

**STATE OF CONNECTICUT
DEPARTMENT OF DEVELOPMENTAL SERVICES**

Procedure No.: I.F.PR.005

Subject: Abuse and Neglect/
DDS Abuse and Neglect Registry

Section: Human Rights and Legal Responsibilities

Issue Date: August 14, 2009

Effective Date: August 14, 2009

Approved: /s/ Peter H. O'Meara

A. Purpose

The purpose of this procedure is to develop a standard, consistent approach for the implementation of Policy No. I.F.PO.001, Abuse and Neglect, associated with the DDS Abuse/Neglect Registry.

B. Applicability

This procedure is applicable to individuals with mental retardation and service providers subject to Connecticut General Statutes related to the abuse and neglect reporting and investigation systems in the state of Connecticut.

C. Definitions

Refer to Definitions in Abuse and Neglect Policy No. I.F.PO.001.

D. Implementation

1. Allegations of Abuse and Neglect

a. In cases for which the level of alleged abuse or neglect, if substantiated, could result in the termination or separation of the employee, the A/N Liaison and DDS Lead Investigator will discuss such cases upon receipt of the allegation.

i. The A/N Liaison will electronically inform the DDS Divisions of Human Resources and Legal and Government Affairs of such a case.

ii. The A/N Liaison will enter the date notification was made to Central Office into the statewide abuse and neglect data base.

b. For allegations and investigations which fall under the jurisdiction of OPA, the component of the DDS OPA Interagency Agreement of June, 2008 related to *DDS Abuse and Neglect Registry Cases* will be followed.

2. Notification to DDS of Termination or Separation of Employee for Substantiated Abuse or Neglect

a. For any DDS or Qualified Provider employee, or an employee directly hired by an individual or his or her family terminated as a result of substantiated abuse or neglect

i. the employer shall complete the DDS Abuse/Neglect 'Notice of Termination or Separation for Abuse or Neglect' form, including his or

her signature, and fax it to the attention of the DDS Central Office Division of Human Resources. Support brokers will assist individuals who hire his or her own staff in completing and forwarding the form, if necessary.

ii. For employees of the DDS and Qualified Providers, a copy of the termination or separation letter will also be faxed to the DDS Central Office Division of Human Resources.

b. Upon receipt of the above document(s), the DDS Central Office Division of Human Resources shall create a registry file.

i. The 'Notice of Termination or Separation' form will be emailed to the appropriate regional A/N Liaison, in order for investigation tracking to commence.

ii. The A/N Liaison will enter the date of receipt of the 'Notice of Termination or Separation' form into the statewide abuse and neglect data base.

c. The regional A/N Liaison shall inform the DDS Lead Investigator of receipt of the notification form.

d. The DDS Lead Investigator shall determine if the monitoring process, as outlined in Number 4 below, should commence.

3. Investigation Tracking, Review and Completion

a. Investigations into allegations of abuse and neglect shall be tracked, reviewed and completed as outlined in **I.F PR. 003, Abuse and Neglect/Investigation, Section D Implementation, Part 2.**

4. Substantiation of Abuse or Neglect through Monitoring by an Authorized Agency

a. An authorized agency must either

i. directly investigate the allegation(s); OR

ii. monitor the investigation conducted by an entity other than the authorized agency.

b. The authorized agency will independently monitor and evaluate the merits and adequacy of the investigation conducted by, or on behalf of, the Qualified Provider or other investigative authority by:

- i. confirming the accuracy of witness statements;
- ii. confirming the sources, documentation and evidence relied upon in the investigation; and
- iii. conducting such supervision and review activities as may be sufficient, in the exercise of professional judgment by an investigator employed by the authorized agency and trained by the State of Connecticut, to confirm that the finding(s) are supported by a preponderance of evidence.

