**DDS Abuse and Neglect Policy and Procedure – Definitions and Examples**

The following definitions apply to the DDS Abuse and Neglect procedures I.F.PR.001 through I.F.PR.005, inclusive.

“Abuse” means the wilful infliction of physical pain or injury or the wilful deprivation by a caregiver of services which are necessary to the person's health or safety.

For the purposes of the DDS Abuse and Neglect procedures I.F.PR.001 through I.F.PR.005, inclusive, “abuse” also includes “financial exploitation,” “psychological abuse,” “sexual abuse,” or “verbal abuse”.

**Examples:** Including, but not limited to:

* Hitting, shoving, tripping, pushing, pulling, scratching, pinching, cutting, or biting.
* Unnecessary or excessive physical or chemical restraint.
* Preventing an individual from using his or her wheelchair.
* Taking away an individual’s personal possession as a means of punishment.

“Abuse and Neglect Database” means the DDS internal electronic management system containing information regarding abuse and neglect allegations and investigations. The system is used to track timelines, recommendations, individual cases, perpetrators, the progress of the internal investigation process, and to generate aggregate reports.

“Abuse and Neglect Intake” means the DDS process by which the report of an allegation of abuse or neglect is received by the DDS Abuse Investigation Division Central Intake, which then generates a document that (1) records and details the specific nature of a reported allegation of abuse or neglect, (2) indicates whether further investigation is warranted, and, if warranted, (3) assigns DDS DOI, DDS AID or a DDS-certified investigatory agency to investigate the allegation, or (4) refers the allegation to the Department of Children and Families, Department of Public Health, or the Department of Social Services.

“Abuse and Neglect Liaison”means the DDS regional employee who is responsible to receive and track reports and investigations of abuse and neglect, maintain investigation files and provide support and assistance to persons involved in the abuse and neglect investigation process.

“Abuse and Neglect Registry” means a centralized database as established in sections 17a-247a to 17a-247e, inclusive, of the Connecticut General Statutes that is administered and maintained by DDS, containing information regarding former employees whose names the Commissioner had determined should be placed on the Registry as a result of substantiated abuse, neglect, or both, and includes information regarding pending and closed Registry cases.

“Abuse and Neglect Registry monitoring” means the evaluation of the merits of an abuse and neglect investigation involving perpetrators that may be referred to the DDS Abuse and Neglect Registry. In such cases, an authorized agency will independently monitor and evaluate the merits and adequacy of an investigation conducted by, or on behalf of, a DDS-certified investigatory agency.

“Abuse Investigation Division” or “DDS AID” means the DDS investigators, who are responsible for receiving and documenting all allegations of abuse and neglect of individuals with intellectual disability. DDS AID also receives and documents allegations of abuse and neglect of persons receiving services from the Department of Social Services’ (DSS) Division of Autism Spectrum Disorder Services. DDS AID primarily investigates allegations of abuse and neglect of individuals living on their own or with their families. DDS AID also may conduct investigations into deaths of individuals, who have been the victim of alleged abuse or neglect. All DDS AID investigators are DDS Division of Investigations (DDS DOI)-trained investigators.

“Authorized agency” means the Departments of Children and Families, Developmental Services, and Social Services, which are authorized, in accordance with the Connecticut General Statutes, to conduct abuse and neglect investigations and are responsible for issuing findings, recommendations, and for implementing protective services for persons with intellectual disability.

“Caregiver” means a person who has the responsibility for the care of a person with intellectual disability as a result of a family relationship or who has assumed the responsibility for the care of the person with intellectual disability voluntarily, by contract or by order of a court of competent jurisdiction. The legal representative of a person with intellectual disability need not be such person's caregiver.

“Case manager” means the person who serves as the primary contact between an individual with intellectual disability who receives funding or services from DDS and the department. A case manager assists the individual, his or her family, or the individual’s legal representative to identify strengths and needs through the planning process, to gain access to funding and services to meet those needs, and to monitor the individual’s progress and evaluate the quality of the individual’s programs and services.

