**Procedure No.**: I.F.PR.006a **Issue Date:** August 14, 2009

**Subject:** **Abuse and Neglect/ Effective Date:** August 14, 2009

**DDS Abuse and Neglect Registry Revised** June 30, 2021

**Section:** Human Rights and Legal Responsibilities **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 for assuring 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.

The DDS Abuse and Neglect Registry is a confidential list of names that is accessible to employers licensed or funded by DDS for the strict purpose of making employment decisions. The DDS Registry is not available to the public. It is accessible and is required to be used by DDS and employers licensed or funded by DDS to determine if the name of a person being considered for hire is listed based on a substantiated act of abuse or neglect that occurred when employed for any other DDS employer. The entities allowed to have access to the DDS Registry are defined in subsection (c) of section 17a-247b of the Connecticut General Statutes. Inclusion of a name on the Registry restricts DDS and the DDS employer from hiring or retaining the person and protects an individual who has intellectual disability from risk of abuse or neglect.

1. Purpose

This procedure establishes the department’s process for implementing the DDS Abuse and Neglect Registry requirements pursuant to sections 17a-247a to 17a-247e, inclusive, of the Connecticut General Statutes. The registry of former employees who have been terminated or have separated in lieu of, or prior to, being terminated from employment for abuse or neglect of an individual with intellectual disability, which is later substantiated, is accessed by DDS-authorized users of state agencies, DDS qualified providers and contractors, and volunteer organizations to make hiring and employment decisions, protective services determinations, and background checks of volunteers.

1. Applicability

The procedure applies to all department employees, all employees of DDS qualified providers, and all employees of DDS contractors, as authorized by statute.

1. Definitions

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

1. Implementation
	1. The DDS Abuse and Neglect Registry was established and is maintained in accordance with sections 17a-247a through 17a-247e, inclusive, of the Connecticut General Statutes. The Abuse and Neglect Registry contains the names of former employees who have been terminated or have separated from employment as a result of substantiated abuse, neglect, or both, of an individual who has intellectual disability. The DDS Abuse and Neglect Registry Administrator (DDS Registry Administrator), or the Registry Administrator’s designee, appointed by the Commissioner of Developmental Services, shall oversee the DDS Abuse and Neglect Registry and shall be responsible for:
		1. Ensuring that the Registry and information contained therein remains confidential;
		2. Releasing any Registry information only pursuant to a bona fide Registry inquiry, or as otherwise authorized by the Connecticut General Statutes;
		3. Entering and maintaining data submitted to and contained in the Registry database;
		4. Recording information regarding the disposition of pending cases in the Registry database, including:
2. Updating the status of a former employee placed on the Registry by order of the Commissioner, including the date placed;
3. Updating the status of a former employee whose case has been administratively closed, including the date closed; and
4. Updating the status of a former employee removed from the Registry by order of the Commissioner, including the date removed;
5. Compiling a confidential list of persons named on the DDS Abuse and Neglect Registry on a semi-annual basis; and
6. Sending a notice and the confidential list to eligible employers on a semi-annual basis.
7. Such confidential list shall not take the place of any required pre-employment inquiry but may be used by employers to check if any current employee’s name appears on the Registry.
8. Such list shall be confidential and only available to designated staff of an employer on a need-to-know basis for employment decisions.
9. The process of determining if the name of a former employee who has been terminated or has separated from employment as a result of substantiated abuse or neglect shall be placed on the DDS Abuse and Neglect Registry begins when an employer completes and submits a DDS Notice of Termination or Separation for Registry Purposes form to the secure DDS Registry email address: DDS.AbuseNeglectRegistry@ct.gov. The submission and review process shall be conducted as follows:
	1. The employer shall complete and submit the DDS Notice of Termination or Separation for Registry Purposes form (Notice) not later than five (5) business days following receipt of written notification by an authorized agency (i.e., DCF, DDS, DSS) of the substantiation of abuse or neglect perpetrated by the former employee. (Refer to section 4 of this procedure for substantiation and registry monitoring of allegations by an authorized agency)
	2. The Notice shall be completed as per the instructions outlined on the form (Attachment K) and emailed to the secure DDS Registry email address: DDS.AbuseNeglectRegistry@ct.gov.
	3. If the former employee who has been substantiated for abuse or neglect was directly hired by an individual or the individual’s family, the individual’s case manager or the regional Help Line Supervisor, or the supervisor’s designee, shall assist in the completion and submission of the Notice, as needed.
	4. If an employee who has been substantiated for abuse or neglect was employed by a DDS qualified provider, the employer shall include documentation of the substantiation of abuse or neglect by the authorized agency when emailing the completed Notice.
	5. A copy of the former employee’s letter of termination or separation or other administrative documentation of such action shall be included by the employer when emailing the completed Notice.
10. The regional DDS Abuse and Neglect Liaison shall assist the employer, as needed, in the completion and submission of the Notice in a case where an employee, who has been substantiated for abuse or neglect, is known to have been terminated or has separated from employment.

