



## **Division Guideline #53**

**Date:** August 5, 2015

**Title:** Determination of Recommended Time on the DMH Employee Disqualification Registry (EDR) Guideline

**Application:** DD State Operated Facilities, State Operated Waiver Programs, Habilitation Center Campuses, and DD Regional Staff assigned to work with DD individuals in the community or with providers who provide services to DD individuals in the community.

**Purpose:** Prescribes procedure for identifying, documenting, and reviewing factors/guidelines for determining the length of time an individual is to be placed on the Department's Disqualification Registry following a substantiation of charges of abuse, neglect or misuse of funds/property in accordance with DOR 2.205 and 2.210.

### **Definitions:**

**Employee Disqualification Registry:** The list maintained by the Department pursuant to section 630.170.11, RSMo, that includes the names of any person who has been finally determined by the Department to be disqualified from holding any position in any public or private facility, residential facility, day program or specialized service that is operated, licensed certified, accredited, in possession of deemed status, or funded by the Department or in any mental health facility or mental health program in which people are admitted on a voluntary or involuntary basis or are civilly detained pursuant to chapter 632, RSMo, based upon an administrative substantiation of abuse or neglect.

**Facility Determiner:** The Department Director delegates authority to heads of the facilities or designee to perform duties and takes appropriate action to ensure individuals reside in safe and therapeutic environments through making a finding of Abuse, Neglect, or Misuse of Funds/Property.

**Community Determiner:** The Department Director delegates authority to the Deputy Director or other Department Designee to perform duties and take appropriate action to ensure individuals reside in safe

and therapeutic environments through making a finding of Abuse, Neglect or Misuse of Funds/Property.

**EDR Determination Tool:** The DD EDR Determination Tool is an internal quality assurance activity conducted by facility/community A/N determiners following the allegation and investigation of an incident of abuse/neglect designed to ensure accuracy and consistency regarding selecting the appropriate timeframe for placement on the EDR. A Determination Tool exists for each of the five components described in DOR 2.205 Abuse and Neglect Definitions, Investigation Procedures & Penalties, State Operated Facilities, and DOR 2.210 applying to Community Provider Facilities; those being Misuse of Funds/Property, Neglect, Physical Abuse, Sexual Abuse and Verbal Abuse.

### Procedure

The EDR Determination Tool shall be initiated and completed following all investigations where a preliminary determination of abuse/neglect has been made. A review of the investigative report and completion of the determination tool affords the determiner the opportunity to consider additional information and criteria that help to clarify the magnitude and gravity of the alleged offense and to provide a broader perspective of both system and performance issues which may mitigate placing an employee permanently on the EDR.

Following the timely completion of the investigation and receipt of the final investigative report the determiner or his/her designee, as designated by the department, shall:

Within 10 CALENDAR days from receipt of the report, complete the EDR Determination Tool appropriate to the allegation, making notations of how the listed criteria factored into the determination. The determiner shall document on the tool all comments reflecting how these criteria factored into the determination, the final determination and recommended time on the registry using the intervals of 2 years, 5 years, 10 years and Lifetime. The determiner shall sign and date the document.

The determiner shall provide by fax a copy of the determination tool for review to his/her direct supervisor.

If the direct supervisor concurs with the determiner's finding and recommendation of the determiner, he/she shall affix his/her signature and date to the faxed copy and return it to the determiner's office, via fax.

If the direct supervisor disagrees with the determiner's finding and recommendation, a conference call will be initiated within 72 hours to review and discuss the determiner's findings and to decide upon appropriate disposition of the matter.

If at any time throughout this process a question or concern arises or consensus cannot be reached, the Assistant General Counsel in the region may be consulted to provide further clarification, directions and/or an opinion as to the appropriate disposition of the matter.

When an EDR final determination has been made, the facility determiner shall issue a preliminary letter with the determination of the substantiation in the case, as well as the length of time the employee will be placed on the EDR, in accordance with DOR 2.205 and DOR 2.210.

If after due process there is a decision to modify the original determination, the facility determiner shall notify his/her direct supervisor of the justification(s) for modifying the original determination prior to issuing the final determination letter.

**Authority:**

[DOR 2.205](#)

[DOR 2.210](#)

[Section 630.170](#), as revised by HB 1318, 96<sup>th</sup> General Assembly, Second Regular Session

*This guideline will be reviewed and updated annually, if needed.*