“Commissioner” means the Commissioner of Developmental Services, or his or her designee;

“Community Companion Home licensee” or “CCH licensee” means a person who is authorized by the commissioner to operate a community companion home for the lodging of an individual and shall be responsible to the department for complying with the provisions of sections 17a-227-23 to 17a-227-30, inclusive, of the Regulations of Connecticut State Agencies.

“Completed investigation” means the investigation report and its findings conducted by a DDS DOI-trained investigator which has been reviewed and approved by the DDS Regional or Training School Director, or the Director’s designee, or the Director of Investigations, or the Director of Investigations’ designee.

“Death investigation” means an investigation into the death of an individual, who has been the victim of alleged abuse or neglect conducted by the DDS Abuse Investigation Division or the DDS Division of Investigations.

“DDS AID Central Intake” means the investigators within the DDS Abuse Investigation Division assigned to receive and document all reports of allegations of abuse and neglect of individuals with intellectual disability or persons who receive services from the Department of Social Services' Division of Autism Spectrum Disorder Services. The DDS AID Central Intake has the authority to request protective services from the DDS regional administration to ensure the physical health, mental health and safety of individuals who are victims of alleged or substantiated abuse or neglect.

“DDS-certified investigatory agency” means a DDS qualified provider that has been approved by the DDS Division of Investigations to conduct investigations into allegations of abuse or neglect and has an employee who is a DDS DOI-trained investigator or has contracted a licensed DDS DOI-trained private investigator to conduct these investigations.

“Department” means the Department of Developmental Services.

“Department of Children and Families” or “DCF” means the state agency that has jurisdiction over allegations of abuse and neglect of children under the age of 18. DCF is an agency authorized by Connecticut General Statutes to substantiate abuse or neglect for purposes of the DDS Abuse and Neglect Registry.

“Department of Public Health” or “DPH” means the state agency that has jurisdiction over the licensure of medical facilities (i.e., skilled nursing facilities), certification of Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IDD), and the licensure of medical practitioners.

“Department of Social Services” or “DSS” means the state agency that has jurisdiction over allegations of abuse and neglect for persons age 60 and above. DSS is an agency authorized by Connecticut General Statutes to substantiate abuse or neglect for purposes of the DDS Abuse and Neglect Registry.

“DDS Help Line” means the designated telephone and email contact in each DDS Region staffed by DDS case managers to assist with accessing services for individuals and their families who do not have a case manager.

“DDS Investigation Report Form” means the standardized document utilized by DDS DOI, DDS AID and DDS-certified investigatory agencies when completing an abuse or neglect investigation.

“DDS Notice of Termination or Separation for Registry Purposes” means the form completed by a DDS Qualified Provider, a public agency staff person, or an individual who hires his or her own staff (i.e., Employer of Record), notifying the DDS Registry Administrator of an employee who has been terminated or separated from employment as a result of substantiated abuse, neglect, or both.

“Division of Investigations” or “DDS DOI” means DDS investigators assigned to a DDS region or Southbury Training School who are responsible for investigating allegations of abuse and neglect of an individual who has intellectual disability or a person who is receiving services from the Department of Social Services’ Division of Autism Spectrum Disorder Services.  DDS DOI primarily investigates and oversees DDS-certified investigatory agency investigations of allegations of abuse and neglect of individuals residing in DDS-funded facilities or DDS self-directed living arrangements. DDS DOI also may conduct investigations into deaths of individuals, who have been the victim of alleged abuse or neglect.

“Director of Investigations” means the DDS employee who manages the operations of the DDS Division of Investigations (DDS DOI) and the DDS Abuse Investigation Division (DDS AID).

“eCAMRIS” means the DDS automated internal data system containing information regarding individuals who have been made eligible for or are receiving funding or services from the department.

“Employee” means a person employed by DDS, or by a DDS Qualified Provider or contractor that is licensed or funded by the department.  Employee also means a person who has been hired by an individual, or his or her family or legal representative, to provide services that are funded by the department.