5. Documentation Required to Verify the Completion of the Investigation and Monitoring Process

- a. The DDS Lead Investigator will complete the DDS Abuse/Neglect Investigation Review Form, including, but not limited to, the level of assistance provided to a Qualified Provider in the completion of an investigation.
- b. As applicable, the DDS Lead Investigator will complete the DDS Abuse/Neglect Registry Monitoring form. The form will indicate:
 - i. if the allegation(s) of abuse or neglect are substantiated in accordance with the definitions set forth in Connecticut General Statutes;
 - ii. a description of the monitoring activities used by the DDS Lead Investigator in determining that the allegation(s) of abuse or neglect are substantiated; and
 - iii. specific reference to the evidence upon which the DDS Lead Investigator relied upon in substantiating the allegation(s) of abuse or neglect.
- c. The DDS Lead Investigator will forward the complete investigation report, including the completed Investigation Review and Registry Monitoring Forms to the A/N Liaison.
 - i. The A/N Liaison will forward the above to the Regional Director or Designee for investigation review and approval.
 - ii. The A/N Liaison will close the investigation in eCAMRIS using the date of the Regional Director or Designee signature. The eCAMRIS entry will designate the determination of substantiation by the primary investigating agency and any monitoring agency, or agencies, once received.

d. For cases which fall under the jurisdiction of OPA, the Lead Investigator and the OPA AID Program Director and/or the assigned OPA Investigator will discuss and review all cases which, at the completion of the investigation, could rise to the level of referral to the registry.

6. Submission of Complete Investigation Report to DDS Central Office

a. Upon the completion of an investigation, the result of which has or will have registry implications, the A/N Liaison shall forward a copy of the complete investigation report to the DDS Central Office Division of Human Resources.

i. Additionally, all documents gathered to complete the investigation, including but not limited to signed witness statements and transcriptions of all interviews conducted during the investigation, and the OPA M-5 (if applicable) will be forwarded.

b. The DDS Central Office Division of Human Resources shall log in the date the complete investigation report and all associated documents are received.

i. The registry file and the complete investigation report will be forwarded to the DDS Division of Legal and Government Affairs.

c. Representatives from the DDS Division of Legal and Government Affairs, and others determined by the Director, shall review all documents to determine completeness.

i. If additional information is required, a Legal and Government Affairs representative shall contact whomever is deemed necessary to secure the additional information, and shall document the date and nature of the request.

d. Upon receipt of all necessary documents, the DDS Division of Legal and Government Affairs shall evaluate:

i. if the case should be administratively closed. If such determination is made, the individual who is the subject of the registry referral shall be notified in writing by the DDS Division of Legal and Government Affairs. The A/N Liaison shall receive a copy of the letter.

ii. if the case should proceed to a hearing. If such a determination is made, the individual who is the subject of the registry referral shall be notified in writing of the hearing by the DDS Division of Legal and Government Affairs. The A/N Liaison shall receive a copy of the letter.

e. The DDS Division of Legal and Government Affairs will be notified by the DDS Division of Human Resources in cases when a DDS employee, for whom a

notice of termination or separation has been submitted, has been returned to work or has not returned to DDS employment and has signed a Stipulated Agreement.

i. The DDS Division of Legal and Government Affairs shall electronically notify the A/N Liaison and Lead Investigator.

E. References

DDS Policy No. I.F. PO. 001: Abuse and Neglect
DDS Procedure No. I.P. 001: Abuse and Neglect/Allegations: Reporting and Intake Processes
DDS Procedure No. I.P. 002: Abuse and Neglect/Notification: Allegations and Completed Investigations to Appropriate Parties
DDS Procedure No. I.P. 003: Abuse and Neglect/Investigation: Assignment, Tracking, Review, Completion
DDS Procedure No. I.P. 004: Abuse and Neglect/Investigation: Recommendations and Prevention Activities

CT General Statutes

CGS Section 46a-11a – 11h: “Protection and Advocacy for Persons with Disabilities”
CGS Section 53-20: “Crimes”
CGS Section 53a-59a, 53a-60b, 53a-60c, 53a-61a, 53a-65 et seq.: “Penal Code”
CGS Section 17a-101 et seq.: “Abuse of Children”
CGS Section 17a-210 et seq.: “Department and Commissioner of Mental Retardation”
CGS Section 17a-247a – 247e: Statutes Governing the “DDS” Abuse/Neglect Registry
CGS Section 17a-238: “Rights of Persons under Supervision of Commissioner of Mental Retardation”
CGS 17b-451: “Protective Services for the Elderly”

Rules, Regulations

Regs. Conn. Agencies

DDS, Sections 17a-247e-1 through 17a-247e-9, “DDS” Abuse and Neglect Registry

External

Federal Registry

42 C.F.R. 442.1 through 442.119 – ICF/MR Regulations

F. Attachments

See attachments in I.F.PO.001, Abuse and Neglect