



# Division of Developmental Disabilities (DDD)

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The Office of Risk Management

Investigations – An Overview



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The Policies that prescribe the practices for the reporting and investigation of unusual incidents are:

Administrative Order 2:05: UIRMS

Posted on the web at:

<http://www.state.nj.us/humanservices/staff/opia/cimu/>

Division Circular #14: Reporting Unusual Incidents

Posted on the web at:

<http://www.state.nj.us/humanservices/ddd/news/publications/dc14.html>

Division Circular #15: Complaint Investigations in Community Programs

Posted on the web at:

<http://www.state.nj.us/humanservices/ddd/documents/ddd%20web%20current/CIRCULARS/DC15.pdf>



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- Division Circulars #14 and #15 both need to be brought up to date. However, both policies are largely accurate and current with respect to incident reporting and investigations.
- The following slides contain information from both circulars that represent current practices.



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## Protective Services Before and During an Investigation

- Community Services and provider agency personnel are responsible for assessing risk to individuals receiving services and implementing protective services immediately following an incident, even if another party assumes jurisdiction for the investigation. Protective service actions must be documented in the record of the individual.
- When the party conducting the investigation identifies the need for additional protective services, that party shall be responsible for prompt referral to ensure such services.



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## Who Investigates

- Investigations of unusual incidents shall occur in accordance with Division Circular #15 and DHS policies and procedures.
- In cases involving abuse, neglect, or exploitation in community programs under contract with the Division or regulated by the DHS and providing services to Division eligible individuals, the DHS shall either conduct the investigation or will administratively review the provider agency's investigation report.



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- Agencies under contract with or regulated by the Division shall have internal procedures for the investigation of unusual incidents.
- Provider agencies shall immediately initiate independent, internal investigations until otherwise instructed by the SRU or a party empowered by statute to investigate (law enforcement, DYFS, Adult Protective Services).



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The Department of Human Services houses the following investigative related units:

**Special Response Unit (SRU)** -- means that component of the Division responsible for investigating the most serious allegations of abuse, neglect or exploitation in community programs licensed, contracted or regulated by the Division.

**Critical Incident Management Unit (CIMU)** -- means the unit in DHS that reviews investigation reports submitted by provider agencies.



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## SRU vs. CIMU

For each incident type which unit has jurisdiction?

## The DHS Community Incident Category List

Posted at

<http://www.state.nj.us/humanservices/ddd/news/publications/dc14.html>

shows jurisdiction for every incident type



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- In those cases when an agency conducts an investigation, the investigation report shall be forwarded to DHS; to the SRU for cases under SRU jurisdiction and to CIMU for cases under CIMU jurisdiction.
  - Provider agencies must submit their investigation reports to CIMU within 30 days.
  - Provider agencies shall ensure that investigations are conducted by staff who are impartial and not directly involved in the incident under investigation or with the staff to be interviewed.



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- A Provider Agency investigation report should include the elements of an investigation report as described in “Section G. Investigation Reports” of Division Circular #15. Most importantly, the report must indicate a specific conclusion, action taken, the author of the report with his/her signature, and the date that the report was signed.
- For CIMU jurisdiction cases, the CIMU shall be responsible for reviewing all investigations conducted by provider agencies to determine if further action is necessary. Supporting documents shall be made available to CIMU upon request.



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## Investigations by Their Very Nature are Intrusive

- During the course of an investigation, the SRU Investigators or other DDD or DHS staff, acting as agents of the Commissioner, have the authority to visit and inspect all regulated and contracted facilities, at any time and as often as may be necessary, as well as the authority to examine all records, books and accounts kept by contracted providers in accordance with N.J.S.A. 30:1-14 and 30:1-15.



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## Cooperation and Conduct of an Investigation

- It is the responsibility of all employees of the Division, employees of agencies under contract with or licensed by the Division, and Community Care Residence providers to cooperate with an investigation. Failure to cooperate or to knowingly provide false information during an investigation may result in corrective action.
- Site selection and scheduling of interviews will be arranged by the investigator and the interviewee in a manner that does not compromise the integrity of the interview or impede the investigation.



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## Confidentiality of Investigations

- Reports of investigations and information gathered during an investigation (including provider agency documents) are not considered to be public information and as such shall be maintained as confidential records. Investigation and incident reports shall not be maintained as part of the client record, but shall be considered agency records as defined in N.J.A.C. 10:41-2 (Division Circular #30).



