

DEVELOPMENTAL DISABILITIES ADMINISTRATION  
Olympia, Washington

TITLE: RHC INCIDENT INVESTIGATIONS POLICY 12.02

Authority: [42 C.F.R. 483.12](#) *Admission, Transfer, and Discharge Rights*  
[42 C.F.R. 483.420](#) *Condition of Participation: Client Protections*  
[Chapter 26.44 RCW](#) *Abuse of Children*  
[Chapter 43.20A RCW](#) *DSHS*  
[Chapter 70.124 RCW](#) *Abuse of Patients*  
[Title 71A RCW](#) *Developmental Disabilities*  
[Chapter 74.34 RCW](#) *Abuse of Vulnerable Adults*

Reference: [Executive Order 96-01](#) *Providing for the transfer of criminal and major administrative investigations involving DSHS employees to the State Patrol*

[DSHS-WSP Interagency Agreement for Criminal and Administrative Investigations](#)

[DSHS Administrative Policy 8.02](#) *Client Abuse*  
[DSHS Administrative Policy 9.01](#) *Incident Reporting*  
[DSHS Administrative Policy 9.03](#) *Administrative Review – Death of a Residential Client*

[DDA Policy 5.13](#) *Protection from Abuse – Mandatory Reporting*  
[DDA Policy 7.05](#) *Mortality Reviews*  
[DDA Policy 12.01](#) *Incident Reporting and Management for DDA Employees*  
[RHC SOP 101.2](#) *Prevention and Detection of Abuse, Neglect, and Mistreatment*

Note: For ICF/IID CFR definitions of abuse and neglect refer to W127 and W149 in Appendix J of the [State Operations Manual for ICF/IID](#).

For Nursing Facility CFR definitions relating to and including abuse and neglect, refer to F600, F602, F603, F604 and F605 in Appendix PP of the [State Operations Manual for Long Term Care Facilities](#)

**BACKGROUND**

Federal regulations require that Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IIDs) and Nursing Facilities (NFs) have evidence that all incidents of suspected abandonment, abuse, neglect, financial exploitation, or other serious incidents involving clients are thoroughly investigated, and that an immediate protection plan is implemented. The Developmental Disabilities Administration (DDA) established the Statewide Investigation Unit (DDA-SIU), independent of the Residential Habilitation Centers (RHCs), to investigate suspected client abandonment, abuse, neglect, financial exploitation, and other critical client incidents.

**PURPOSE**

This policy establishes and prescribes the roles and responsibilities for the DDA-SIU and for ICF/IID and NF staff responsible for investigations and oversight following incidents involving alleged or suspected abuse, neglect, or mistreatment. This policy is focused on roles and responsibilities for investigation, client protections, and corrective action plans following a five-day investigation.

For incident reporting requirements and procedures refer to [DDA Policy 12.01, Incident Reporting and Management for DDA Employees](#), and [RHC SOP 101.2, Prevention and Detection of Abuse, Neglect, and Mistreatment](#).

Under [42 C.F.R. 483.12](#) and [42 C.F.R. 483.420](#), the DDA-SIU is the designated body assigned to investigate allegations of incidents that may have involved abuse, neglect, or mistreatment of RHC clients. The RHC superintendent or assistant superintendent is responsible for ensuring immediate actions are taken to assure client safety following alleged or suspected incidents of abuse, neglect, or mistreatment pending investigation (e.g. removing staff from client contact pending investigation). The superintendent or assistant superintendent is also responsible for taking appropriate actions to protect and promote client safety when areas of risk are revealed during the course of, or at the conclusion of, a five-day investigation.

**SCOPE**

This policy applies to the DDA-SIU, ICF/IID, and NF staff responsible for investigation and oversight following incidents involving alleged or suspected abuse, neglect, or mistreatment. The DDA-SIU investigates category I incidents. Category II incidents are investigated by RHC employees. The DDA-SIU does not routinely investigate issues involving safety hazards, personnel performance, or major administrative allegations, unless a category I incident type is inherent to the concern. Special investigation assignments not involving category I incident types are at the discretion of the DDA Assistant Secretary or designee, in consultation with the DDA-SIU Unit Manager.

**DEFINITIONS**

**Abuse** means the willful infliction of injury, unreasonable confinement, intimidation or punishment resulting in physical harm, pain or personal anguish. For nursing facilities the term “willful” used in the definition of abuse means the individual’s action was deliberate (not inadvertent or accidental), regardless of whether the individual intended to inflict injury or harm. For individuals unable to communicate feelings of fear, humiliation, etc., associated with abusive episodes, the assumption is that any actions that would usually be viewed as psychologically or verbally abusive by a member of the general public, would also be viewed as abusive by the client residing in the ICF/IID, regardless of that client's perceived ability to comprehend the nature of the incident.

**Physical abuse** refers to any action intended to cause physical harm or pain, trauma, or bodily harm (e.g., hitting, slapping, punching, kicking, pinching, etc.). It includes the use of corporal punishment as well as the use of any restrictive, intrusive procedure to control inappropriate behavior for purposes of punishment.

