## Procedure No.: I.F.PR.001 Issue Date: March 15, 2002

#### **Subject:** **Abuse and Neglect/Allegations**: **Reporting** **Effective Date**: March 15, 2002

#### Section: Human Rights and Legal Responsibilities **Revised:** August 14, 2009

# Revised: June 30, 2021

# Approved:/s/Jordan A. Scheff

**Policy Statement**

The Department of Developmental Services (DDS) has the statutory obligation to maintain and preserve the health and safety of individuals with intellectual disability or other developmental disabilities and therefore does not tolerate abuse or neglect of any person who has intellectual disability in Connecticut or any person who receives services from the Department of Social Services’ Division of Autism Spectrum Disorder Services. As an agency that offers supports and services through federal Medicaid Waivers, DDS is also responsible for assuring an effective system that protects and maintains the health and welfare of waiver participants. This procedure demonstrates that the department identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death.

The department is committed to the use of prevention best practices intended to minimize potential incidents of abuse or neglect.  The department’s Division of Investigations, DDS Abuse Investigation Division Central Intake, Legal and Government Affairs Division, Internal Audit Unit, and Quality and Systems Improvement Division work together with regional staff and DDS qualified providers to identify any potential for abuse or neglect of a person, promptly report any incidents of suspected abuse or neglect, review and investigate reported allegations of abuse or neglect, and examine the outcomes of investigations to develop best practices to mitigate and to the extent possible, eliminate any further incidents of abuse and neglect.

# Purpose

This procedure establishes the department’s process for reporting allegations of abuse and neglect of persons who have intellectual disability and persons who receive services from the Department of Social Services’ Division of Autism Spectrum Disorder Services.

# Applicability

This procedure applies to any person who has intellectual disability, or any person who is receiving services from the Department of Social Services’ Division of Autism Spectrum Disorder Services as per subsection (a) of section 17a-210 of the Connecticut General Statutes.

The procedure applies to all department employees, all employees of DDS qualified providers, all employees of DDS contractors, all DDS Community Companion Home (CCH) licensees and any professional listed in section 46a-11b of the Connecticut General Statutes and any employee of the Department of Social Services’ Division of Autism Spectrum Disorder Services. Any employee of DDS, a DDS qualified provider, or a DDS contractor, any CCH licensee or any professional listed in section 46a-11b CGS or any employee of the DSS Division of Autism Spectrum Disorder Services, who reports, in good faith, incidents of suspected abuse or neglect shall not be subjected to any penalty or reprisal by administrators or supervisors for making that report.

1. Definitions

Abuse and Neglect Definitions and Examples (also see Attachment A DDS Abuse and Neglect – Definitions and Examples)