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## Reaching an Investigative Conclusion

- **Preponderance of Evidence** -- means that there is evidence sufficient to generate a belief that the conclusion advanced is likely and more probable than not. It is the greater weight of credible evidence (at least 51%), a tipping of the scales. A preponderance of evidence does not necessarily mean the largest amount of data or the largest number of witnesses. The focus is on the quality of the evidence.
- **Investigative Conclusion** -- means one of the three\* standard conclusions that may be reached in an investigation report: substantiated, unsubstantiated, or unfounded.

\* Currently Circular #15 indicates 5 possible conclusions. In practice, that has been reduced to just 3 choices.



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## Following an Investigation

- Provider agencies may take corrective action at any time during the course of their investigations to fulfill their obligation to protect an individual's health, welfare, or safety.



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- **Plan of Correction** -- means the document a provider agency submits in response to the results of an SRU investigation that outlines the corrective action to be taken.
- **Distribution of Findings:** When the SRU concludes an investigation, it distributes its findings in a letter along with instructions to submit a Plan of Correction. The next slide contains those instructions:



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“The Special Response Unit has forwarded its report to the Office of Licensing and the Division of Developmental Disabilities for further review and follow-up, if necessary.

“DDD's Office of Risk Management will review the corrective actions you have taken in response to the SRU investigation. Documentation of your corrective actions is required within 30 days for all substantiated cases of abuse, neglect, and exploitation and for any cases wherein the SRU has raised concerns.

“Please send documentation of your corrective actions to the applicable Regional Administrator and Jeff Robinson, Chief. The documentation can be forwarded to the following address:

Office of Risk Management  
Division of Developmental Disabilities  
P.O. Box 726  
Trenton, NJ 08625



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**Corrective Action** -- means those measures that are intended to reduce the likelihood that the incident will recur or to remediate a deficient condition. Such actions include but are not limited to: removal of an individual receiving services or staff from a program; assignment of additional staff to a residence, installation of additional fire safety devices, staff training; improvements in the physical plant; revision of operating procedures; contractual sanctions; imposition of a negative licensing action (suspension or revocation of a license) submission of a plan of correction; and disciplinary action.



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Jeff Robinson, Chief

609-689-0518

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**Mark Tahmoosh, Supervisor, UIR Units, Upper Central and Northern Regions**

908-412-7766

Northern Region UIR Unit

FAX NUMBER: (973) 927-4961

NRO UIR Unit Email: [ddd-nro-uirs@dhst.state.nj.us](mailto:ddd-nro-uirs@dhst.state.nj.us)\*

Shamita Dasgupta, UIR Coordinator 973-927-2654

Diane Watson, UIR Coordinator 973-927-2604 (T, Th)

**Northern Region On Call Numbers: 973-927-2600 (Morris, Sussex, Warren) and 973-977-4004 (Bergen, Hudson, Passaic) for after working hours notifications**

Upper Central Region UIR Unit

FAX NUMBER: 908-412-7901

UCR UIR Unit Email: [ddd-cru-uirs@dhs.state.nj.us](mailto:ddd-cru-uirs@dhs.state.nj.us)\*

Angela Spann, UIR Coordinator 908-412-7764

**Upper Central Region On Call Number (908) 226-7800 for after working hours notifications**

\* The email addresses for the UIR units may not be used for the transmission of HIPAA sensitive information.



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Jeff Robinson, Chief

609-689-0518

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**Juan Fontanes, Supervisor, UIR Units, Lower Central: Southern Regions** 609-476-5210 609-689-0517

Lower Central Region UIR Unit

FAX NUMBER: 609-584-1405 (Hunterdon, Mercer, Middlesex)

UIR Unit Email: [ddd-crl-uirs@dhs.state.nj.us](mailto:ddd-crl-uirs@dhs.state.nj.us)\*

Jean Mashal, Assistant Supervisor 609-584-1419

Karen Preston, UIR Coordinator 609-584-1425

Andrea McCray, UIR Coordinator 732-863-4477 (will be starting late May 2011)

**Lower Central Region On Call Number: (609) 588-2727 for after working hours notifications**

Southern Region UIR Unit

FAX NUMBER: 609-909-0687

UIR Unit Email: [ddd-sro-uirs@dhs.state.nj.us](mailto:ddd-sro-uirs@dhs.state.nj.us)\*

Bonnie Weary, UIR Coordinator 609-476-5215

**Southern Region On Call Number: (609)476-5200 for after working hours notifications**

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