally Disabled person from choking

**Line of Coverage(s) involved in loss:** General Liability

### Description and narrative of the loss:

The unexpected choking death occurred to a wheel chair bound client, who had an eating disorder and had been hospitalized in the past for choking.

The accident occurred in a Mental Retardation & Developmentally Disabled (MRDD) group home serving 7 clients on a weekend morning. Staffing required two caregivers. That morning, there were two staff and a supervisor in the home prior to the accident. Breakfast had been made. All clients, including the claimant, had been fed except for another nonverbal client in the side living room past the kitchen and the dining area. The food in the kitchen had been pushed back on the counter near the sink.

It was the end of the shift for the on-call staff member. The staff member, scheduled for the morning shift, was late. The supervisor decided to take the on-call staff member person home leaving only one staff member in the group home; with the expectation of the relieving staff member who was to arrive shortly. The one remaining staff member went in the far living room to feed a nonverbal client.

While the remaining staff member was absent from the kitchen area, the wheelchair bound claimant went into the kitchen, lifted himself up from the wheelchair, on the counter and put food in his mouth and started choking. The staff person heard the choking entered the kitchen, swooped the claimant's mouth and started CPR, and then called 911. The claimant later died.

### What are the factors that contributed to the Loss?

- a. **Not Following Staff Policy** - The supervisor should not have taken the on-call staff member home until after the shift change was complete and staffing ratio met, regardless if it was going to be 15 minutes.
- b. **Not Following Dining Policy** - The food on the counter should have been put away.
- c. **Lack of Supervision** -The staff should have fed the remaining client in the dining area versus the living room, which was located two rooms away from the kitchen.
- d. **Emergency Procedure & Training** - Having only one staff member during an emergency crisis, required that person to make the choice of CPR or calling 911. No recent drills conducted. Employee should have called 911 first. This starts emergency responders in route and increases the chances of survival.

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## What controls were missing that would have prevented or lessened the loss?

- a. Training & Adherence to Standard Operating Procedures (SOP) - Supervisors not understanding or following policies and procedures.
- b. Adhere to Corporate Staffing Policies at all times, regardless of weather delays, shift changes or when the next staff member arrives. All staff must stay and ensure that staffing ratio's are always met.
- c. Not following SOP relating to individuals. Direct care worker and on-call staff not knowing or willing to "Stand Up" and demand proper staffing compliance and not following the individual work plan of the claimant with an eating disorder and simply putting the food away.

## What Standard Recommendations Apply?

- a. **Establishment of Safety Responsibility and Accountability**  
All Regional Program Directors and Supervisors of the agency should be responsible and held accountable for safety policies and procedures set forth by the agency. The Regional Program Directors and safety committee at each agency should examine compliance of the written policy and procedures per department, staffing criteria, dining policies, quality control of individual work plan compliance and to communicate rules and duties expected to be followed. Also, to audit and monitor the due diligence and compliance of safety policies, to promote supervision activities of daily activities and to complete self inspections.
- b. **Supervision**  
Supervision and enforcement of policy and procedures regarding staff should be clearly communicated and monitored within each agency. All program directors, supervisors and staff should be clear on the agency written policies, rules and duties expected to be followed and procedures regarding staffing.  
  
All staffing policies and procedures should be strictly followed at all locations. Staffing policies requiring staff to stay at their respective group homes until new shift employee arrive should be clearly emphasized so that they meet proper State staffing requirements.  
  
All dining policies and procedures should be strictly followed with no exceptions at all locations. In-service training activities, periodic safety talks and inspections should be emphasized. All abuse and accident reporting activities set forth by State and Federal regulations should continue to be followed.
- c. **Investigation Procedures**  
Each Director should be involved with all accident/incident investigations, what was being done, what went wrong, how it should be done, and to help determine the safeguards to help prevent recurrence of similar events.
- d. **Emergency Preparedness**  
All Staff and on-call staff should be properly trained on Emergency Preparedness, crises (Crisis Management), 911 protocol, CPR & First Aid. Evaluate to determine if 911 is on speed dial and if necessary, can speaker phone be activated so that first aid is administered as needed.

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## What are the Lessons Learned from the Loss?

- a. Staff to client ratios should never be jeopardized, not even for a minute. Stay until next shift arrives and when all staff levels are met.
- b. All staff and on-call staff should be trained and well versed on all policies and procedures; particularly, the individual work plan of the clients being served, medical condition (seizure-prone residents eating restrictions, etc), medications and effects, the mood of the client, de-escalation procedures for each client and all other exposures in the current environment to achieve optimum client safeguarding.
- c. Staff should be encouraged and willing to communicate when safety standard, protocol and procedures are breached, such as under staffing.

## Visit [www.losscontrol.com](http://www.losscontrol.com) for additional information and sample forms.

IMPORTANT NOTICE - The information and suggestions presented by Philadelphia Indemnity Insurance Company in this Large Loss Lessons Learned E-Flyer is for your consideration in your loss prevention efforts. They are not intended to be complete or definitive in identifying all hazards associated with your business, preventing workplace accidents, or complying with any safety related, or other, laws or regulations. You are encouraged to alter them to fit the specific hazards of your business and to have your legal counsel review all of your plans and company policies.