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**Department on Disability Services**

<b>PROCEDURE</b>	
Subject: Incident Management and Enforcement	Procedure No.: 2024-DDA-PRO-02
Responsible Program or Office: Developmental Disabilities Administration	Effective Date: January 1, 2025
	Number of Pages: 20
Supersedes the following Procedures: Incident Reporting Procedure; Incident Prevention, Management and Quality Improvement Procedure; and Incident Investigation Procedure	
Cross References, Related Policies and Procedures, and Related Documents: Incident Management and Enforcement Policy, Incident Recommendations Procedure, Time Frames for IMEU Recommendations, Immediate Response Committee Policy and Procedure, Mortality Reporting Procedure, Mortality Review Committee Policy and Procedure, Abuse and Neglect Fact Sheet, Provider Performance Review Policy and Procedure, Imposition of Sanctions Policy and Procedure, Enhanced Monitoring Policy and Procedure, and Imposition of Adaptive Equipment Sanctions Procedure	

## 1. PURPOSE

The purpose of this procedure is to delineate Department on Disability Services (DDS) and provider responsibilities and establish a standardized process for incident reporting, classification, assignment, and investigation. This process is an essential component of an incident management system, necessary to protect health and safety, mitigate risk of reoccurrence, and to improve overall the quality of services.

## 2. APPLICABILITY

This procedure applies to all DDS employees, subcontractors, providers/vendors, consultants, volunteers, and governmental agencies that provide services and supports to people with intellectual and/or developmental disabilities through the Developmental Disabilities Administration (DDA) service delivery system funded by DDA and/or the Department of Health Care Finance (DHCF).



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### **3. PROCEDURES**

#### **A. Incident Reporting and Notification**

1. The first priority for DDS and the provider is to ensure the health, safety and well-being of the person, and/or other people served in the same location or by the same staff. Providers shall ensure that on-call provider supervisory staff are available to advise, guide and support people who receive services from DDA, the provider's direct support staff, and any DDA official during an emergency that occurs outside of the provider's regular business hours; and that people who receive services from DDA and their support teams are aware of how to request after-hours assistance.
2. Provider and DDS employees, contractors, consultants, volunteers, or interns who witness, discover, or are informed of any incident shall report that incident to their immediate supervisor (or designee) as soon as possible, but no later than the end of their scheduled work period. The District has additional mandatory reporters for suspected cases of abuse, neglect and exploitation of an adult by the following: conservators; court-appointed intellectual disabilities advocates; guardians; health-care administrators; licensed health professionals as defined in D.C. Official Code § 3-1202.01 *et seq.*; police officers; bank managers; financial managers; and social workers.
3. All incidents observed, reported, or discovered shall be entered into MCIS no later than 5 p.m. on the following business day.
  - a. A provider who learns of an incident is required to enter the incident into MCIS.
  - b. A DDS employee who learns of an incident is required to enter the incident or ensure that it is entered. If the employee does not have access to MCIS, then the employee shall notify their immediate supervisor and the supervisor will be responsible for entering the incident, or ensuring that it is entered, into MCIS. If the supervisor also does not have access to MCIS, then that supervisor shall notify the Incident Management and Enforcement Unit (IMEU) Supervisory Investigator, who shall ensure that it is entered into



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MCIS. When DDS learns of an incident that occurred when the person was with a provider, DDS will notify the provider.

- c. People who live with their families or independently may report incidents to their DDA Service Coordinator or to a staff member of the person's provider agency. It is the responsibility of the person who is informed of an incident to enter the incident into MCIS, or to report the incident to a DDA or provider staff member who is authorized to enter the incident into MCIS.
  - d. When incidents occur on a DHCF-contracted transportation provider's vehicle, the DDA provider receiving the person from the DHCF-contracted transportation provider is responsible for reporting the incident into MCIS. The DHCF-contracted provider shall notify via email both the DDA Transportation Liaison, or designee, and the IMEU Supervisory Investigator, or designee. If the person does not receive District-contracted residential services, the DDA Transportation Liaison, or their designee, is required to enter the incident into MCIS. DDS does not investigate DHCF-contracted transportation providers.
4. All providers must report all incidents to the proper authorities, as appropriate, including, but not limited to:
- a. Emergency personnel, as needed, via 911.
  - b. The responsible service provider's senior management in cases where the incident has resulted in abuse, neglect, exploitation, or serious physical injury to the person. The provider's senior management shall conduct a preliminary review and ensure an immediate response, as necessary, to such incidents within 24 hours of their discovery, documenting the actions taken within the report prior to submitting it to MCIS. Providers are prohibited from investigating abuse, neglect, and exploitation unless required by another agency or jurisdiction.
  - c. The person's guardian, or others as identified in the person's ISP.
  - d. The person's DDA Service Coordinator or the DDA Duty Officer as follows:



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- i. During the business day (business hours being 8:30 a.m. to 5 p.m.): For a Serious Reportable Incident (SRI) (other than a death) that occurs during the DDS business day, the provider must notify the person's Service Coordinator and enter the incident into MCIS. (*See Mortality Reporting Procedure Section 3.A.1.a.v.a for reporting deaths during business hours.*)
  - ii. During non-business hours: When an SRI (other than a death) occurs during non-business hours, the provider must either immediately enter the incident into the MCIS Investigation and Reporting system, generating an automated alert for the Duty Officer; or speak directly with the DDA Duty Officer at (202) 498-9077. If the phone goes to the recorded message, the provider may leave a message, but if the call is not returned within 30 minutes then the provider must call 311 for the Mayor's Call Center. The Mayor's Call Center will take the initial report and contact the DDA Duty Officer. (The provider must still enter the incident into MCIS by 5 p.m. the following business day). (*See Mortality Reporting Procedure Section 3.A.1.1.v.b for reporting deaths during non-business hours.*) Reportable incidents, as defined in the policy, do not require a call but they do require entry into MCIS as outlined in item 3, above.
  - iii. The DDA Duty Officer who receives the notification is responsible, if the severity of the situation warrants, for contacting the DDS Deputy Director for DDA by telephone. It is not acceptable to leave a voicemail message; the Duty Officer must speak with the Deputy Director.
- e. Additionally, non-residential service providers must report incidents to a person's residential provider, if the person has one, however day programs must enter incidents that occur during their programs. Both must report in a timely manner – by 5 p.m. the following business day – to ensure that incidents can be entered into MCIS and be timely addressed by the Immediate Response Committee.
  - f. The DC Health's Health Regulation and Licensing Administration for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) and for Residential Habilitation group homes at (202) 442-5833.



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- g. The Metropolitan Police Department (MPD), or the local police department if the incident occurs in another state, via 911, or, if the incident involved criminal misconduct, a missing person, or a death, at (202) 727-9099, or at the local emergency services telephone number if the event took place in another state.
      - h. Adult Protective Services for alleged abuse, neglect or exploitation of adults occurring in a natural home, at (202) 541-3950, if the incident takes place in the District, or Adult Protective Services in other jurisdictions if the incident takes place in another state.
      - i. The District's Child and Family Services Agency for alleged abuse, neglect, or exploitation of children under 18 years old living in a natural home, at (202) 671- SAFE [(202) 671-7233], or the child and family services agency where the people live, if they live in another state.
      - j. In the District, where the allegation is fraud or exploitation, the Service Coordinator, Supervisory Service Coordinator, or Investigator should call 3-1-1, to report the allegation of fraud or exploitation as a police non-emergency.
5. The IMEU Supervisory Investigator shall report all SRIs to the Office of the Inspector General by 5 p.m. the next business day following receipt of the SRI by the Immediate Response Committee.
6. The IMEU Supervisory Investigator reports substantiated cases of Medicaid fraud to the OIG's Medicaid Fraud Control Unit (MFCU) within five business days.
7. Any complaint against DDA staff involving a person receiving services from DDA shall be reported to the IMEU Supervisory Investigator.
  - a. The IMEU Supervisory Investigator will notify the DDS Deputy Director for DDA and refer the matter to DDS's Human Capital Administration to be handled in accordance with Chapter 16 of the District Personnel Manual.
  - b. Once the actions in paragraph a, above, are taken, where no person other than DDS staff are named as responsible for the incident in the incident report, the IMEU Supervisory Investigator will ensure that all IMEU investigative



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activity related to the DDA staff complaint ceases and administratively close the investigation. The letter shall inform the person of the fact that the incident will be handled by DDS's Human Capital Administration in accordance with Chapter 16 of the District Personnel Manual.

