

**STATE OF CONNECTICUT  
DEPARTMENT OF DEVELOPMENTAL SERVICES**

**Procedure No:** I.F. PR. 003

**Issue Date:** August 14, 2009

**Subject: Abuse and Neglect/Investigation:** Assignment,  
Tracking, Review, Completion

**Effective Date:** August 14, 2009

**Section:** Human Rights and Legal Responsibilities

**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 I.F.PO.001, Abuse and Neglect, associated with the assignment, tracking, completion and review of investigations into allegations of abuse and neglect.

**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. Investigation Assignment**

**a. Qualified Provider**

i. For allegations which fall under the jurisdiction of OPA, the components of the DDS OPA Interagency Agreement of June 2008 related to *Investigation Assignment, Process and Monitoring* will be followed. For circumstances in which OPA assigns a Qualified Provider as the primary investigating agency, the investigation assignment shall be made to a trained pool investigator. The investigator shall not have supervisory responsibility for the program in which the allegation has occurred, or other personal relationship (e.g. relative or friend) with employees working in that program.

(a) Qualified Providers assigned to conduct investigations shall have a requisite number of staff members complete the investigation training conducted by the DDS DOI.

ii. For allegations that fall under the jurisdiction of DCF, DSS or DPH, the A/N Liaison shall request in writing the investigation findings, disposition and any recommendations.

(a) The A/N Liaison will work with these agencies to ensure an investigation is conducted in a timely manner.

(b) If the above agencies do not assume responsibility to conduct an investigation which falls under their jurisdiction, the DDS will determine if an investigation is warranted. If warranted, the DDS will assume jurisdiction of the investigation or assist the Qualified Provider supporting the individual in completing the investigation.

b. Public Provider

- i. The A/N Liaison will notify the DDS Lead Investigator, who will conduct the investigation, or assign it to a Lead Investigator, Lead Special Investigator or DDS pool investigator.
- ii. If a DDS pool investigator is assigned to conduct the investigation, the Lead Investigator will ensure the pool investigator does not have supervisory responsibility for the program in which the allegation has occurred or any other personal relationship (e.g. relative or friend) with staff working for that program.
- iii. The Lead Investigator will document all assignments of investigations in the statewide abuse and neglect data base.
- iv. The Lead Investigator will notify the assigned investigator, should the individual reside in an ICF/MR, of the need to have the results of the investigation reported to the administrator within five (5) working days of the incident. This report should include a brief summary with key findings and next steps.
- v. For investigations completed in the public sector by OPA AID, including OPA AID Death Investigations, staff from the DDS Divisions of Investigations and Human Resources will coordinate the process of obtaining signed witness statements, after communicating with the OPA AID Investigator.

c. Individuals Who Do Not Receive DDS Supports and Live in their Own or Family Home

- i. Investigations related to allegations occurring in an individual's own home/family home are usually conducted by OPA or DCF. If the allegation falls under the jurisdiction of DSS, the A/N Liaison will contact the DSS Elderly Protective Services Unit in the geographic area in which the individual resides.

d. Individuals Who Directly Employ Their Own Staff/Employer of Record

- i. Investigations associated with allegations related to staff directly hired, employed and managed by the individual or his or her family (employer of record) are usually conducted by DCF or OPA. If the allegation falls under the jurisdiction of the DSS, the DDS will assume jurisdiction of the investigation.

e. Individuals Who Receive Services from a Qualified Provider

- i. Investigations associated with allegations related to Qualified Provider employees are usually conducted by the Qualified Provider as their employer.

2. Investigation Tracking and Review

- a. The Lead Investigator will ensure that all investigations are conducted and/or monitored for content and accuracy and that determination(s) are supported by the facts and evidence in the case. For allegations which fall under the jurisdiction of the OPA, the Investigator will ensure that the investigation process is conducted, at a minimum, in accordance with the components of the DDS OPA Interagency Agreement of June 2008 related to *Investigation Assignment, Process and Monitoring*, and with the ICF/MR regulations, as applicable. The A/N Liaison will notify the appropriate agency and track all cases assigned to DCF, DSS, and DPH.