1. Implementation
2. Persons who are required to report an allegation of abuse or neglect, also known as “reporters”, include any professional named in subsection (a) of section 46a-11b of the Connecticut General Statutes; any employee of (1) the Department of Developmental Services (DDS), (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.
3. Any reporter who has witnessed or otherwise has reasonable cause to suspect or believe there has been abuse or neglect of an individual shall intervene on the individual’s behalf, if possible, and shall immediately make a verbal report or cause such report to be made to the DDS Abuse Investigation Division (DDS AID) Central Intake and to the state agency having jurisdiction over the reporting of allegations of abuse or neglect based upon the age of the victim, as applicable.
4. Such report of alleged abuse or neglect may be made anonymously. The anonymity of the reporter shall be preserved except where disclosure is otherwise required by law.
5. Any allegation of physical abuse, sexual abuse, neglect**,** verbal abuse, psychological abuse, or financial exploitation shall be reported as follows:
6. If the victim of alleged abuse or neglect is under the age of 18, the reporter shall notify the DDS AID Central Intake and the Department of Children and Families (DCF) [Child Abuse and Neglect Careline](https://portal.ct.gov/DCF/1-DCF/Reporting-Child-Abuse-and-Neglect) at 1-800-842-2288;
7. If the victim of alleged abuse or neglect is age 18 through age 59, the reporter shall notify the DDS AID Central Intake at 1-844-878-8923. If the victim of alleged abuse or neglect is age 18 through age 21 and receiving DCF-funded services, then DCF shall be notified as well;
8. If the victim of alleged abuse or neglect is 60 years of age or older, the reporter shall notify the DDS AID Central Intake and the Department of Social Services (DSS) Protective Services for the Elderly at **1-888-385-4225, or a**fter business hours, on weekends or state holidays, at Infoline at **2-1-1;**
9. If the alleged abuse or neglect of the victim occurred at a medical facility or in a setting where the provider is licensed by the Department of Public Health (DPH), the reporter shall notify the DDS AID Central Intake and either the DPH Facility Licensing and Investigations Section for allegations related to a medical facility or the DPH Practitioner Licensing and Investigations Section **for allegations related to a licensed professional**.
10. If alleged abuse or neglect is suspected in the death of a person, the reporter shall notify the DDS AID Central Intake as soon as possible, but not later than 24 hours after the reporter has discovered the abuse or neglect.
11. The reporter of an allegation of abuse or neglect and a supervisor informed of the report of alleged abuse or neglect shall have the following additional reporting responsibilities:
12. The reporter, unless he or she has chosen to remain anonymous, shall immediately inform his or her immediate supervisor, the supervisor of the program, or if these supervisors are unavailable, another responsible supervisor or manager, of the report of allegations of abuse or neglect. **Note**: The failure to report to a supervisor, when a report has been made to the DDS AID Central Intake or other authorized agency (i.e., DCF, DSS) having jurisdiction over the reporting of allegations of abuse or neglect based upon the age of the victim, shall not constitute a violation of this procedure, if it is determined that such failure to inform the supervisor was for an authorized reason.
13. Any DDS employee, employee of a DDS qualified provider or DDS contractor, or Community Companion Home (CCH) licensee who injures an individual under any circumstances shall immediately report the incident to a supervisor.
14. The supervisor who receives the report of an individual’s injury caused by the employee or CCH licensee shall report the incident to the DDS AID Central Intake and to the authorized agency (i.e., DCF, DSS) having jurisdiction over the reporting of allegations of abuse or neglect based upon the age of the victim, as applicable, if the supervisor suspects that the injury was caused as the result of abuse or neglect.
15. Any DDS employee, employee of a DDS qualified provider or contractor, or CCH licensee who must physically defend themselves or others against an individual’s aggressive behavior shall use the least restrictive appropriate method of intervention and shall immediately report the incident to a supervisor.
16. The supervisor shall report the incident to the DDS AID Central Intake and to the state agency having jurisdiction over the reporting of allegations of abuse or neglect based upon the age of the victim, as applicable, if the supervisor suspects that abuse or neglect were in some way involved in the incident or the management of the incident.
17. An allegation of abuse or neglect of a person with intellectual disability under the age of 18 that falls within the jurisdiction of the Department of Children and Families (DCF) and has been reported directly to DCF, is sent to the DDS Director of Quality and Systems Improvement by the DCF Risk Management unit. The Director of Quality and Systems Improvement shall then forward the allegation to the DDS AID Central Intake not later than the following business day.
18. The Department of Developmental Services requires that certain administrative actions take place to protect, not only the individual who is the victim of alleged abuse or neglect, but any individual with intellectual disability or other developmental disability who might become a victim of abuse or neglect. These administrative actions include the following:
19. Each DDS Regional or Training School Director or DDS Qualified Provider Administrator, or their designees, shall be responsible for informing individuals of their right to be free from abuse and neglect and their right to report abuse or neglect.
20. Each DDS Regional or Training School Director or DDS Qualified Provider Administrator, or their designees, shall be responsible for advising their employees of their reporting responsibilities as required by this procedure.
21. Each DDS Regional or Training School Director or DDS Qualified Provider Administrator, or their designees, shall not screen or evaluate reports of abuse or neglect incidents in terms of suitability for reporting to other authorities. The reporter, who suspects or has firsthand knowledge of the alleged abuse or neglect, shall contact the DDS AID Central Intake or other authorized agency (i.e., DCF, DSS) that has jurisdiction over the reporting of allegations of abuse or neglect based upon the age of the victim to report the allegation.
22. Any DDS employee, employee of a DDS qualified provider or DDS contractor, or CCH licensee who fails to report an incident of abuse or neglect, for which he or she should have had reasonable cause to suspect abuse or neglect, may be subject to disciplinary action.