**Psychological (mental) abuse** includes, but is not limited to, humiliation, harassment, and threats of punishment or deprivation, and intimidation (e.g. living in fear in one’s own home).

**Sexual abuse** includes any incident where a client is coerced or manipulated to participate in any form of sexual activity for which the client did not give affirmative permission (or gave affirmative permission without the attendant understanding required to give permission) or sexual assault against a client who is unable to defend him or herself. Per chapter 74.34 RCW, any contact of a sexual nature between DSHS staff or other caregiver and a client, regardless of ability to consent, is considered sexual abuse.

**Verbal abuse** refers to any use of insulting, demeaning, disrespectful, oral, written or gestured language directed towards and in the presence of the client.

**Personal exploitation** refers to an act of forcing, compelling, or exerting undue influence over a client causing the client to act in a way that is inconsistent with relevant past behavior, or causes them to perform services for the benefit of another.

**Improper use of restraint** including physical, chemical, or mechanical.

**Corrective action plans** refers to actions that must be taken following any incident investigation which reveals a potential threat to clients at the facility whether or not actual abuse, neglect, or mistreatment is confirmed. Corrective actions imposed by the facility, including personnel actions, must be commensurate with the severity of the incident or threat. Corrective action is

action that is reasonably likely to prevent abuse, neglect, mistreatment, or injury from occurring or recurring [42 C.F.R. 483.420(d)(4)].

**Category I incident** refers to the most critical incident classification requiring a five-day investigation, most notably all incidents involving alleged or immediate suspicion of abuse, neglect, or mistreatment.

**Category II incident** refers to a second class of incidents that also require a five-day investigation

**DDA Statewide Investigation Unit (DDA-SIU)** refers to the DDA independent investigation unit comprised of DDA Central Office employees (with duty stations at the RHCs) who conduct investigations of Category I incidents at the RHCs.

**Financial exploitation** means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity's profit or advantage other than for the vulnerable adult's profit or advantage.

**Five working days** means the first working day commences immediately following the report being received by the administrator of the facility or designee and concludes 24 hours later. Each consecutive working day is counted up to the fifth day, at which time the [DSHS 16-202, 5-Day Investigation Report](#), must be submitted to the RHC designee.

**Mistreatment** includes behavior or facility practices that result in any type of client exploitation such as financial, physical, sexual, or criminal. Mistreatment also refers to the use of behavioral management techniques outside of their use as approved by the specially constituted committee and facility policies and procedures. (Reference W149)

**Neglect** means failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness. Staff failure to intervene appropriately to prevent self-injurious behavior may constitute neglect. Staff failure to implement facility safeguards, once client-to-client aggression is identified, may also constitute neglect.

**Professional medical attention** means care beyond first aid by a medical professional, including primary care providers, paramedics, fire fighters, urgent care, or emergency room personnel.

**SIU Investigator** means the DDA Compliance and Investigation Manager (CIM) who reports to the DDA-SIU Unit Manager.

**Washington State Patrol DSHS Special Investigation Unit (WSP)** refers to the unit of the Washington State Patrol assigned to DSHS.

**Willful** for ICF/IID in the context of abuse means the willful infliction of injury, unreasonable confinement, intimidation, or punishment resulting in physical harm, pain, or personal anguish.

**Willful** for nursing facilities used in the definition of abuse is defined to mean the individual's action was deliberate (not inadvertent or accidental), regardless of whether the individual intended to inflict injury or harm.

**Work day** or **working day** means Monday through Friday, excluding state and federal holidays.

### **POLICY**

- A. ICF/IID and NFs must have systems in place to provide immediate protective responses to incidents to prevent any further injury or harm to individuals.
- B. Incidents requiring an investigation at the RHCs are classified into Category I or Category II. See Policy Section (F). The RHCs must refer clear Category I incidents to the DDA-SIU for investigation. When a preponderance of evidence initially gathered supports a conclusion that the allegation or suspected incident did not, in fact, involve abuse, neglect, or mistreatment as initially reported, the RHC may complete the investigation. All cases involving initial reports of alleged or suspected abuse must still follow mandatory reporting requirements, be fully investigated using [DSHS 16-202, 5-Day Investigation Report](#), and follow protocols according to Procedures Section (B).
- C. All Category I incident investigations of suspected criminal acts by current or former DSHS employees must be referred to local law enforcement, WSP, or both.
  1. When law enforcement is conducting an investigation, the DDA-SIU will continue its investigation without interviewing the accused employee (if identified) and others as determined by law enforcement. In these cases, law enforcement informs the RHC administration when permission has been granted to conduct the interview. The RHC administration informs the DDA-SIU that permission was received to conduct the interview if the investigation has been assigned to the DDA-SIU.
  2. All allegations that, if proven to be true, may lead to employee demotion or dismissal will be referred to WSP. If WSP declines the referral, then another investigator will be assigned by the Appointing Authority. Cases of progressive discipline should not be referred to WSP.
- D. All investigations must be conducted in a timely and thorough manner consistent with state and federal law and administration policies and protocols.