**B. Incident Review Process**

1. Daily, the IRC reviews each SRI and Reportable Incident (RI) reported to determine whether the incident meets the requirements of the Incident Management and Enforcement policy and these procedures. If the IRC determines:
  - a. The incident report (1) presents a clear and concise representation of the incident and the provider's response, and (2) is classified correctly, the IRC will accept the incident; or
  - b. If the incident was not classified correctly, the IRC will re-classify it in accordance with the policy and these procedures, enter a note into MCIS that explains the reason the incident was re-classified, and then accept the incident report.
  - c. If the information reported is incomplete or unclear, the IRC will request additional information from the Incident Reporter. This could be the person, family member, provider or DDA staff, attorneys, advocates, or others. The IRC facilitator or their designee will document the response and share with the IRC the results by the next business day to review and determine whether the incident report can be accepted or should be rejected based on the additional information provided.
  - d. If the IRC rejects a reported incident because it does not meet the criteria of an SRI or RI, the person who entered it, and the Service Coordinator, will receive notice of that rejection.
  - e. If the IRC Core Team identifies a pattern of incidents, then the IRC Core Facilitator or their designee will enter that as a new incident or an issue into MCIS.
2. In its review of the incident "Description of Events," the IRC evaluates:



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- a. If the person is safe related to the specific incident; and
  - b. Whether the provider has taken reasonable steps, as required, to promote the health, safety, and welfare of the person for all incidents.
3. The IRC must determine if DDA should take additional action to protect and promote the person's health, safety, and welfare. If appropriate action was not taken, the IRC facilitator must conduct follow-up activities and document in the notes section the actions taken. This may include support from the Service Planning and Coordination Division, the Health & Wellness Division, or the IMEU. Where applicable, the Service Coordinators will document their follow-up on SRIs within two business days of the incident being accepted. The IRC facilitator should also notify the IMEU Supervisory Investigator and/or the Supervisory Quality Resource Specialist if additional actions are needed.
  4. For SRIs involving an allegation of abuse or neglect or a serious physical injury, the IMEU investigator conducts an on-site visit within 72 hours of being accepted by the IRC.
  5. Once the IRC has accepted an SRI, the incident is assigned to an IMEU Investigator who reviews the allegations, interviews all persons identified in the incident in accordance with the Incident Investigation Procedures. Investigations must be completed within 45 calendar days of the assignment to an investigator.
  6. The IRC also assigns the SRI to a Compliance Specialist (CS). The CS is required at the completion of the investigation to address all recommendations identified by the IMEU Investigator for review and timely remediation with the responsible provider.
  7. The IRC further compares the date of the incident with the date it was reported to ensure that the provider submitted the report before 5 p.m. the next business day, as required. If the report was not submitted on time, the IRC will review the provider's reporting history for the past month. If the IRC determines that there is a pattern of late reporting, the IRC will enter an issue for the provider in MCIS.
  8. The IRC also confirms that the appropriate notifications have been made in accordance with the Incident Management and Enforcement Policy and these



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procedures. If the IRC determines that one or more notifications have not been made, a team member will take action to have notifications made and document those actions in the IMEU record.

**C. Incident Follow-Up by Service Coordination**

1. The Service Coordinator shall follow up on all SRIs within two (2) business days after acceptance of an SRI by the IRC or the Service Coordinator is notified. The Service Coordinator may follow up by telephone, virtually and/or in person.
2. The purpose of the Service Coordinator's follow up, in collaboration with DDS and the provider, is to ensure the health, safety and well-being of the person involved, and/or other people who are supported in the same location or by the same staff, and to assess whether the current services continue to meet the person's needs. The Service Coordinator is prohibited from investigating the SRI.

**D. Investigations**

1. Providers must have established and written protocols governing their investigation processes which include requirements for:
  - a. Identification, collection and preservation of all evidence;
  - b. Assessment of the evidence;
  - c. Determination of findings, conclusions and recommendations; and
  - d. Quality assurance follow-up to ensure recommendations have been implemented.
2. DDA, using the Rating System described in paragraphs 13(a-e) below, shall determine what types of investigation a provider may conduct. A provider may:
  - a. Be required to conduct SRI investigations jointly with the DDA Incident Management and Enforcement Unit (IMEU); but, unless otherwise required by law or regulations, may not conduct investigation into SRIs pertaining to abuse, neglect, exploitation or serious physical injury.





