Relevant Regulatory Information		
Human Rights Complaint Process	*12VAC35-115-175 (C)(1)*	1. Complaints that do not involve abuse or neglect must be reported to the department (i.e., in CHRIS) as soon as possible, but no later than the next business day. 2. Complaints involving allegations of abuse or neglect must be reported to the department, in CHRIS, within 24 hours of receipt of the complaint [12VAC35-115-175 (F)(3)].
	12VAC35-115-175 (C)(2)	1. The individual must be contacted regarding the complaint within 24 hours. 2. If the individual has an authorized representative (AR), that person must also be contacted within 24 hours regarding the complaint [12VAC35-115-175 (F)(3)].
	12VAC35-115-175 (C)(3)	1. An impartial investigation must begin as soon as possible, but no later than the next business day. 2. Those investigating abuse, neglect, or exploitation must be trained to do so and must not be involved in the complaint [12VAC35-115-175 (F)(4)].
		Special Note: Given that investigations must be impartial, it is important that each organization have __internal policies and procedures__ for conducting investigations. Below are a couple of questions to consider: • *What is the process for reassigning investigators when the assigned investigator is involved in the complaint under investigation?* • *What is the process for assigning an investigator when the director or owner is the accused staff person?* o *Because the investigation must be impartial, it needs to be considered how impartial the investigation will be if an employee is responsible for investigating their manager, supervisor, director, owner.*

	12VAC35-115-175 (C)(8)	1. The results of the investigation, including any applicable action plan, must be reported to the individual and authorized representative (if applicable) within 10 working days, and entered into CHRIS.
		2. Results of abuse, neglect, or exploitation investigations must be provided to the director and human rights advocate, in a written report, within 10 working days of the date the investigation began, unless an extension was granted [12VAC35-115-175 (F)(5)].
		• Extensions may be requested through the assigned advocate no later than the 6th day of the investigation. Be prepared to explain the reason for the request and the anticipated completion date. It is up to the advocate to approve the request and set the extended due date.
		• The director must submit the final decision and action plan to the individual, authorized representative (if applicable), in writing, within 10 working days from completion.
		o The date of notification must be documented in CHRIS on the Investigation tab.
		o The written notification is typically provided in the form of a director's decision letter and must include [12VAC35-115-175 (E)(7)(b)]:
		▪ The individual's right to appeal.
		▪ The process to appeal.
		• This should include the Regional Advocate's name and phone number.
Provider Requirements for Reporting	*12VAC35-115-230 (A)(2)*	1. Complaints involving allegations of abuse or neglect must be reported in CHRIS within 24 hours of receipt of the allegation.
	12VAC35-115-230 (B)	1. Any death or serious injury that is suspected or known to be the result of abuse or neglect must be reported to the Office of Human Rights in CHRIS.
		Special Note: This requirement is different from those established by the Office of Licensing. Please contact your Licensing Specialist for questions regarding reporting requirements for the Office of Licensing related to serious incidents and deaths.
	12VAC35-115-230 (C)	1. In addition to the requirement to report seclusion and restraint data to the Office of Human Rights each year by the 15th of January, any instance of seclusion and restraint that is not in compliance with the human rights regulations, or that cause injury, must be reported in CHRIS within 24 hours of discovery.

Definitions (12VAC35-115-30)	Abuse	1. To determine whether abuse occurred:
		• First, determine whether the act, or failure to act by the employee was done knowingly, recklessly, or intentionally.
		    ○ Knowingly, meaning with a sense of consciousness or awareness.
		    ○ Recklessly, meaning with a sense of carelessness, inattention, or deviation from policy and procedure.
		    ○ Intentionally, meaning done deliberately or willfully.
		• Second, determine whether the act, or failure to act by an employee either caused, or may have caused physical or psychological harm, injury, or death.

		1. Coercion is not officially defined in the regulations; however, it is important to understand how it is related to abuse. 2. Coercion is: • The use of expressed or implied threats of violence or reprisal or other intimidating behavior that puts a person in immediate fear of the consequences in order to compel that person to act against his or her will, or subtle language or actions intended to persuade or otherwise influence someone to do something that they might typically be unwilling to do, using tactics such as emotions, psychology, imagination, or indoctrination.
	Exploitation	1. This is a type of abuse, is the misuse or misappropriation of the individual's assets, goods, or property. Exploitation also includes the use of a position of authority to extract personal gain from an individual. 2. Examples: • Using an individual's belongings without permission • Withholding an individual's belongings to ensure compliance • Accepting gifts • Financial misconducts • Stealing or borrowing an individual's medications • Offering an individual additional medication in exchange for sexual favors (this would also be coded as sexual abuse) • An additional example of exploitation: ○ Being unwilling and failing to complete an individual's Supports Intensity Scale (SIS) assessment due to a concern that the individual's improvement would require a lower level of care/support, which would ultimately reduce reimbursement.

	Neglect	1. Failure by an employee or program responsible for providing services to do so, including nourishment, treatment, care, goods or services necessary to the health, safety and welfare of an individual receiving services. 2. Examples: • Failure to take actions that would have prevented an injury • Failure to stop or try to stop an individual from an activity that could lead to harm • Allowing two individuals to fight without intervening (e.g., peer on peer aggression) • Failure to provide adequate supervision • Certain medication errors • Elopement (based on the provider's internal policies/procedures)

CHRIS Accounts & Access

- All requests for DELTA accounts, to include obtaining access to CHRIS, must be made through the DELTA Helpdesk email address: deltaprod@dbhds.virginia.gov.
- Each agency is encouraged to have at least two representatives, in a leadership position, assigned DELTA oversight. Depending on the size of the agency, it may be a good idea to consider even more staff with DELTA privileges. These representatives will oversee CHRIS operations and the roles assigned to the agency's representatives.
- There should always be staff available to enter complaints, and available to access the report, when needed.

Special Note: For questions or concerns regarding reporting serious incidents, or any other matter regarding reporting requirements for the Office of Licensing, please contact your Licensing Specialist.

Technical Assistance and Reminders

- For general questions about what should be reported, contact your assigned Regional Advocate (*see contact map below*).
  - If you receive an error while you are entering the report within your 24-hour timeframe, take a screenshot and send to your Advocate.
- For issues with CHRIS login or DELTA access, email deltaprod@dbhds.virginia.gov.
- CHRIS is designed to time out after 15 minutes.
  - Save information while you are working.
  - Keep a Word document and copy/paste the information into CHRIS.
  - When you click Save, look for "RECORD IS SAVED" at the top and bottom of the CHRIS page. If you do not see this message, your record was not saved. Review the error message and fix the error.
- Be clear, concise in describing the complaint (only provide the relevant information for the allegation)
- Enter complaints for the victim (one victim per report)
- Be mindful of mandated reporter responsibility
- Contact your Advocate if there is something preventing you from reporting on time
- Ensure your report is complete and thorough