1. The DDA-SIU will make every effort to resolve discrepancies during the course of the five-day investigation. In the event testimonial discrepancies cannot be resolved (e.g., he-said, she-said scenarios) these discrepancies will be pointed out in the analysis.
  2. The DDA-SIU investigator or unit manager must apprise the superintendent or designee of any key evidence or disclosures made during the course of the investigation that may warrant timely action to ensure client health and safety.
- E. The DDA-SIU will make a determination, based on the preponderance of evidence collected, the likelihood that a specific incident, statement, or allegation occurred, as reported. The DDA-SIU's conclusion will be based on facts collected and objective descriptions of acts or omissions. Conclusions may be put into environmental or historical context, but will be void of formal categorization such as "abuse, neglect, exploitation, or mistreatment."
1. It should be noted that a DDA-SIU verified employee action or omission, in an ICF/IID or NF setting, does not in and of itself mean that the action or omission meets the CFR definition for abuse, neglect, or mistreatment.
  2. The DDA-SIU will include within the five-day investigation report any identified threats to client safety or client rights afforded per 42 CFR 483.420.
- F. The RHC superintendent will make a determination as to whether abuse, neglect or mistreatment occurred following the receipt of the DDA-SIU's five-day investigation report and findings utilizing the CFR definitions.
1. The superintendent or designee's determination of whether or not abuse, neglect, or mistreatment occurred must be made based on a preponderance of the evidence in the context of CFR guidance and definitions.
  2. This determination is facility-specific, CFR-driven, and independent of any chapter 74.34 RCW civil or criminal investigation that may be pending or concluded.
- G. The superintendent or designee will determine whether a corrective action plan (CAP) is necessary following receipt of all DDA-SIU five-day investigation reports.
1. Corrective actions must be taken following any incident investigation that reveals a potential threat to clients at the RHC whether or not actual abuse, neglect, or mistreatment is confirmed.

2. Corrective actions imposed by the RHC, including personnel actions, must be commensurate with the severity of the incident or threat.
3. Copies of the RHC's CAP must be submitted to the DDA-SIU within ten working days.

#### H. Incident Classification

1. The following types of incidents and allegations are considered **Category I** incidents:
  - a. Abandonment;
  - b. Abuse, including:
    - i. Improper use of physical, mechanical, or chemical restraint;
    - ii. Mental or psychological abuse;
    - iii. Personal exploitation;
    - iv. Physical abuse;
    - v. Sexual abuse;
  - c. Client mistreatment due to staff action or inaction, or facility practices;
  - d. Client-to-client altercations when there is suspected staff or facility neglect;
  - e. Episodes of choking when there is suspected staff or facility neglect;
  - f. Suspicious deaths, accidental deaths, or suicide;
  - g. Unexpected deaths, where abuse or neglect may be involved or become a concern at any point during the mortality review process;
  - h. Financial exploitation when:
    - i. The incident involves a DSHS employee, volunteer, contractor, or intern;
    - ii. Client-to-client incidents when there is suspected staff or facility neglect; or
    - iii. Any incident involving a total monetary value exceeding \$100.00;

- i. Injury of unknown origin that requires treatment at an ER, hospitalization, or that raises suspicion of abuse or neglect, including:
    - i. An unknown injury requiring sutures;
    - ii. A burn from an unknown source; or
    - iii. An injury requiring treatment beyond basic first aid that appears on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal area;
  - j. Medication error that causes, or is likely to cause, injury or harm as assessed by a medical or nursing professional, regardless if that harm materializes;
  - k. Medication errors resulting from reported patterns;
  - l. Neglect;
  - m. Client who leaves the cottage, facility grounds, or other area without necessary prescribed supervision as defined by assessment, regardless of duration;
  - n. Physical intervention or restraint resulting in injury requiring treatment beyond basic first aid; and
  - o. Suicide threats or suicide attempts when there is suspected staff or facility neglect. "Suicide threat" means the action of a client who has the physical ability and resources to carry out the threat and:
    - i. Communicates or suggests in any verbal or nonverbal way in an interpersonal interaction, that stops short of a self-harm, the client wishes to die or may attempt suicide; or
    - ii. Engaged in a behavior that is potentially self-injurious with a nonfatal outcome but evidence suggests the client had intent to die but was thwarted, rescued, or changed his or her mind after taking initial action.
2. The following types of incidents and allegations are considered **Category II** incidents:



- 
- a. Client-to-client altercations under [RCW 74.34.035](#), when staff neglect is not suspected;
  - b. Episodes of choking requiring intervention when there is not suspected staff or facility neglect, regardless of outcome;
  - c. Client-to-client financial exploitation when:
    - i. There is no suspected staff neglect; or
    - ii. The property is worth less than \$100.00
  - d. Deaths, not otherwise defined in Policy Section (H)(1) above;
  - e. Injuries of unknown origin, not otherwise defined in Policy Section (H)(1) above;
  - f. Physical intervention or restraint resulting in injury to the client that requires only minor first aid;
  - g. Suicide threats or suicide attempts when there is no suspected staff or facility neglect. "Suicide threat" is defined as the action of a client who has the physical ability and resources to carry out the threat and:
    - i. Communicates or suggests in any verbal or nonverbal way in an interpersonal interaction, that stops short of a self-harm, the client wishes to die or may attempt suicide; or
    - ii. Engaged in a behavior that is potentially self-injurious with a nonfatal outcome but evidence suggests the client had intent to die but was thwarted, rescued, or changed his or her mind after taking initial action;
  - h. Emergency restraints (physical or mechanical) or emergency medications regardless of whether or not there is resultant injury; and
  - i. Vehicular accident involving a client, when operated by a state employee if suspected neglect is not involved.
- I. The DDA-SIU conducts Category I incident investigations. The DDA Assistant Secretary or designee, in conjunction with the DDA-SIU Unit Manager, may request other incident types be investigated by the DDA-SIU.

- J. The RHC's appointing authority or designee is responsible for the release of all DDA-SIU investigative documents, reports, evidence, etc., in accordance with federal and state laws, as well as department policies, regarding confidentiality and disclosure.

### **PROCEDURES**

#### A. Initial RHC Actions Following an Incident

1. Protect the person. Develop and implement an immediate protection plan to include;
  - a. Ensuring everyone is safe;
  - b. Assessing for injury or trauma; and
  - c. Providing care and referring for treatment as needed.
2. Reporting
  - a. Report all incidents involving alleged or suspected abuse, neglect, financial exploitation, abandonment, or mistreatment of a child or vulnerable adult to the proper authorities pursuant to [RCW 26.44](#) and [RCW 74.34](#). For more information about incident reporting requirements and procedures, refer to [DDA Policy 12.01, Incident Reporting and Management for DDA Employees](#), and [RHC SOP 101.2, Prevention and Detection of Abuse, Neglect, and Mistreatment](#).
  - b. Report incident to WSP if a founded allegation would result in employee demotion or dismissal.

#### B. Initial RHC Investigation

1. The RHC must begin an initial investigation for both Category I and Category II incident types immediately following the alleged or suspected incident.
2. The RHC may conduct all Category II investigations.
3. The RHC may initiate and complete investigations for incidents initially reported as Category I only if:
  - a. The RHC ensures any incident reported involving, or suspected to involve abandonment, abuse, neglect, or exploitation is reported to the Complaint Resolution Unit and other investigative bodies as described in Procedures Section (A)(2);

The RHC conducts a complete investigation for any incident initially reported as involving alleged or suspected abuse or neglect using [DSHS 16-202, 5-Day Investigation Report](#);

- b. The RHC informs the DDA-SIU they are conducting a five-day investigation for an incident initially reported as a Category I incident; and
  - c. The RHC's review and investigation determines, based on the preponderance of evidence initially gathered, that the alleged or suspected incident did not involve abuse, neglect, or mistreatment as initially reported.
4. If at any point during an internal RHC investigation evidence is revealed that suggests abuse or neglect has occurred, a formal referral to the DDA-SIU must be made. If the incident is referred to the DDA-SIU then documentation of the RHC's initial investigation to date must be made available to the DDA-SIU.
  5. Ask witnesses to write a detailed and legible statement of what occurred. If an employee refuses to make a statement, document the refusal. Do not ask for a verbal or written statement from an accused employee.
  6. Enter the incident into the appropriate incident management systems or database (e.g., local RHC IR system or database, DDA Electronic IR System, Employee Investigation Management System (EIMS)).
  7. The RHC must collect evidence according to Attachment A, *Guidelines to Securing and Preserving Evidence*. For internal investigations or in the event there will be a delay in the arrival of an outside investigator, it may be necessary to secure:
    - a. Physical evidence;
    - b. Documentary evidence; and
    - c. Demonstrative evidence.
  8. Except as permitted by [RCW 74.34.035\(8\)](#) and [RCW 74.34.095\(1\)](#), the identities of those involved in Category I and Category II incidents are confidential and not subject to disclosure.
  9. The Superintendent or designee must:
    - a. Ensure all procedures as noted above have occurred; and

- b. Manage disclosure and release of investigation records according to state and federal law and department policy.