1. The DDS Registry Administrator’s designee shall ensure that any Notice received from an employer is complete.
	* 1. If the Notice is not complete, the Administrator’s designee shall contact the employer for any required information.
		2. The date that all required information for the Notice is received shall be considered the “Notice received date” and shall be recorded in the DDS Registry database.

1. The DDS Registry Administrator’s designee shall send the completed Notice to the regional Abuse and Neglect Liaison for the regional liaison’s tracking purposes and shall request that the completed investigation report, exhibits, and any supporting documents be sent to the DDS Registry Administrator, or the Administrator’s designee.
2. The process of registry monitoring and reviewing investigations to substantiate allegations of abuse or neglect by an authorized agency prior to an employee’s name being placed on the DDS Abuse and Neglect Registry shall be conducted as follows:
	1. The state agencies authorized to conduct and independently substantiate allegations of abuse or neglect of a person are the Departments of Children and Families, Developmental Services, and Social Services.
	2. DDS, as a state agency authorized to conduct and independently substantiate allegations of abuse or neglect, shall either directly investigate allegations of abuse or neglect of a person with intellectual disability or monitor any investigation conducted by, or on behalf of, a DDS-certified investigatory agency.
	3. The DDS Division of Investigations (DDS DOI) shall independently monitor and evaluate the merits and adequacy of investigations conducted by, or on behalf of, by a DDS-certified investigatory agency or other investigatory authority by:
		1. Confirming the accuracy of the investigation’s witness statements;
		2. Confirming the sources, documentation and evidence relied upon in the investigation; and
		3. Conducting such supervision and review activities as may be sufficient, in the exercise of professional judgment by a DOI investigator, to confirm that the investigation’s findings are supported by a preponderance of evidence.
3. The process of documenting and verifying the completion of the registry monitoring and review process of an investigation of allegations of abuse or neglect by DDS prior to an employee’s name being placed on the DDS Abuse and Neglect Registry shall be conducted as follows:
4. The regional DOI supervisor shall complete the DDS Abuse/Neglect Investigation Review form, including, but not limited to, detailing the level of assistance provided to a DDS-certified investigatory agency in the completion of an investigation.
5. The regional DOI supervisor, or the supervisor’s designee, shall complete the DDS Abuse/Neglect Registry Monitoring form, as applicable. The completed form shall:
6. Indicate if the allegations of abuse or neglect have been substantiated in accordance with the definitions set forth in section 17a-247a of the Connecticut General Statutes;
7. Describe the registry monitoring activities used by the regional DOI supervisor, or the supervisor’s designee, in determining that the allegations of abuse or neglect have been substantiated; and
8. Contain specific references to the evidence which the regional DOI supervisor, or the supervisor’s designee, relied upon in substantiating the allegations of abuse orneglect.
9. Upon completion of the registry monitoring and review process by the DDS DOI, the regional Abuse and Neglect Liaison shall send written notification of substantiation of abuse or neglect to the DDS-certified investigatory agency that conducted the investigation. Such written notice of substantiation shall indicate that DDS, as an authorized agency, agrees with the findings, disagrees with the findings, or has substantiated additional findings.
10. A DDS Division of Legal and Government Affairs staff attorney shall review a pending DDS Registry case of a former employee who has been terminated or has separated from employment as a result of substantiated abuse or neglect as follows:
11. If requested, the regional Abuse and Neglect Liaison shall send the completed investigation report and its findings concerning a former employee who has a pending Registry case to the Division of Legal and Government Affairs’ Litigation Coordinator, or the Coordinator’s designee. The regional liaison also shall send all evidence, exhibits, and any supporting documents gathered to complete the investigation including, but not limited to, signed witness statements, transcriptions of all interviews conducted during the investigation, photographs, and video evidence.
12. Upon receipt of the completed investigation report, exhibits, and any supporting documents from the regional Abuse and Neglect Liaison, a DDS staff attorney shall determine:
13. If the case meets the DDS Registry criteria as per sections 17a-247a, et seq. of the Connecticut General Statutes; and
14. If the case should proceed to a Uniform Administrative Procedure Act (UAPA) administrative hearing.
15. If the determination is made to proceed to a UAPA administrative hearing, the former employee who is the subject of the registry referral shall be notified by regular and certified mail, not later than 45 days following DDS’s receipt of the Notice of Termination or Separation for Registry Purposes from an employer, that a hearing shall be convened to determine whether the employee’s name should be placed on the DDS Registry. The scope of any hearing convened pursuant to Sections 17a-247e-1 to 17a-247e-9, inclusive, of the Regulations of Connecticut State Agencies shall be limited to the following issues for which the department bears the burden of proof whether:
	1. The individual is or was an employee, as defined in section 17a-247a of the Connecticut General Statutes;
	2. The individual was employed by an employer as defined in section 17a-247a of the Connecticut General Statutes;
