



DBHDS

Virginia Department of Behavioral Health and Developmental Services

Reporting in CHRIS

Abuse, Neglect, Exploitation & Human Rights Complaints

Office of Human Rights 2025







Develop an understanding of entering a complaint in CHRIS.

02

Identify and distinguish different types of complaints and reporting requirements.

03

Review reportable and non-reportable human rights complaints.







Peer to Peer (P2P) Guidance

CHRIS Demo (Abuse Report)

CHRIS Demo (Complaint Report)

Considerations in Reporting





2025

Reporting in CHRIS Training Handout



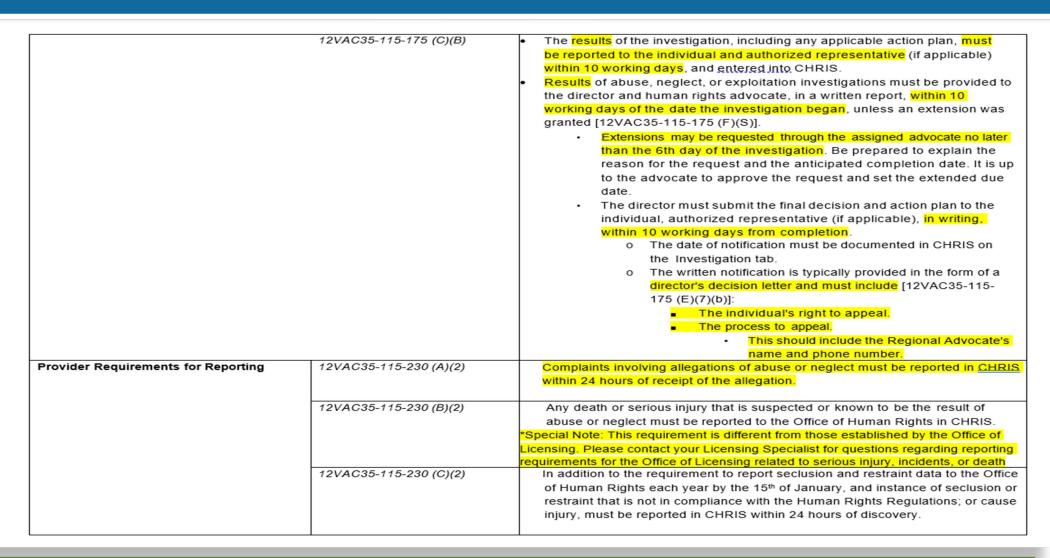
Relevant Regulatory Information

Human Rights Complaint Process 12VAC35-115-175 (C)(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. 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)	The individual must be contacted regarding the complaint within 24 hours. 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)].
	An impartial investigation must begin as soon as possible, but no later than the next business day. 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.



2025

Reporting in CHRIS Training Handout









Any act, or failure to act, that was or was not performed knowingly, recklessly, or intentionally Any action, or failure to act, that caused or might have caused physical or psychological harm, injury, or death







Coercion is not officially defined in the regulations; however, it is important to understand how it is related to abuse.

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

This is a type of abuse. Exploitation 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.

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)

Neglect

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.

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)



Determining Abuse

First - determine whether the act, or failure to act by the employee was done knowingly, recklessly, or intentionally.

- Knowingly: with a sense of consciousness or awareness.
- Recklessly: with a sense of carelessness, inattention, or deviation from policy and procedure.
- Intentionally: done deliberately or willfully.

Second - determine whether the act, or failure to act by an employee either caused, or may have caused:

- O Physical or psychological harm
- Injury
- Death





Licensed Community Providers Peer-to-Peer (P2P) Guidance





P2P Technical Assistance Memo Link



Peer on Peer (P2P) Aggression

• "Peer-on-peer aggression," for purposes of this guidance, means a physical act, verbal threat, or demeaning expression by an individual against or to another individual that causes physical or emotional harm to that individual. Examples include hitting, kicking, scratching, and other threatening behavior

Reporting P2P

• Providers must report to the OHR all incidents of peer-on-peer aggression that are alleged to have resulted in or from a human rights violation, whether the alleged violation is discovered by the provider or through a complaint. These incidents of peer-on-peer aggression shall be entered in CHRIS within 24 hours of discovery of the incident or receipt of the complaint, in accordance with 12VAC35-115-230.