C. Referral to the DDA-SIU

1. The Superintendent or designee must refer Category I incidents to the DDA-SIU except for those determined to not meet criteria as defined in Procedures Section (B)(3).
2. When law enforcement is conducting an investigation, the DDA-SIU must not interview the accused employee, or others unless permitted by law enforcement.
3. If law enforcement declines to take the investigation or complete the investigation, the RHC must notify the DDA-SIU no more than one working day after learning that law enforcement declines.
4. The DDA-SIU must complete and submit the final [DSHS 16-202, 5-Day Investigation Report](#), including the individual testimonies (verbal and written) of all people involved in the incident, as well as any pertinent documentation. The initial *5-Day Investigation Report* must indicate the results of the investigation to the extent approved by law enforcement, with clear indication if the investigation will proceed once authorized by law enforcement.
5. If law enforcement is conducting an investigation and has not yet provided clearance to interview an accused employee or others, or other factors prevent a full completion of an investigation within five working days, an initial [DSHS 16-202, 5-Day Investigation Report](#), must be submitted to the RHC within five working days, with initial results included, pending any additional interviews. A subsequent report will be submitted at the conclusion of the investigation, with findings updated as needed. See Attachment C, *How to Calculate When the Investigative Report is Due*.
6. After the DDA-SIU completes the investigation and the RHC thoroughly reviews the [DSHS 16-202, 5-Day Investigation Report](#), the RHC must determine whether to return the accused employee to providing client care.
7. If at any time the RHC, appointing authority, or the DDA-SIU is unsure whether an alleged action or inaction is a crime, they may contact WSP for assistance.
8. See Attachment B, *RHC Referral Flow Chart*.

## D. DDA-SIU Investigation of Category I Incidents

The DDA-SIU investigator must do all of the following:

1. Interview clients, witnesses, and other relevant parties. The DDA-SIU investigator must not interview an accused employee during a pending law enforcement or WSP investigation, unless law enforcement has given permission to conduct the interview.
2. Interview employee witnesses in compliance with all Collective Bargaining Agreements (CBA) for representation during an investigation.
3. Document interviews and obtain written statements, as appropriate.
4. Review all related documentation.
5. Collaborate with outside agencies as needed.
6. Maintain client and employee confidentiality according to state laws and DSHS policy.
7. Immediately report to the Superintendent or designee and the DDA-SIU Unit Manager, verbally and by email:
  - a. Information that may reveal a current or new threat to the health or safety of RHC clients or employees;
  - b. Information that may necessitate immediate action by the RHC or may be relevant to known pending administrative or personnel action; or
  - c. Any time Residential Care Services' Complaint Resolution Unit (CRU) is notified due to additional suspected abuse, neglect, exploitation or mistreatment beyond the initial allegations identified.
8. Complete and submit [DSHS 16-202, 5-Day Investigation Report](#), along with supporting documents to the superintendent or designee and the DDA-SIU Unit Manager no more than five working days after the incident per [42 CFR 483.420\(d\)\(4\)](#) and [42 CFR 483.12\(B\)\(4\)](#). See Attachment C, *How to Calculate When the Investigative Report is Due*.

## E. DDA-SIU Investigation, Request for Independent Review

1. To request an independent review of a DDA-SIU investigation by DDA headquarters, the Superintendent must submit the request to the Office Chief of Quality Assurance and Communications no more than ten working days after receiving the investigation report. The superintendent or designee may request an independent review if:
  - a. There are key factual errors or the summary of evidence contains substantial factual errors in testimonial, physical, or demonstrative evidence which, without correction, invalidates the investigation analysis or calls into question a chief premise for a finding; or
  - b. Key evidence was not collected, including interviews, which, if considered, would likely have significant impact on the investigation analysis or affect the investigation finding.
2. The Superintendent or designee must make an effort to resolve any concerns related to DDA-SIU reports through the DDA-SIU Unit Manager before escalating requests for an independent review to the Office Chief of Quality Assurance & Communications.
3. An independent review by DDA headquarters must include the Office Chief of Quality Assurance & Communications, and either the Director of Strategic Planning & Quality Assurance Monitoring or DDA's Medicaid Compliance Administrator, with final approval from the Deputy Assistant Secretary.
4. The RHC must still document and submit corrective actions needed within ten working days to the DDA-SIU, as described in Procedures Section (F).
5. The RHC may reference the intent to request an independent review on [DSHS 16-202A](#), *Corrective Action Plan*, but the RHC must not:
  - a. Include argument;
  - b. Detail investigative concerns; or
  - c. Otherwise seek to undermine the credibility of the investigative report or the DDA-SIU on CAPs or addendums to CAPs.
6. The DDA-SIU investigative report will be amended should it be required following the independent review process.

## F. Investigation of Category II Incidents

1. The RHC conducts all Category II incident investigations, unless after consultation with the DDA-SIU Unit Manager, the DDA Assistant Secretary or designee requests the incident be investigated by the DDA-SIU.
2. The RHC investigator must:
  - a. Interview clients, witnesses, and other relevant parties;
  - b. Interview employee witnesses in compliance with all Collective Bargaining Agreements (CBAs) for representation during an investigation;
  - c. Document interviews and obtain written statements, as appropriate;
  - d. Review all related documentation;
  - e. Collaborate with outside agencies as needed; and
  - f. Maintain client and employee confidentiality according to state laws and DSHS policy.
3. Submit completed [DSHS 16-202](#), *5-Day Investigation Report*, to the Superintendent or designee no more than five working days after the incident per [42 CFR 483.420\(d\)\(4\)](#) and [42 CFR 483.12\(B\)\(4\)](#). See Attachment C, *How to Calculate When the Investigative Report is Due*.
4. If at any time new information is discovered that suggests abuse, neglect, exploitation, or abandonment may have occurred, and has not already been reported, the RHC must immediately:
  - a. Upgrade the incident to a Category I;
  - b. Report the incident to Residential Care Services' Complaint Resolution Unit; and
  - c. Refer the incident to the DDA-SIU, local law enforcement, or WSP according to [DDA Policy 12.01](#), *Incident Reporting and Management for DDA Employees*.
5. If the referral packet is provided to the DDA-SIU after the second working day, the RHC must submit the completed [DSHS 16-202](#), *5-Day Investigation Report*, to the Superintendent at the time a referral to the DDA-SIU is identified but no