1. If there is an allegation that a DDS employee or an employee of a DDS qualified provider or DDS contractor has physically or sexually abused an individual, that employee shall be removed from duty and placed on administrative leave pending the outcome of the investigation of the allegation.
2. If there is an allegation that a Community Companion Home (CCH) licensee, or a member of the licensee’s household, has physically or sexually abused an individual, the victim of the alleged abuse or neglect and any other individual funded by DDS who resides in the home shall be removed from the CCH pending the outcome of the investigation of the allegation.

1. If there is an allegation of neglect, verbal abuse, psychological abuse or financial exploitation of an individual, the DDS employee or an employee of a DDS qualified provider or DDS contractor may be removed from duty based upon the severity of the alleged incident and at the discretion of the Commissioner or the DDS Qualified Provider Administrator.
2. If there is an allegation of neglect, verbal abuse, psychological abuse or financial exploitation of an individual by a CCH licensee, or a member of the licensee’s household, the Commissioner, at his or her discretion, may remove the victim of the alleged abuse or neglect and any other individual funded by DDS who resides in the home based upon the severity of the alleged incident of abuse or neglect pending the outcome of the investigation of the allegation.
3. The issuance of a recommendation by the DDS AID Central Intake for an employee to be removed from duty contained in an Immediate Protective Services Plan (IPSP) supersedes any discretionary authority of the DDS Regional or Training School Director or a DDS Qualified Provider Administrator. Any employee who has been removed from duty as a result of an IPSP recommendation shall not return to duty without prior authorization from the regional DOI supervisor or the supervisor’s designee.
4. The provisions of any collective bargaining agreement or employment policy shall be adhered to during the DDS DOI, DDS AID, or, if applicable, DDS-certified investigatory agency’s investigative process.
5. If an incident of alleged abuse or neglect occurs during an individual’s visit to his or her family’s home, the DDS AID Central Intake, a DDS Regional or Training School Director or a Qualified Provider Administrator may restrict home or family visits until the DDS AID investigation of the alleged abuse or neglect has been completed.
6. If the DDS Internal Audit Unit receives an allegation under the False Claims Act or under Section 4-33a CGS “Illegal, irregular or unsafe handling of state or quasi-public agency funds”, a representative of the Internal Audit Unit shall email the allegation form to the DDS Director of Investigations who shall determine if the complaint meets the criteria for investigation by the DDS DOI. If the Director of Investigations determines that the complaint meets the criteria for investigation, the Director shall forward the complaint to the DDS AID Central Intake for intake.
7. Any report of alleged abuse or neglect where those actions rise to the level of a crime or a serious threat to the individual shall be reported, as soon as possible, to an appropriate law enforcement agency as follows:
8. If any initial investigation into alleged abuse or neglect discloses evidence of an immediate or serious threat to the safety of an individual, the allegation of abuse or neglect and any information from the initial investigation shall immediately be referred to the appropriate law enforcement agency.
9. At the time of intake, if the DDS AID Central Intake has reason to believe that a reported allegation of abuse or neglect may constitute a crime, (1) the DDS Director of Investigations, or the Director’s designee, shall be consulted, as needed; and (2) the intake shall reflect such suspicion that the reported abuse or neglect may constitute a crime.
10. When notified by the regional Abuse and Neglect Liaison, or the liaison’s designee, of such intake of the report of alleged abuse or neglect, the DDS Regional or Training School Director or the DDS Qualified Provider Administrator, or their designees, is responsible to ensure that the individual who is named in the report as being the victim of alleged abuse or neglect and the individual’s legal representative, if any, is aware of and understands his or her right to report the allegation to the appropriate law enforcement agency if the allegation concerns sexual abuse, physical abuse, financial exploitation, or another criminal offense.
11. If an individual’s legal representative declines to report an allegation on behalf of an individual to the appropriate law enforcement agency when the individual is a suspected victim of sexual abuse, physical abuse, financial exploitation, or other criminal offense, the individual’s right to report the allegation to a law enforcement agency on his or her own behalf remains valid. In such cases, the DDS Regional or Training School Director or the DDS Qualified Provider Administrator, or their designees, shall assist the individual in reporting the allegation to a law enforcement agency, as needed.
12. If both the individual and the individual’s legal representative, if any, decline to report an allegation of abuse or neglect to the appropriate law enforcement agency when the individual is a victim of suspected sexual abuse, physical abuse, financial exploitation, or another criminal offense, the DDS Regional or Training School Director or the DDS Qualified Provider Administrator, or their designees, shall report the alleged abuse or neglect to the appropriate law enforcement agency.
13. Any time after the initial incident when the individual is a victim of suspected sexual abuse, physical abuse, financial exploitation, or another criminal offense, a report of alleged abuse and neglect may be made to the appropriate law enforcement agency.
14. When a report of alleged abuse or neglect that rises to the level of a criminal offense is made to a law enforcement agency, the DDS Director of Investigations, or the Director’s designee, shall obtain a police report number and forward it to the regional Abuse and Neglect Liaison. The regional liaison shall record the information in the abuse and neglect investigation file.