	3. The individual was terminated or separated from employment due to allegations of abuse or neglect as defined by section 17a-247a of the Connecticut General Statutes, and section 17a-247e-1 of the Regulations of Connecticut State Agencies;
	4. The allegations of abuse or neglect were substantiated by an authorized agency in accordance with the procedures set forth in section 17a-247e-2 of the Regulations of Connecticut State Agencies; and
	5. The allegations of abuse or neglect, as defined in section 17a-247a of the Connecticut General Statutes, that were substantiated are supported by a preponderance of evidence.
16. If the DDS staff attorney finds that a case does not meet the DDS Registry criteria, the case may be administratively closed with the approval of the DDS Legal Director. If a case is administratively closed, the individual who is the subject of the registry referral and the employer who submitted the Notice, shall be notified of the closure of the case by regular and certified mail.
17. The process for the placement of a former employee’s name on the DDS Abuse and Neglect Registry includes, as follows:
18. Any former employee whose name has been referred to the Department of Developmental Services for inclusion on the DDS Registry shall have the right to a Uniform Administrative Procedure Act (UAPA) administrative hearing prior to the former employee’s name being placed on the Registry.
19. The hearing officer shall issue a proposed decision to the parties and the Commissioner of Developmental Services at the conclusion of the UAPA hearing.
20. Following the receipt of the proposed decision, each party may submit written comments to the commissioner in support of or opposition to the proposed decision.
21. Following the comment period, the Commissioner of Developmental Services shall make the final decision as to whether the former employee’s name shall be placed on the DDS Registry.
22. Any former employee whose name has been placed on the Registry shall be notified by regular and certified mail. Such letter shall include notice that the former employee is prohibited from volunteering with or being employed by any individual who receives funding or services from DDS or by any employer licensed or funded by DDS, for a minimum of five (5) years for a finding of substantiated abuse or for a minimum of two (2) years for a finding of substantiated neglect.
23. The former employee has the right to appeal the commissioner’s final decision to the Connecticut Superior Court in accordance with the Uniform Administrative Procedures Act, Chapter 54, of the Connecticut General Statutes.
24. When such former employee’s name is placed on the DDS Abuse and Neglect Registry, the DDS Registry Administrator, or the Administrator’s designee, shall send notice to all employers that have completed a pre-employment inquiry on the person so placed. The notice shall state that if the employer has hired the person whose name has been added to the DDS Registry, they may not continue to employ such person.
25. A person who is named on the DDS Abuse and Neglect Registry may have his or her name removed from the DDS Registry when the following conditions are met, and the Commissioner of Developmental Services determines that the person’s name shall be removed from the DDS Registry.
26. The Department of Developmental Services shall remove a former employee’s name from the DDS Abuse and Neglect Registry upon receipt of notification that arbitration or a legal proceeding resulted in a finding that the former employee was unfairly terminated from employment.
27. A former employee whose name has been placed on the DDS Registry may request in writing to the Commissioner, not less than five (5) years after the placement of his or her name on the registry for substantiated abuse, or not less than two (2) years after the placement of his or her name on the registry for substantiated neglect, and not more than once every two (2) years thereafter, that his or her name be removed from the DDS Registry for good cause shown.
28. All such requests shall be forwarded to the DDS Registry Administrator, or the Administrator’s designee, who shall determine if the person making the request to remove his or her name from the DDS Registry is eligible to request such action.
29. If the person making the request is found not eligible to make such request, the DDS Registry Administrator, or the Administrator’s designee, shall notify the requestor by regular and certified mail and include documentation of the request and its denial in the DDS Registry case file.
30. If the Registry Administrator determines that the person making the request to have his or her name removed from the Registry is eligible to makes such request, the Registry Administrator shall forward the file, including the request for removal, to a DDS staff attorney.
31. A DDS staff attorney may schedule a conference with the person making the request. During the conference, the staff attorney shall review (1) the original facts contained in the investigation report, exhibits, and any supporting documents that led to the person’s name being placed on the DDS Registry, (2) information on the rehabilitation of the person making the request, and (3) any other relevant information.
32. The DDS staff attorney shall issue a recommendation as to whether the person making the request’s name should be removed from the DDS Registry.
33. The DDS Legal Director, or the Director’s designee, shall review the staff attorney’s recommendation and, if approved, shall send the recommendation to the Commissioner for final decision.
34. The Commissioner of Developmental Services shall make the final decision as to whether the person making the request’s name shall be removed from the DDS Abuse and Neglect Registry. In determining whether good cause exists for removal of the employee’s name