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- b. Be qualified to conduct some SRI investigations independently;(but, unless otherwise required by law or regulations, may not conduct investigation into SRIs pertaining to abuse, neglect, exploitation or serious physical injury).
3. DDA may, at its discretion, investigate any RI or SRI with or without prior notice.
4. Investigators
  - a. All DDA and provider investigators must be trained and certified by a trainer designated by DDA.
  - b. Employees who have not achieved certification may assist in investigations only under the direct supervision of a certified investigator. The certified investigator must sign the investigation report and include the date of their certification.
5. Right to Access and Information
  - a. An investigator shall have full access to information that the investigator determines to be reasonably necessary and appropriate in performing the investigation, including full access to people affected by the incident and witnesses to the incident, buildings, programs, documents, records, and other materials that the investigator determines to be reasonably necessary and appropriate. Advance notice of an investigator's visit is not required. The investigator may obtain copies of documents, records, and other materials. Providers shall require that their employees, contractors, consultants, volunteers, and interns cooperate with all investigators.
  - b. Incident reports for all SRIs and all RIs shall be made available to all DDS staff, Quality Trust for Individuals with Disabilities, the Office of Inspector General (OIG), and DC Health's Health Regulation and Licensing Administration (DOH/HRLA) surveyors upon request. Following each business day's IRC meeting, DDS staff sends incident report forms to OIG. At a minimum, the completed internal incident report will be made available in print or electronically (with password protection) at the person's residence, or at the person's day program, as applicable. Other documents associated with an incident may be kept at the provider's main office.



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6. Investigation of RIs

Providers shall complete investigations of all RIs within five (5) business days of the discovery date of the incident. The investigation must include collection of sufficient evidence and documentation to allow for analysis and conclusion, a summary of the facts, and recommendations. DDA may request a more detailed investigation of any RI.

7. Investigations of Death

All investigations regarding the death of a person supported by DDA shall be in accordance with DDA's Mortality Reporting Procedure, in addition to any investigation conducted by the provider, DOH/HRLA, and/or OIG.

8. All SRIs

- a. The IMEU Supervisory Investigator or their designee will automatically receive email alerts of all SRIs which are entered into DDA's MCIS. The IMEU Supervisory Investigator or their designee will triage all SRIs entered into MCIS during regular business hours. The purpose of the triage is to determine whether a rapid response by DDA is needed to ensure health and safety, secure the scene and evidence, and start the IMEU investigation.
- b. The Duty Officer will receive an automated alert of all SRIs entered after regular business hours. The Duty Officer shall triage the incident to determine whether a rapid response to the scene is needed to ensure health and safety and secure the scene and the evidence during non-business hours.
- c. If an assigned IMEU investigator observes a health or safety concern, the IMEU investigator shall take necessary action to resolve the immediate concern, enter a note or, if needed, a new SRI into MCIS, and send notification within one (1) business day to the person's service coordinator and the IMEU Supervisory Investigator.
- d. The IRC shall review all incidents on the next business day after the incident was entered into MCIS in accordance with the Immediate Response Committee policy and procedure. The IRC shall also determine if additional



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actions are needed to ensure the person's health, safety, and well-being, and if so, shall notify the person's provider(s) and service coordinator.

9. SRIs involving Abuse, Neglect, or Exploitation and Serious Physical Injury
  - a. Placing Alleged Perpetrators of Abuse, Neglect or Exploitation Off-Duty.
    - i. Providers shall immediately remove from having any program or direct contact with people receiving supports and services through DDA any employee, consultant, contractor, or volunteer alleged to have committed abuse, neglect or exploitation. IMEU also reserves the right to remove any employee, consultant, contractor, or volunteer for not making him or herself available for an interview.
    - ii. Each provider is required to have an operating procedure requiring the employees, consultants, and contractors to notify the provider of any additional employment within the DDA provider network. Upon an allegation of abuse, neglect or exploitation, the provider shall confirm with the staff person, consultant or contractor, which other provider agencies s/he may work for and notify the IMEU Supervisory Investigator. Once the IMEU Supervisory Investigator has this information, he/she or his/her designee must notify those providers within 24 hours that the employee, contractor or consultant shall be immediately removed from any work that includes program or direct contact with people who receive supports through DDA.
    - iii. The implicated staff person may not return to work which includes program or direct contact with people who receive supports unless and until the provider receives one of two types of notice from IMEU. The first is official notice from the IMEU Supervisory Investigator or his/her designee that, based on DDA's preliminary investigation, the employee is permitted to return to work while the investigation is pending. The second is notice from the IMEU investigator that the allegation is inconclusive or unsubstantiated. Additionally, after an SRI has been substantiated, the employee may be permitted to return to work under certain conditions in accordance with the incident recommendations (for example, after additional training, and/or not with the person who was the subject of the investigation).



