



SC Department of Disabilities & Special Needs

Reporting Procedures for  
Allegations of Abuse,  
Neglect and Exploitation

534-02-DD

# What to Report:

of

Any observed or suspected allegations of abuse, neglect or exploitation.

- *Physical Abuse* includes hitting, slapping, Burning, kicking, biting, pinching, actual or attempted sexual assault; use of meds outside the standards of reasonable medical practice; use of a restrictive method or procedure to control behavior except those prescribed by a physician or part of a BSP.
- *Psychological Abuse* includes making threats of harm; intimidation causing embarrassment, fear, humiliation, agitation or other forms of emotional stress.
- *Exploitation* includes causing or requiring participation in activity or labor that is improper or against the will/wishes of consumer; unlawful use of consumer funds, assets or property of the consumer; improper use of consumer Power of Attorney, guardianship for advantage or profit; causing consumer to make purchases for profit or advantage of the seller or another person through undue influence, coercion or swindling.

- NOTE: The DDSN policy for Abuse, Neglect, and Exploitation does not include any incident referred to as “verbal abuse”. These incidents are reported as a Critical Incident. Please refer to Critical Incident policy regarding use of profane and disrespectful language towards a consumer.

# Where do you make reports of ANE Allegations?

## Adults

- If incident occurs while consumer is at the Day Program, make the report to DSS.
- If incident involving an ICF/ID consumer occurs on the agency van en route to the Day Program, make the report to SLED except as noted below.
- All other incidents of possible ANE should be reported **directly to SLED.**
- **Do not make any reports directly to the Ombudsman—SLED will decide if a case should be referred/vetted to the Ombudsman.**
- If an incident of possible ANE occurs while the consumer is on a home visit or out in the community not under direct supervision by DDSN staff, make the report to DSS and no reports to DDSN are required.

## Children

- For children in residential services, report any possible ANE of consumers age 17 and under to OHAN.
- For suspected ANE in other locations, report to the local DSS Child Protective Services Office.

# REPORTS MADE TO SLED:

**SLED** is the “gatekeeper” and will decide whether they will accept a report, issue an Intake Report and whether the case will be referred to another investigative agency.

**TO MAKE A REPORT TO SLED: CALL TOLL FREE 1-866-200-6066** *If SLED accepts a case and issues an Intake report, they will usually fax it to DDSN and the Provider within 24-36 hours.*

## CRIMINAL CASES

- SLED may vet a case to a Local Law Enforcement agency, to the Attorney General’s Office or SLED may conduct the investigation.
- If a report is made to SLED and SLED vets a case to DSS **and** advises the caller to also report the case to LLE, proceed as a criminal case.

## NON-CRIMINAL CASES

- SLED may vet( refer) a case to the Ombudsman.
- SLED may accept the report For Information only or For Assessment and issue an Intake report. (All required ANE reports must still be submitted in these instances.)

# REPORTS MADE TO DSS:

## CRIMINAL CASES:

- In some instances a report is made by the Provider to DSS and simultaneously to Local Law Enforcement, or DSS advises the Provider at the time the report is made that they will also contact LLE. When either of these occurs, proceed as a criminal case.

## NON-CRIMINAL CASES:

- Most of the time, cases reported to DSS will be Non-criminal in nature and LLE will not be involved in the case.

# INITIAL ANE REPORTS

- Include all required consumer information in the IMS report
- Be sure the residential setting listed is correct
- Include names of all alleged perpetrators and the required personnel action of Administrative Leave Without Pay (date and time)
- Include the required Safety Plan for the victim to include any referral for medical exam if indicated
- The Description of Incident should include all information from the SLED Intake Report narrative ( if reported to SLED)
- Initial Reports are due within 24 hours of Incident Date or Date of Discovery

# TYPES OF REVIEWS CONDUCTED/SUBMITTED:

- If the consumer is an ICF/ID resident, the *only* Review conducted will be the *Administrative Review for ICF/ID*.
- For Non ICF/ID consumers, a *Management Review* will be conducted on **criminal** cases.
- For Non-ICF/ID consumers, an *Administrative Review for Improper Conduct* will be conducted on **Non-criminal** cases.

# Administrative Reviews for ICF/ID:

**ADMINISTRATIVE REVIEW FOR ICF/ID IS DUE WITHIN 5 BUSINESS DAYS OF INCIDENT DATE OR DATE REPORTED; ALL OTHER REVIEWS ARE DUE WITHIN 10 BUSINESS DAYS OF DATE OF INCIDENT OR DATE OF DISCOVERY.**

The Purpose of the Review (whether case is criminal or non-criminal) is to determine if staff violated any of your agency policy or engaged in inappropriate conduct towards the consumer

- Can we collect written/signed statements? Yes--required
- Can we conduct interviews Yes--required
- Can we take photographs of injuries? Yes--optional
- Can we review shift notes, logs, etc.? Yes--if indicated
- Can we include a report from the OD? Yes--if one was done
- Can we review accident/injury reports? Yes—as indicated
- All of the above may be done as long as it does not interfere with the investigation by LLE , SLED, DSS or the Ombudsman.

# Management Reviews:

- Can we collect written statements? No--  
investigating agency does this
- Can we conduct interviews? No—  
investigating agency does this
- Can we take photographs of injuries? Yes—  
to give to investigating agency
- Can we review shift notes, nursing notes? Yes
- Can we review accident/injury reports? Yes

# Administrative Review for Improper Conduct

- Can we collect written statements? Yes--required
- Can we conduct interviews? Yes—required
- Can we take photographs of injuries? Yes
- Can we review shift notes, logs, etc.? Yes
- Can we include a report from the OD? Yes
- Can we review accident/injury reports? Yes
- If consumer/victim can provide his/her written statement, please obtain. If unable to provide a written statement, staff should take victim's verbatim statement and victim can initial statement; if unable to do either, please address in Discussion section of Outline of Report
- A written, signed/dated statement must be obtained from the alleged perpetrator(s)

# Returning Staff to Work:

## Criminal cases:

- If the provider has not received a written Case Status Report from the investigative agency (SLED or LLE), then a Request for Reinstatement must be submitted and approved in advance of the employee's return to work. The provider may document any verbal findings on the Request for Reinstatement, noting the name of the investigator providing the information and the date given.
- If the provider has received written Case Status report from SLED or LLE indicating case closed as Unfounded or Unsubstantiated and completed Management Review, then the date the date staff will return to work may be indicated on the Management Review (or in an Addendum) and any applicable disciplinary actions or staff training noted.

## Non-criminal Cases:

- The employee may return to work once the Administrative Review is completed to determine if there was any improper conduct or if there were any policy/procedural violations. The date the date staff will return to work may be indicated on the Administrative Review (or in an Addendum) and any applicable disciplinary actions or staff training noted.

# Final Case Disposition:

- **ANE REVIEWS SUBMITTED:** The Disposition in the section on Alleged Perpetrators should remain “ *Other Agency Investigating*” unless we have received a Case Status Report from SLED or LLE, or a Written Report from DSS or the Ombudsman.
- **DISPOSITIONS CONFIRMED SUBSEQUENT TO REVIEW SUBMISSION:** If the Case Status report from SLED or LLE or Written report from DSS or the Ombudsman is received after the review has been submitted, an Addendum should be submitted to include the Final determination by the investigative agency. The Disposition in the section of the Addendum on Allegations should be added/updated to reflect the final case determination.

# Other Reasons to submit an Addendum:

- When additional information is received after the Review has been submitted and approved
- When a case determination or status changes
- To indicate final personnel action and date for alleged perpetrators
- Within 24 hours after a reinstatement request has been approved