from the registry, the Commissioner shall consider all relevant factors, including but not limited to:

* 1. The nature of the substantiated abuse or neglect which resulted in the employee’s name being place on the registry;
	2. The length of time since the incident or incidents of substantiated abuse or neglect;
	3. The rehabilitation of the employee since the incident or incidents of substantiated abuse or neglect; and
	4. The likelihood that the employee will commit future acts of abuse or neglect of persons with intellectual disability.
1. If the Commissioner determines that the person’s name should be removed from the Registry, the DDS Registry Administrator, or the Administrator’s designee, shall send the person who made the request, the Commissioner’s decision by regular and certified mail and include documentation of the decision in the DDS Registry case file.
2. If the Commissioner determines that the person’s name should not be removed from the Registry, the DDS Registry Administrator, or the Administrator’s designee, shall send the person who made the request, the Commissioner’s decision by regular and certified mail and include such documentation of the decision in the DDS Registry case file.
3. Notice to the person that the request for his or her name to be removed from the DDS Abuse and Neglect Registry has been denied by the Commissioner of Developmental Services shall include notice of the right to request a UAPA administrative hearing if the person does not agree with the Commissioner’s decision.
4. References

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.001 Abuse and Neglect/Allegations: Reporting

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.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 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”

Section 29-15a: Qualifications for Private Detective or Private Detective Agency License Appeal.

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”

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”

Sections 29-161-2, inclusive, “Requirements for Licensing as a Private Detective or Private Detective Agency”

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 H** DDS Investigation Report form

**Attachment I** DDS Abuse/Neglect Investigation Review form

**Attachment J** DDS Abuse Neglect Registry: Monitoring form

**Attachment K** DDS Notice of Termination or Separation for Registry Purposes form

**Attachment L** DDS Abuse and Neglect Registry Policy and Procedure – Definitions and Examples (Link available in Section C, Definitions)