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- iv. The IMEU Supervisory Investigator has discretionary authority to waive the no-contact status of provider employees, consultants, and contractors when the IMEU Supervisory Investigator determines that the evidence suggests that the incident did not occur as alleged, or the nature of the allegations pose no risk of harm to the person or others supported by DDA. In such instances, the staff may be returned to contact with the person, or removed from contact with the person involved only, as opposed to complete removal from contact with all persons supported by DDA. The basis for the IMEU Supervisory Investigator's exercise of discretion shall be provided in the report.
- v. The IMEU Supervisory Investigator, or designee, evaluates on a weekly basis open investigations where staff persons have been removed from having direct contact with people receiving services through DDA in order to determine if the staff persons can return to work. When it is determined that a staff person is eligible to return to work, a return-to-work letter will be sent to the provider within one business day of making the determination.

### b. Requests for Reinstatement

This is the process for considering reinstating provider staff members who have been placed on no contact status as a result of the final disposition of an IMEU investigation.

- i. In those instances where an employee has not been allowed to return to contact status, the employee may request to be returned to contact status after one year has elapsed since the date of closure of the IMEU investigation. To be considered for reconsideration, the employee must not have been criminally convicted for their involvement in the prior incident, and a written request must be submitted to the IMEU Supervisory Investigator.
- ii. The IMEU Supervisory Investigator shall convene a panel of at least three reviewers from DDA staff. The panel shall consist of the IMEU Supervisory Investigator, one DDS Deputy Director and one other



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staff member from the Quality Assurance and Performance Administration (QAPMA) or DDA.

- iii. The panel will consider the facts on a case-by-case basis and may request that the employee provide additional documents or make an in-person appearance to answer questions that the panel may need answered to determine suitability to return to contact status.
- iv. The panel will arrive at its decision by a majority vote. The panel's decision will be communicated to the provider employee in writing signed by the panel facilitator and may not be appealed.
- v. If an employee has been granted reinstatement, the decision letter will serve as proof and may include conditions for restatement/continued contact with persons supported by DDA. It will include standard language requiring that a provider with knowledge of the initial decision to remove the employee from contact should obtain from DDS verification that the reference number on the letter, the decision to reinstate and the employee's name are accurate.

### 10. Investigations of SRIs involving Abuse, Neglect, Exploitation and Serious Physical Injury

- a. In all instances, the provider is responsible for securing the person's health and safety.
- b. The provider is also responsible for securing the evidence and the scene, if applicable, until such time the IMEU investigator or DDA Duty Officer collects or releases the evidence. Provider responsibilities may include but are not limited to securing all relevant records, taking pictures of the scene, etc.
- c. Providers shall not investigate SRIs pertaining to abuse, neglect, exploitation, or serious physical injury, unless otherwise required by law or regulations. However, the IMEU Supervisory Investigator reserves the right to direct the provider to cease any investigative activity until IMEU has collected sufficient evidence, unless required by law. The exception is for incidents that occur in ICFs/IID licensed by DC Health formerly "DOH".



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- d. IMEU shall conduct the investigation as follows:
- i. The IMEU Supervisory Investigator or their designee shall ensure that an IMEU investigator responds to the scene within 24 hours of reporting when his or her triage determines that a rapid response by DDA is needed to protect the health and safety of the person(s) involved, secure the evidence and the scene, and start the IMEU investigation.
  - ii. For incidents of abuse, neglect or serious physical injury, an assigned IMEU Investigator shall conduct an on-site visit within 72 hours of the SRI being accepted by the IRC, unless waived by the IMEU Supervisory Investigator. The purpose of the on-site visit is to ensure that people are safe, secure evidence (where applicable), identify the target(s) of the investigation, and confirm with the provider whether anyone affiliated with the provider must be removed from direct contact with people supported by DDA.
  - iii. The IMEU Supervisory Investigator has discretion to waive the visit requirement when another DDS staff member, typically from the Service Planning and Coordination Division or from the Health & Wellness Division, have been on site and the circumstances clearly documented and indicate that there is no imminent threat of safety or harm to the person (or other people supported at the same location) and no physical evidence needs to be collected or has been compromised.