##### **References**

DDS Work Rules – Revised June 16, 2017

DDS Directives

Directive No. 18-1 Attachment A [Public Sector Incident Reporting After Normal Business Hours](https://www.ct.gov/dds/lib/dds/dds_manual/directives/directive_18-1_attachment_a__incident_reporting_by_public_sector.docx)

Directive No. 18-1 Attachment B [Private Sector Incident Reporting After Normal Business Hours](https://www.ct.gov/dds/lib/dds/dds_manual/directives/directive_18-1_attachment_b__incident_reporting_by_private_sector.docx)

DDS Policies and Procedures

I.D.PR.001 Mortality Reporting Deaths of Individuals

I.D.PR.009 Incident Reporting

I.D.PR.009a Incident Reporting for Individuals who live in Own /Family Home & Receive DDS Funded Services

I.F.PR.002 Abuse and Neglect/Allegations: Intake and Initial Notification Process

I.F.PR.003 Abuse and Neglect/Investigations: Assignment, Tracking, Review and Closure

I.F.PR.004 Abuse and Neglect/Investigations: Recommendations, Protective Services and Prevention Activities

I.F.PR.005 Abuse and Neglect/Investigations: Access to Completed Investigations

I.F.PR.006a Abuse and Neglect/DDS Abuse and Neglect Registry

I.F.PR.007a Abuse and Neglect/Access to the DDS Abuse and Neglect Registry

Connecticut General Statutes (CGS)

Section 1-210 CGS: “Access to Public Records. Exempt Records.”

Section 4-33a CGS: “Illegal, irregular or unsafe handling of state or quasi-public agency funds”

Section 46a-11a – 11h CGS: “Protection and Advocacy for Persons with Disabilities”

Section 46a-13a CGS: “Requirements for other agencies. Release of client records by other agencies”

Section 53-20 CGS: “Cruelty to Persons”

Section 53a-59a, 53a-60b, 53a-60c, 53a-61a, 53a-65 et seq. CGS: “Penal Code”

Section 17a-101 et seq. CGS: “Abuse of Children”

Section 17a-210 et seq. CGS: “Department and Commissioner of Developmental Services”

Section 17a-238 CGS: “Rights of Persons under Supervision of Commissioner of Developmental Services”

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

Section 17b-451 CGS: “Protective Services for the Elderly”

Regulations of Connecticut State Agencies

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

Sections 17a-238-1 through 17a-238-13, inclusive, “Rights of Persons Under the Supervision of the Commissioner of Developmental Disabilities”

##### Federal Registry

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

1. Attachments

**Abuse and Neglect Procedures Attachments A through L** (Link to all Attachments)

**Attachment A** Department of Developmental Services (DDS) Abuse and Neglect – Definitions and Examples (Link available in Section C, Definitions)

**Attachment B** DDS AID Intake/Investigation Report Form

**Attachment C** DDS 4-33a Report Form Reporting of Allegations of Unauthorized, Irregular or Unsafe Handling of State Funds in Accordance of DDS False Claims Policy Act

**Attachment D** PA-6: Report of Suspected Abuse or Neglect of an Adult with Intellectual Disability

**Attachment E** DCF-136: Report of Suspected Child Abuse or Neglect