more than five working days after the incident per [42 CFR 483.420\(d\)\(4\)](#) and [42 CFR 483.12\(B\)\(4\)](#). This report must include all gathered information to date up until the time of the referral to the DDA-SIU. The DDA-SIU must conduct and complete a supplemental report as an addendum.

G. RHC Administrative Review, Determination, and Corrective Action Plan

1. Upon receipt of the *5-Day Investigation Report*, [DSHS 16-202](#), the RHC must:
  - a. Determine whether abuse, neglect, or mistreatment occurred based on a preponderance of the evidence in the context of CFR Guidelines and definitions.
  - b. Document the corrective actions the RHC will take to address each incident where abuse, neglect or mistreatment was determined to have occurred and any other areas requiring attention on [DSHS 16-202A, Corrective Action Plan \(5-Day Investigation\)](#). For a Category I incident completed by the DDA-SIU, the RHC will send the completed form to the DDA-SIU Unit Manager no more than ten working days after the submission of [DSHS 16-202, 5-Day Investigation Report](#).
  - c. The CAP will:
    - i. Describe the specific correction actions the RHC will take;
    - ii. Identify the person who will ensure that each corrective action has been completed; and
    - iii. State the date the RHC expects to complete each corrective action.
  - d. Enter the follow-up into the appropriate incident management systems or databases (e.g., local RHC IR system or database, DDA Electronic IR System, EIMS).
2. The RHC must record the completion date for each corrective action step in the completed date section. For a Category I incident completed by the DDA-SIU, the RHC must send the completed CAP and any related documentation to the DDA-SIU Unit Manager no more than thirty working days after receiving the final 5-Day Investigation Report.



**H. DDA-SIU Quality Assurance Functions**

1. The DDA-SIU Unit Manager or designee must:
  - a. Review all Category I investigation reports conducted by the DDA-SIU to ensure investigations are thorough, complete, and to verify whether investigation procedures are being followed consistently and as required by this policy;
  - b. Maintain a system for tracking all Category I incidents investigated by the DDA-SIU. The tracking system must contain aggregate data that may be used to produce the following reports:
    - i. Number of referrals made to the DDA-SIU within a given timeframe (e.g. month, quarter, etc.);
    - ii. Number of investigation reports finalized by the DDA-SIU within that timeframe;
    - iii. Total number of CAPs and overall percentage developed within ten working days following the submission of the completed DDA-SIU Category I investigation report within that timeframe.
  - c. Conduct quarterly reviews of RHC events and incidents logs and review a sample of these investigation reports to verify whether investigation procedures are being followed consistently as required by this policy. The review will not include any allegation initially identified as a Category I but determined by the RHC that the allegation of abuse, neglect, exploitation, or mistreatment could not have occurred as alleged.
    - i. For all investigation reports reviewed by the DDA-SIU, the DDA-SIU must complete an Incident Report Review Worksheet to offer feedback to the RHC focused on investigation process.
    - ii. The RHC will provide a copy of this worksheet to the investigator and their supervisor for review and signature.
2. The Director of Strategic Planning and Quality Compliance or designee must review all investigations initially identified as Category I but determined by the RHC that the allegation of abuse, neglect, exploitation, or mistreatment could not have occurred as alleged.

- a. The review must include monitoring for compliance with processes defined in Procedures Section (B)(3).
- b. For investigation reports reviewed by the Director of Strategic Planning and Quality Compliance or designee, the reviewer must complete the RHC Rule-Out Compliance Worksheet to offer feedback to the RHC focused on investigation process.

**EXCEPTIONS**

Any exception to this policy must have the prior written approval of the Deputy Assistant Secretary or designee.

**SUPERSESSSION**

DDA Policy 12.02  
Issued March 13, 2020

Approved: /s/ Debbie Roberts  
Deputy Assistant Secretary  
Developmental Disabilities Administration

Date: November 1, 2020

*Attachment A, Guidelines to Secure and Preserve Evidence*  
*Attachment B, RHC Referral Flow Chart to Law Enforcement, WSP, and DDA-SIU*  
*Attachment C, Five-Day Timeline: How to Calculate When the Investigative Report is Due*

## ATTACHMENT A

### GUIDELINES TO SECURE AND PRESERVE EVIDENCE

For internal investigations or in the event there will be a delay in the arrival of an outside investigator, it may be necessary to secure and preserve evidence. State-operated ICF/IID and state-operated nursing facility employees must follow these guidelines:

- A. Physical Evidence** (objects, property, possessions, other materials):
- 1. Do not touch or move any item that was used as or could have been used as a weapon. Wait for law enforcement to arrive.**
  - 2. If possible, secure/protect the incident scene and do not disturb evidence.**
  - 3. If evidence has to be disturbed, follow this guide:**
    - a. Porous Materials** (e.g., clothing, sheets): Store in porous containers such as paper bags.
    - b. Non-porous Materials** (e.g., plastics, metals, glass, latex gloves): Store in non-porous containers such as plastic bags.
    - c. Secure all Physical Evidence: *The chain of custody is critical.*** The investigator must show exactly where the evidence has been from the moment of collection to its presentation at a hearing.
  - 4. Secure Location:** Maintain all evidence collected in a secured double-locked location with limited access (e.g., locked closet or file cabinet secured by a locked exterior door). Record or track all evidence in writing, including the names of all persons who had access to the evidence.
- B. Demonstrative Evidence** (photos, diagrams, maps, drawings, audio tapes, videotapes):
- 1. Photograph** the area of the body where the alleged injury has occurred. This should be done whether or not signs of injury are visible.
  - 2. Photograph or sketch** the area of a possible incident scene when the scene cannot be secured.
- C. Documentary Evidence** (employee statements, incident reports, attendance records, progress notes, nursing/medical assessments, etc.):
- D. Employee Inquiries:** It may be necessary to talk with witnesses and other employees immediately to develop a protection plan necessary for client safety. Be sure to

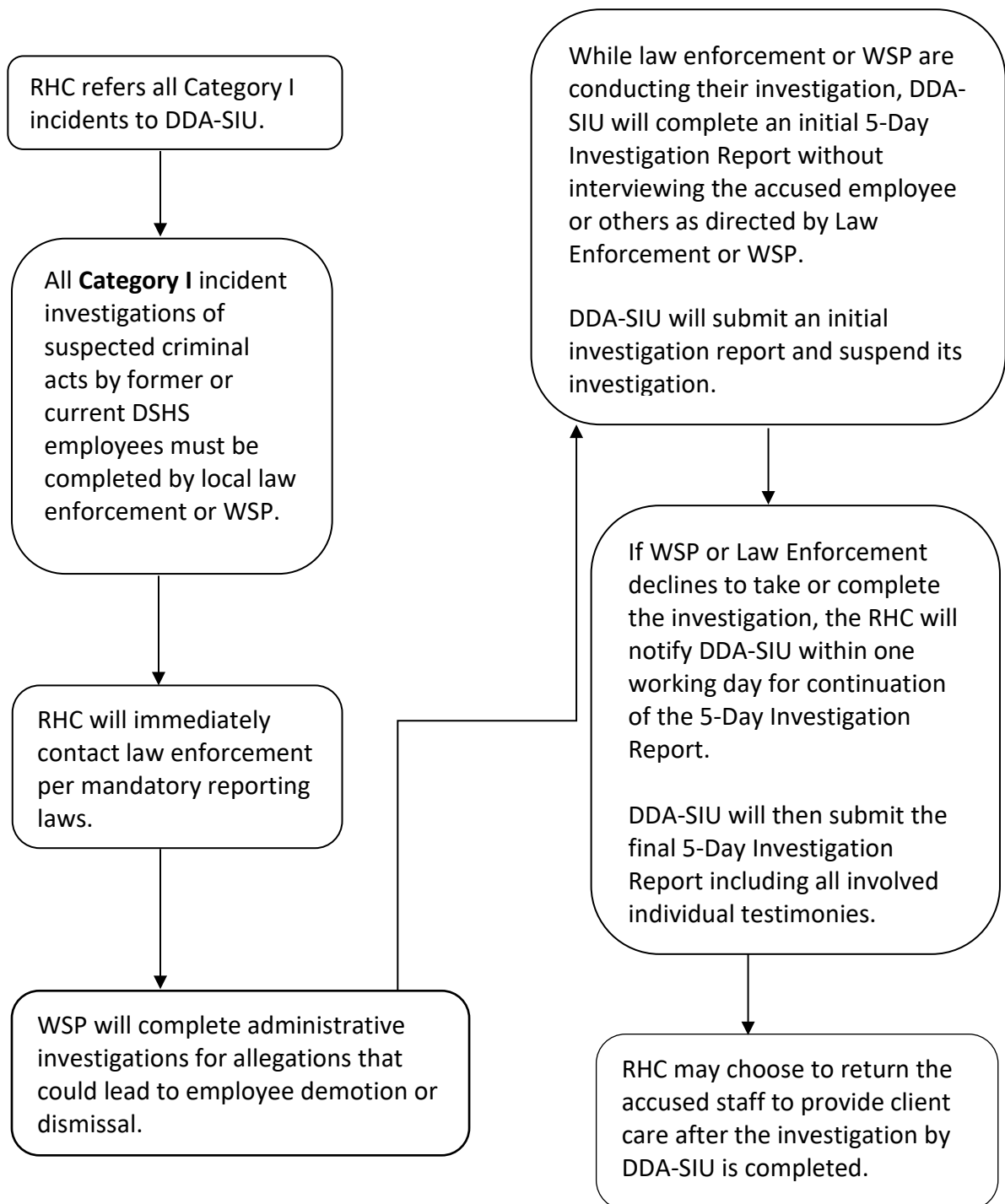
## ATTACHMENT A

document key information disclosed during these initial inquiries for the investigator. Record the names and phone numbers/contact information of any persons in the area (i.e., witnesses, responders). Formal interviews and written statements should be coordinated with the investigator.