Examples include, but are not limited to:

- a) where the alleged incident occurred more than 30 calendar days prior to being reported, and since that time, the person has been seen by his/her service coordinator or other representatives from DDA and the person was determined to be safe;
- b) the person was an unsuspecting victim of financial exploitation discovered from a review of financial records; the alleged neglect incident stemmed from a review of health records more



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than 30 calendar days old, and since that time, the person has been seen by his/her service coordinator or other representatives from DDA and the person was determined to be safe and free from exploitation.

- iv. The IMEU Investigator interviews and takes written statements from the victim(s), witness(es) and target(s) of the alleged incident.
- v. The IMEU Investigator identifies, collects, preserves, and assesses any pertinent evidence and supporting documentation and based upon that evidence, makes findings and conclusions.
- vi. The IMEU Investigator makes recommendations to ensure the person's safety and to eliminate the potential for reoccurrence.
- vii. The IMEU Investigator prepares and delivers an investigative report to the IMEU Supervisory Investigator no later than 40 calendar days from the date the incident is assigned and enters the date the report was submitted to the IMEU Supervisory Investigator in MCIS.
- viii. All evidence will be stored and maintained electronically.
- ix. The IMEU Supervisory Investigator, or designee, will review the investigation within five calendar days of receipt. If no further investigative activity is warranted, the IMEU Supervisory Investigator will approve the investigation for closure and enter the date of final review in MCIS. If the investigation warrants further investigative activity, then the IMEU Supervisory Investigator will return the report to the designated investigator for further action. In these instances, the investigation will remain open until sufficient evidence is collected for closure.
- x. When the IMEU Supervisory Investigator reviews the investigative report after the 40th day of being assigned, and/or after the due date, and no further investigative activity is warranted, then the investigative report will be approved, and the investigation closed in MCIS on the date the investigative report was submitted.



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11. Investigation of All Other SRIs

DDA shall provide oversight of the investigation of all other SRIs.

- a. If DDA determines that a provider is qualified to conduct some SRI investigations independently (*i.e.*, those that do not pertain to abuse, neglect, exploitation, and serious physical injury), then the assigned IMEU investigator will be responsible for evaluating the investigation, the conclusion, and recommendations.
- b. If DDA determines that a provider is not qualified to conduct any independent SRI investigations, the assigned IMEU investigator will be responsible for providing technical assistance, guidance, and direction throughout the investigation, including reviewing the investigation report. The assigned IMEU investigator will be responsible for immediately assessing the level of IMEU involvement, including the degree of on-site personal involvement needed in the investigation. The determination shall be based on the description and circumstances of the incident, the provider's experience, and performance in investigating similar incidents, and any other reason based on the investigator's professional judgment.
- c. The investigation shall include the following elements:
  - i. The Provider Investigator will identify, collect, preserve, and assess any pertinent evidence and supporting documentation.
  - ii. The Provider Investigator will conduct interviews and take written statements from the person and witnesses to the incident.
  - iii. Within 15 calendar days (25 calendar days for Qualified Providers) from the date the incident is assigned, the Provider Investigator prepares a report that is provided in PDF format to IMEU via the MCIS into the Supporting Documents section. All supporting documents, photographs, and evidence must also be submitted via MCIS including any attachments to the investigative report.
  - iv. If an extension is required, the provider shall submit a written request at least five (5) business days before the report is due to the IMEU





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Supervisory Investigator, who will confirm or deny all extensions in writing within two business days of receiving the request.

- v. IMEU will review the report, supplement the investigation, if needed, rate the investigation in accordance with the rating scale, referenced in Section I, close the incident in MCIS, and forward the approved report to the appropriate parties, listed below in the section below.