- b. It is understood that OPA Death Investigations and investigations involving law enforcement agencies may not be completed within the designated time frames. As deemed necessary, DDS will work with law enforcement agencies during the primary investigation process.
- c. If DCF or DPH conducts the investigation, the A/N Liaison shall request in writing the investigation findings, disposition and any recommendations.
- i. DCF investigation reports received by the DDS Director of Investigations will be forwarded to the appropriate A/N Liaison.
  - ii. The A/N Liaison will request the regional Health Services Director to follow up on an investigation conducted by the DPH, as necessary.
- d. Investigations completed by a Qualified Provider
- i. The Qualified Provider will submit one copy of the investigation report to the A/N Liaison and the original directly to the agency having jurisdiction within 75 calendar days of the allegation.
    - (a) For investigations which fall under the jurisdiction of OPA, the A/N Liaison shall ensure that a copy of the qualified provider/vendor investigation report, and all attachments, have been forwarded to OPA, as outlined in the sections of the DDS OPA Interagency Agreement of June 2008 related to *Investigation Assignment and Investigation Completion: OPA and DDS Monitoring Processes*.
  - ii. The A/N Liaison will forward the investigation report to the Lead Investigator to review for completeness and thoroughness. The DDS Abuse and Neglect Investigation Review and the Registry Monitoring forms will be completed by the Lead Investigator and attached to the investigation report.
  - iii. All investigation reports that are deemed complete will be forwarded to the Regional Director or Designee for final review and signature. Once signed, the completed investigation is returned to the A/N Liaison.
  - iv. Completed investigations which fall under the jurisdiction of OPA will be submitted to OPA by the A/N Liaison within 90 calendar days of the intake referral.
  - v. For investigations determined incomplete, the Lead Investigator will inform the A/N Liaison.
    - (a) For incomplete investigations which fall under the jurisdiction of the OPA, the Lead Investigator will ensure the components of the DDS OPA Interagency Agreement of June 2008 related to *Investigation Assignment, Investigation Completion: OPA and DDS Monitoring Processes*, and *DDS Abuse and Neglect Registry Cases* are followed.
    - (b) For incomplete investigations which fall under the jurisdiction of DCF, the Lead Investigator will determine if further investigation is warranted. If warranted, the Lead Investigator will assign the investigation to be completed by the Qualified Provider or as outlined in Investigation Assignment, Part 1, section b. i. of this procedure, as applicable.

vi. The A/N Liaison will generate late notices to the Qualified Provider investigating agency in cases where no investigation or status update has been received within 90 days of the allegation.

(a) If the investigation falls under the jurisdiction of OPA, OPA will receive a copy of the late notice and referenced in the DDS OPA Interagency Agreement of June 2008 related to *Investigation Process*.

e. Investigations completed by Public Provider

i. All cases investigated and completed by a Lead Investigator will be sent to the DOI and the agency having jurisdiction within 75 days of the allegation.

ii. All cases completed by a pool investigator will be sent to the Lead Investigator for review and approval within 75 days of the allegation. The Lead Investigator shall monitor investigations conducted by DDS pool investigators to ensure that a quality investigation will be conducted within that timeline.

iii. For investigations determined to be complete by the Lead Investigator, the Lead Investigator will submit the final Investigation Report to the Regional Director or Designee within 75 calendar days of the allegation for processing and distribution.

iv. The Regional Director or Designee shall review and sign the completed investigation report, and forward it to the A/N Liaison for further processing and distribution. The Regional Director or Designee may return the report and request further investigation after consultation with the DOI Lead Investigator or Director of Investigations.

v. The A/N Liaison shall file the approved completed investigation and distribute it to the agency having jurisdiction, i.e. OPA, DCF, DSS, or DPH, within 90 calendar days of the allegation.

3. Closing Investigations:

a. The Regional Director or Designee will indicate, by signature, that an investigation is complete.

b. The A/N Liaison will close the investigation in eCAMRIS using the date of the Regional Director or Designee signature.

i. The eCAMRIS entry will designate the determination of substantiation by the primary investigating agency and any monitoring agency, or agencies, once received.

c. For investigations which fall under the jurisdiction of the OPA and OPA agrees with the findings or conclusions of the investigation on the OPA M-5, the A/N Liaison shall forward the OPA M-5 to the Qualified Provider or Regional Director or Designee, as applicable.

i. If an OPA M-5 is electronically posted to the wrong DDS region, the A/N Liaison will forward it to the correct region and inform OPA upon discovery.

d. For investigations that fall under the jurisdiction of the OPA and OPA disagrees with investigation findings or conclusions on the OPA M-5, the A/N Liaison will:

- i. Notify the appropriate Qualified Provider or Regional Director or Designee, as applicable;
- ii. Notify the Lead Investigator of the disagreement. The Lead Investigator will determine if additional steps need to be taken;
- iii. Notify the appropriate Regional Director or Designee of the final decision of the DDS Lead Investigator;
- iv. Enter the disagreement in eCAMRIS;
- v. Forward the OPA M-5 to the Qualified Provider, or Regional Director or Designee, as applicable.

## **E. References**

DDS Policy No. P.O. 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

### 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-238: “Rights of Persons under Supervision of Commissioner of Mental Retardation”

CGS Section 17a-247a – 247e: Statutes Governing the “DDS” Abuse/Neglect Registry

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”

### Rules, Regulations and Policy – 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