**E. Investigation Kits:** The RHC must maintain an investigation kit and employees must be aware of its location and content. A basic investigation kit includes, at a minimum, the following items:

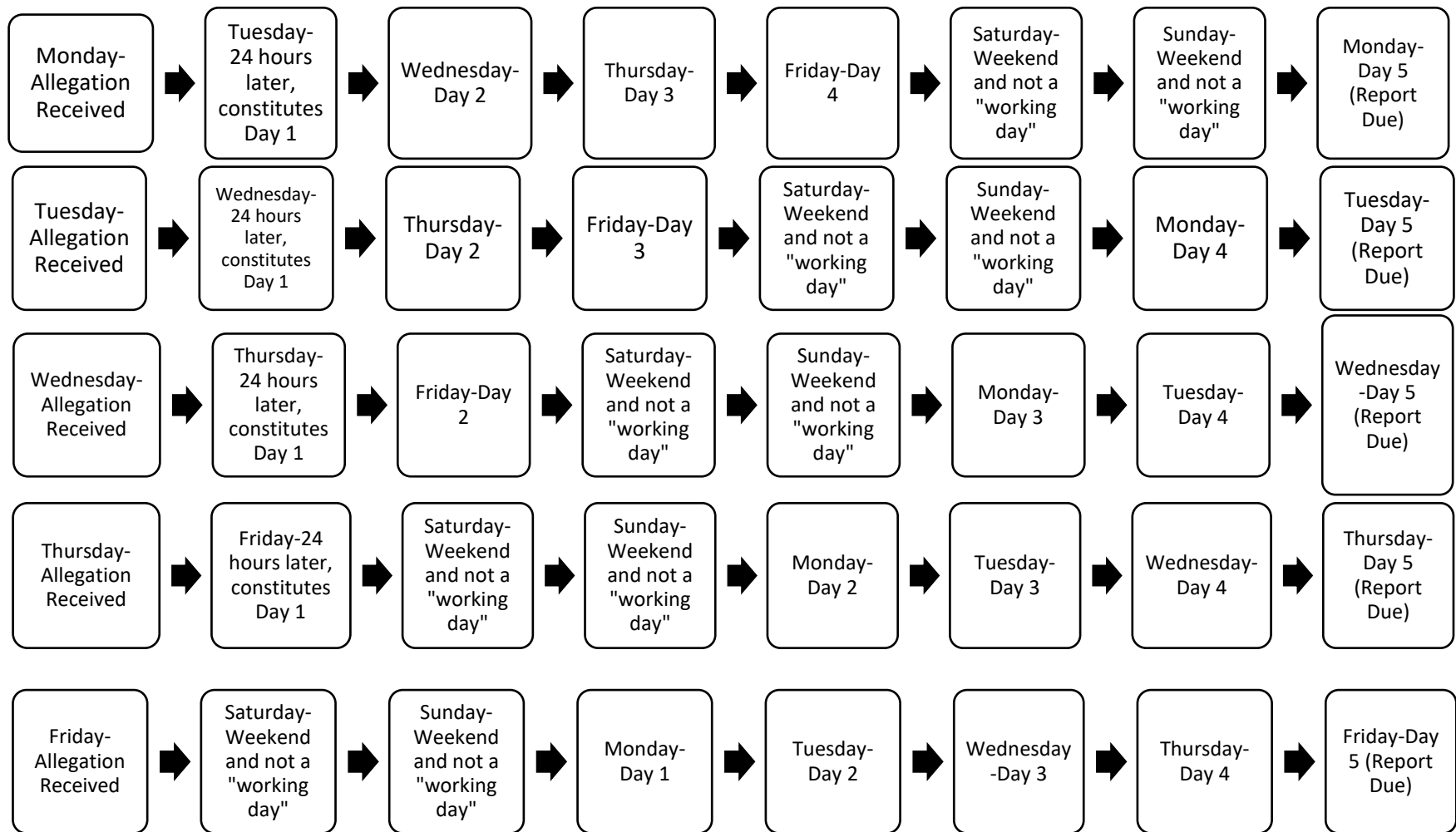
1. A camera (and film if necessary);
2. Clean paper and plastic bags; and
3. A notebook and pen.

### RHC Referral Flow Chart To Law Enforcement, WSP, and DDA-SIU



ATTACHMENT C

**5-Day Timeline**  
**How to Calculate When the Investigative Report is Due**



ATTACHMENT C

Example for calculating over holidays using  
Thanksgiving as an example