“Employer” means DDS, or a DDS Qualified Provider or contractor that is licensed or funded by the department.  Employer also means an individual, or his or her family or legal representative, who has hired staff to provide services that are funded by the department.

“False Claims Act” means the federal law that prohibits individuals or companies from making false claims or statements to a program funded by the federal government.

“Financial exploitation” means theft, misappropriation or unauthorized or improper use of property, money or other resource that is intended to be used by or for an individual who receives funding or services from the department.

**Examples:** Including, but not limited to:

* Gaining an individual’s personal money by threat, persuasion, or exploitation.
* Stealing or misusing an individual’s money or possessions. May include taking of cash, valuables, medications, or other personal property.
* Mismanagement of an individual’s finances accounts or benefits.

“Frequent reporting protocol” or “FRP” means the DDS AID method of interrupting the normal reporting provisions for a specific individual who has an ongoing history of unsubstantiated allegations of abuse or neglect. The creation and use of an FRP is uncommon, is required to have prior approval by DDS AID Supervisor, is time limited; and usually in effect for one year or less from date of approval.

“Immediate Protective Services Plan” or “IPSP” means a plan developed by DDS to take immediate actions or measures necessary to protect the health and safety of an individual with intellectual disability, who may or may not be known to the department.

“Individual” means a person who has been determined to have intellectual disability as defined in section 1-1g of the Connecticut General Statutes by the DDS Eligibility Unit.

“Individual not known to DDS” means a person who has not been determined by the DDS Eligibility Unit to have intellectual disability as defined in section 1-1g of the Connecticut General Statutes.

“Intermediate Care Facility for Individuals with Intellectual Disabilities” or “ICF/IID” means a facility certified by the Department of Public Health to provide active treatment services to individuals in residence.

“Internal Audit Unit” means the DDS employees who conduct financial compliance audits of the department’s central office and regional operations, DDS qualified providers, DDS contractors, and CCH licensees.

“Legal representative” means a plenary guardian or limited guardian of a person with intellectual disability appointed pursuant to sections 45a-669 to 45a-683, inclusive, or a conservator of the person or a conservator of the estate appointed pursuant to sections 45a-644- to 45a-662, inclusive.

“Master record” means the electronic and paper documents that constitute all the information pertaining to an individual who receives funding or services from the Department of Developmental Services including, but not limited to, annual individual plans, Level of Need assessments, health records, protective services plans, and abuse and neglect allegations and investigation findings and recommendations.

“Neglect” means the failure by a caregiver, including Department of Developmental Services staff, DDS qualified providers staff, and CCH licensees in cases of programmatic neglect, through action or inaction, to provide an individual with the services necessary to maintain such individual’s physical health, mental health and safety. Neglect also means a situation where an individual either is living alone and is not able to obtain the services which are necessary to maintain physical or mental health or is not receiving such necessary services from the caregiver.

**Examples:** Including, but not limited to:

* Failure to seek or a delay in seeking medical treatment when necessary.
* Failure to follow an individual’s food consistency or nutritional dietary requirements.
* Failure to intervene when two individuals are physically fighting.
* Failure to intervene when an individual engages in self-injury.
* Failure to intervene or report abuse or neglect.
* Failure to appropriately perform CPR when necessary.
* Failure to provide adequate levels of supervision for an individual, as required.
* Failure to follow an individual’s behavior support plan.

"Person who is required to report an allegation of abuse or neglect" or "reporter" means any professional named in subsection (a) of section 46a-11b of the Connecticut General Statutes; any employee of (1) the Department of Developmental Services, (2) a DDS qualified provider, or (3) a DDS contractor; any DDS Community Companion Home licensee; and any employee of the Department of Social Services' Division of Autism Spectrum Disorder Services or its contractors.

“Pool Investigator” means an employee of DDS or a DDS qualified providertrained by the DDS Division of Investigations (DDS DOI) and assigned to investigate allegations of abuse or neglect.

