

# **DDS Abuse and Neglect Registry**

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CT Department of Developmental Services

Legal & Government Affairs

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# **What is the DDS Abuse & Neglect Registry?**

## CT General Statutes:

**17a-247a through 17a-247e Registry of former employees of department or other service providers terminated because of substantiated acts of abuse or neglect.**

- (6) “Employee” means any individual employed (A) by the department, or (B) by an agency, organization or individual that is licensed or funded by the department.
- (10) “Registry” means a centralized data base containing information regarding substantiated abuse and neglect.
- (11) “Substantiated abuse or neglect” means a determination by an authorized agency, following an investigation conducted or monitored by such agency, that (A) abuse or neglect of a department client has occurred, or (B) there has been a criminal conviction of a felony or misdemeanor involving abuse or neglect.
- (2) “Authorized agency” means any agency authorized in accordance with the general statutes to conduct abuse and neglect investigations...[OPA, DDS, DCF or DSS].

## Regulations

### **Abuse and Neglect Registry Regulations Sec. 17a-247e-1 through 17a-247e-9.**

- **17a-247e-1. Definitions**

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

- **17a-247e-2. Substantiation of abuse or neglect by authorized agencies**

*(f)(2) that the authorized agency independently monitor and evaluate the merits and adequacy of the investigation conducted by or on behalf of the employer or other investigative authority by (A) confirming the accuracy of witness statements, (B) confirming the sources, documentation and evidence relied upon in the investigation, and (C) 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 the evidence;*

# **Regulations**

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## ■ 10/1/2014 – Changes for Purposes of The Registry:

(1) "Abuse" means (A) the wilful infliction by an employee of physical pain or injury, financial exploitation, psychological abuse or verbal abuse; (B) the wilful deprivation of services necessary to the physical and mental health and safety of an individual who receives services or funding from the department; or (C) sexual abuse.

(2) "Authorized agency" means any agency authorized in accordance with the general statutes to conduct abuse and neglect investigations and responsible for issuing or carrying out protective services for persons with intellectual disability or individuals receiving services or funding from the department's Division of Autism Spectrum Disorder Services.

(7) "Financial exploitation" means the 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 services or funding from the department.

(10) "Psychological abuse" means an act intended to (A) humiliate, intimidate, degrade or demean an individual who receives services or funding from the department, (B) inflict emotional harm or invoke fear in such individual, or (C) otherwise negatively impact the mental health of such individual.

(12) "Sexual abuse" means (A) any sexual contact between an individual who receives services or funding from the department, regardless of such individual's ability to consent, and an employee, or (B) the encouragement by an employee of an individual who receives services or funding from the department to engage in sexual activity.

(14) "Verbal abuse" means the use of offensive or intimidating language that is intended to provoke or cause the distress of an individual who receives services or funding from the department.

# 2014 Changes to Statutes for Purposes of The Registry

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# **Private, Public & Individual Employer Responsibility**

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■ ***Sec. 17a-247e-5. Employer notification responsibilities***

*(a) Not later than five business days following receipt of written notification by an authorized agency of the substantiation of abuse or neglect by an employee who has been terminated or separated from employment for such abuse or neglect, an employer shall submit to the department the name of such employee and such other information as the department may request.*

*(b) Notification of the Department of Mental Retardation shall be on forms provided by the department and include:*

*(1) documentation that the employee was terminated or separated from employment for abuse or neglect; and*

*(2) documentation of the substantiation of abuse or neglect by an authorized agency.*

*(c) Employers shall notify the department that an employee has been terminated or separated from employment when:*

*(2) the employer has been notified of the substantiation of abuse or neglect by an authorized agency...*

# **Employer Responsibility**

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- ***Sec. 17a-247e-6. Employer hiring and retention practices***

*(a) Prior to hiring any individual, employers shall inquire as to whether the individual's name appears on the registry. The department shall respond by facsimile or phone to such inquiry within two (2) business days. (b) No employer shall hire an individual who is listed on the registry. (c) No employer, after receiving notice that an individual is listed in the registry, shall retain such individual as an employee.*

# **Employer Responsibility**

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■ **Sec. 17a-247e-7. Responsibilities of the department**

*(a) The department shall establish and maintain a registry of employees who have been terminated or separated from employment for substantiated abuse or neglect.*

*(b) The registry and information contained therein is confidential and not subject to disclosure ... . Information in the registry may only be released pursuant to a bona fide registry inquiry ... .*

# **DDS Responsibility**

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- **Sec. 17a-247e-7. Responsibilities of the department**

*(a) The department shall establish and maintain a registry of employees who have been terminated or separated from employment for substantiated abuse or neglect.*

*(d) The department shall conduct administrative hearings, ..., before placing any name upon the registry.*

# **Administrative Hearing Rights**

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## The Five Elements that Must be Proven at a Registry Hearing

- **Sec. 17a-247e-8. Hearing responsibilities and procedures**

*(d) ... State Agencies shall be limited to the following issues for which the department bears the burden of proof:*

*(1) whether the individual is or was an employee, ...*

*(2) whether the individual was employed by an employer ...*

*(3) whether the individual was terminated or separated from employment due to allegations of abuse or neglect ...*

*(4) whether the allegations of abuse or neglect were substantiated by an authorized agency ...*

*(5) whether the allegations of abuse or neglect, ..., were substantiated are supported by a preponderance of evidence.*

# Five Elements

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■ **Sec. 17a-247e-8. Hearing responsibilities and procedures**

*(e) Within ten (10) business days following the conclusion of the hearing, the hearing officer shall issue a proposed decision to the parties and the commissioner.*

*(f) The parties shall have ten (10) business days following receipt of the proposed decision to submit written comments to the commissioner in support of or opposition to the proposed decision.*

*(g) The commissioner shall issue a final decision, following the comment period ..., to the parties and to the employer ... .*

# **How is a Name Placed on The Registry?**

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- **Sec. 17a-247e-9. Removing a name from the registry**

*(a) The department shall remove an employee's name from the registry upon receipt of notification from an employer that an arbitration or a legal proceeding resulted in a finding that the employee was unfairly terminated from employment.*

*(b) An employee whose name has been placed on the registry may, not less than five (5) years after the placement of his name on the registry for substantiated abuse, and not less than two (2) years after the placement of his name on the registry for substantiated neglect, and not more than once every two (2) years thereafter, request in writing to the commissioner that his name be removed from the registry for good cause shown.*

# **Removal of Name from The Registry**

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