*Executive Office of Health and Human Services*

*Department of Developmental Services*

**POLICY TITLE: Reporting Policy**

**DDS POLICY #: 1999-4**

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**COMMISSIONER’S SIGNATURE: Commissioner**

The Department's Mission Statement reflects its commitment to promoting and respecting the dignity of individuals with mental retardation and keeping them free from all forms of mistreatment, abuse and neglect. In support of this commitment, it is the Department's policy that all information on individual rights issues, incidents, allegations of abuse, neglect and other forms of unacceptable treatment, and consumer deaths be reported in accordance with laws and regulations; and policies and procedures established by the Department and other agencies having responsibility for investigating such situations.

This Policy applies to all Department employees and all DMR providers, including those who provide day, employment, residential, transportation and other support services.

General Policy Principles

Any employee who has reasonable cause to believe a reportable event has occurred must follow the procedures established for reporting such events. "Reasonable cause to believe" means that, based upon judgment and/or facts that were directly observed or obtained from a reliable source, the employee has concluded that it is more likely than not that a reportable event has occurred.

When the decision to report is a close one, the employee should err on the side of making the report.

DMR employees and provider employees are mandated reporters. This means that all employees must comply with the reporting requirements set forth in laws, regulations and policies governing such reporting. Failure to comply with these requirements shall be grounds for disciplinary action, which may include dismissal. Furthermore, the failure of the head of a provider to comply with these requirements shall be grounds for action by the DMR, which may include revocation or suspension of the provider's certification.

Finally, the primary intent of this Policy is to instruct individuals on their reporting responsibilities when incidents or unusual events occur and to refer them to the appropriate location for reporting procedures.

Reporting Requirements and Related Issues

DMR Policy on Human Rights 96-1 - explains the rights and freedoms of individuals supported by DMR.

DMR Standards to Promote Dignity, C. 115 CMR 5.00, - regulations regarding investigations and reporting responsibilities, defines abuse and mistreatment.

DMR Regulations regarding Investigations and Reporting Responsibilities, C. 115 CMR 9.00, - relates to the DMR Investigations Unit and processes and resolution of complaint procedures, also incident reporting.

105 CMR 700.005 (D) - relates to the reporting of the loss or theft of controlled substances to DPH, this is relevant for medication administration and management issues.

MGL ch. 19C - the statute creating the DPPC and requirements for reporting abuse, mistreatment and neglect of people with mental retardation living in state developmental center or people with mental retardation not being served or supported by DMR.

118 CMR et seq. - regulations governing DPPC and the reporting and conduct of investigations.