### 12. Dissemination of Reports

- a. The IMEU Supervisory Investigator, or designee, will disseminate the reports via electronic mail to the following individuals:
  - i. The chief executive officer or other designated executive staff of the provider;
  - ii. DDS Director;
  - iii. DDS Deputy Director for DDA;
  - iv. DDS Deputy Director for QAPMA;
  - v. Service Planning and Coordination Division Program Managers;
  - vi. The person's Service Coordinator;
  - vii. Quality Trust for Individuals with Disabilities;
  - viii. Office of the Inspector General;
  - ix. DHCF, for people who are supported through the Medicaid Home and Community-Based Services Waiver programs; and
  - x. DC Health for people who are supported in a DC Health -licensed residential setting.
- b. The responsible provider shall report the outcome of the investigation to the person, or their legal representative, within five (5) business days of receiving the approved report and offer them a copy of the report. Additional notification will be made consistent with the ISP and, if applicable, the Supported Decision-Making Agreement.
- c. A copy of the report may also be provided to those authorized upon written request to the IMEU Supervisory Investigator.
- d. If there is no identified responsible provider, the Service Coordinator shall be responsible for notifying the person, and their family or legal representative.



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- e. The provider or Service Coordinator will submit evidence of notification to the Compliance Specialist via MCIS in the recommendation section for the SRI.
  - f. If an investigation identifies other people who receive DDA supports, that person's name shall be redacted from any investigative report prior to being shared with the authorized person. Any private information about a person served or any other person may be redacted to protect privacy.
13. Rating System for Provider Investigations & Certification of Providers to Conduct Independent Investigations
- a. Providers are required to submit all investigations of SRIs to the assigned IMEU Investigator for review and approval using MCIS. IMEU Investigators will review provider SRI investigations to evaluate and ensure comprehensiveness and quality standards, using the DDS/DDA Investigation Quality Review Rating Scale (Rating Scale) and issue a rating score from one to five.
    - i. A score below three is below expectations.
    - ii. A score of three means the investigation meets expectations. To achieve an investigation rating of three, the investigation must be timely (on time or within an approved extension); must have at least 80% of the elements of the investigation rated as a three or better; and must contain no elements rated at one.
    - iii. A score of four or higher means the investigation exceeds expectations. To achieve an investigation rating of four, the investigation must be timely (on time or within an approved extension); must have at least 80% of the elements of the investigation rated as a four or better; and must contain no elements rated at one.
    - iv. To achieve an investigation rating of five, the investigation must be timely (on time or within an approved extension); and must have all elements of the investigation rated as a five.



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- b. DDA shall determine if a provider is qualified to complete independent investigations of SRIs with the exception of abuse, neglect, exploitation, or serious physical injury, after the provider obtains a rating of three or better for 80% of all investigations over a fiscal year, obtains and maintains an on-time percentage of at least 90% for submitting investigations and recommendations and has experience with conducting at least five investigations during that year.
  - c. The provider must continue to submit reports to IMEU for scoring and continue to achieve ratings of three or better to maintain qualification to conduct independent SRI investigations.
  - d. If a provider who had been previously authorized to conduct independent investigations fails to obtain a rating of three or better for three consecutive investigations, fails to submit timely for three consecutive investigations or 80% of all investigations (for ratings below three or poor on-time percentage) within a twelve-month period, the provider will have its authority revoked. In order to regain authorization to complete SRI investigations without DDA oversight, provider investigations would be required to obtain a rating of three or better for five consecutive investigations.
  - e. Qualified providers shall have 25 calendar days to submit reports of investigation to IMEU.
14. Request for reconsideration of rating scores:
- a. A provider may seek reconsideration of an investigation rating score by contacting the assigned IMEU Investigator and discussing the matter within five business days of receipt of the completed investigation report. The IMEU Investigator has authority to change the rating as a result of the conversation and any additional evidence that the provider may share with the Investigator.
  - b. If, after discussing the rating with the IMEU Investigator, the provider is still not satisfied, the provider organization may, within ten business days, submit a written request to the IMEU Supervisory Investigator to reconsider the rating. The ten business days start to run five business days after the receipt of the completed investigation report (to allow for the required discussion with the IMEU Investigator). The written request to the IMEU Supervisory Investigator



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must be signed by the organization's Executive Officer/Manager and must provide justification for the reconsideration.

- c. The IMEU Supervisory Investigator shall respond to all appeal requests, in writing, within fifteen (15) calendar days of receiving the request.

#### 15. Sanctions

- a. Providers who do not achieve investigation ratings of three or better shall be required to have a goal added to their Continuous Improvement Plan on improving the quality of their performance related to incident management, reporting, and/or investigation.
- b. DDA may impose sanctions on providers who do not comply with the IMEU policy or procedures, falsify investigative reports, or have deficient performances in incident investigation and management, including those who do not achieve investigation ratings of three or better, using DDA's Sanctions Policy and related procedures.