“Protective services” means services provided by the state or any other governmental or private organization or individual which are necessary to prevent abuse or neglect. Such services may include the provision of medical care for physical and mental health needs; the provision of support services in the facility, including the time limited placement of department staff in such facility; the relocation of a person with intellectual disability to a facility able to offer such care pursuant to section 17a-210, 17a-274 or 17a-277, as applicable; assistance in personal hygiene; food; clothing; adequately heated and ventilated shelter; protection from health and safety hazards; protection from maltreatment, the result of which includes, but is not limited to, malnutrition, deprivation of necessities or physical punishment; and transportation necessary to secure any of the above-stated services, except that this term shall not include taking such person into custody without consent.

“Protective Services Plan” or “PSP” means a written plan to address ongoing concerns with an individual’s health, safety and wellbeing developed by the individual’s case manager, the Help Line Supervisor, or the Supervisor’s designee or a regional employee identified by the regional Abuse or Neglect Liaison at the completion of the DDS DOI or DDS AID investigation or monitoring process. The written plan is completed and forwarded to the regional Abuse and Neglect Liaison, or the liaison’s designee within 15 days of the request, is updated every six (6) months, and can only be terminated by DDS AID.

“Psychological abuse” means an act that is likely to humiliate, intimidate, degrade or demean an individual, inflict emotional harm or invoke fear in such individual, or otherwise negatively impact the mental health of such individual.

 **Examples:** Including, but not limited to:

* Teasing, taunting or ridiculing.
* Referring to an individual using demeaning, derogatory or vulgar words.
* Attempting to provoke or intimidate through the use of actions, gestures, mannerisms, postures or tone of voice.

“Qualified Provider” means a provider agency, organization, individual practitioner, Limited Liability Company, or partnership that meets the DDS criteria defined as a prerequisite to providing support services to an individual or group of individuals with intellectual disability or other developmental disabilities.

“Qualified Provider Administrator” means the designated person primarily responsible for the overall management, operation and provision of services for a DDS qualified provider.

“Self-Determination” means an approach to service delivery in which persons with disabilities determine their futures, design their own support plans, choose the assistance they need to live full lives, and may control a personal budget for their supports. It also may be known as Individual Supports, self-directed supports, or consumer-directed supports. This can include the individual or family being the employer and directly hiring and managing staff.

“Separated from employment” or “separation” means that, in lieu of or prior to being terminated from employment for abuse, neglect, or both that is later substantiated, an employee resigns, abandons or otherwise leaves employment.

“Sexual abuse” means any sexual contact between an individual, regardless of such individual’s ability to consent, and an employee, legal representative, family member or volunteer; or the encouragement of an individual to engage in sexual activity by an employee, legal representative, family member or volunteer.

**Examples:** Including, but not limited to:

* When a caregiver exposes him or herself to an individual.
* When a caregiver forces or pressures an individual to take part in sexual acts.
* When a caregiver forces an individual to watch pornography or sexual acts.
* When a caregiver has any sexual contact with an individual.
* When a caregiver exchanges money or other items of value to an individual for a sex act.

“State of CT Human Resources business partner” means the state’s human resources staff assigned to support DDS for human resources management and other related functions.

“Substantiated abuse or neglect” means a determination by an authorized agency, following an investigation conducted or monitored by such agency, that abuse, neglect or both of a person with intellectual disability or a person who receives services from the Department of Social Services' Division of Autism Spectrum Disorder Services” has occurred.

“Terminated from employment” means discharge from employment for abuse, neglect, or both which has been or will be substantiated.

“Verbal abuse” means the use of offensive or intimidating language that provokes or causes the distress of a person with intellectual disability or a person who receives services from the Department of Social Services' Division of Autism Spectrum Disorder Services.

**Examples:** Including, but not limited to:

* Yelling.
* Using offensive language.
* Swearing.
* Name calling.

“Wilful” means intentional acts or omissions or the reckless disregard for the safety and consequences of one’s acts or omissions.