Coding P2P in CHRIS

• These incidents should be coded under the category "Neglect Peer-on-Peer Aggression."



Licensed Community Providers Peer-to-Peer (P2P) as Neglect Guidance



Reporting Peer-on-Peer Aggression as Neglect

Incidents involving peer-on-peer aggression [also] may constitute potential neglect when:

- Provider staff fail to follow internal policies and procedures
- Provider staff do not deliver supervision consistent with an individual's individualized services plan (ISP) or occurred because staff were not engaged in appropriate supervision
- □ Provider staff do not act to prevent an individual from being harmed during the incident, including:
 - Physical harm resulting from peer-on-peer aggression may be evidenced by open wounds, bruises, black eyes, lacerations, or broken bones.
 - **Emotional harm** resulting from peer-on-peer aggression may be evidenced by an individual stating that they are feeling unsafe or afraid of certain peers, or documented changes in the individual's behavior (i.e., becoming more withdrawn, avoidance of peer(s), or clinical documentation from a qualified professional).

The following must always be reported as Neglect P2P:

- A pattern of three (3) or more incidents of peer-on-peer aggression involving the same peers within a seven (7) day timeframe
- ☐ Incidents between peers involving sexual assault, which is a form of violence that includes:
 - Forced groping and rape;
 - o Involving unwanted sexual activity between minors (e.g., intercourse, kissing, touching of private areas);
 - Involving sexual intercourse or other sexual activity, physical assault, or exploitation between adult peers in which at least one individual is deemed to lack capacity based on an existing assessment that indicated the individual was at risk of exploitation.



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Licensed Community Providers Peer-to-Peer (P2P) Guidance

❖ All incidents that meet the definition of "Peer-on-Peer Aggression" in the Human Rights Regulations are to be reviewed by the provider, in accordance with the providers policies and procedures, and undergo an "internal review."

"Internal review" is not a defined term in the Human Rights Regulations; however, when used in this guidance, it refers to the provider's standard processes to review incidents to determine any further actions needed to identify and address potential harms to an individual and to reduce the likelihood of reoccurrence. Providers should have policies to address internal review procedures that include a reasonable timeframe for the review of incidents, the methodology used for the review, and a structure for documenting the outcome of the review.

- Please note that the "internal review" is separate from the investigation that would occur if the review raised suspicion of abuse or neglect, or if the provider received a complaint.
- ❖ Upon completion of this internal review, <u>providers are expected to implement any identified proactive measures</u> that may reduce the number of peer-on-peer aggressions and lessen the possibility of neglect, resulting in a safer treatment environment overall.

(See also <u>12VAC35-105-160</u> and <u>12VAC35-105-520</u> of the Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services ["Licensing Regulations"] that specify various review and reporting requirements.)

❖ The OHR may request to review provider information specific to their review of incidents involving peer-on-peer aggression because of identified trends, the possibility of neglect, complaints discovered by the OHR that were known to the provider but not reported, or in any situation that the OHR deems necessary to protect the rights of individuals receiving services from providers of mental health, developmental, or substance abuse services in Virginia (See 12VAC35-115-260.)



Guidance: Reporting Peer-on-Peer Aggressions (P2P) as Potential Neglect - FAQs

Q-Now that we don't have to enter every single P2P for OHR, what new documentation is expected for our tracking, specifically for OHR?

- ✓ All incidents that meet the definition of "peer-on-peer aggression" (P2P) in the Human Rights Regulations are to be reviewed by the provider. This review is expected to consider, at a minimum, whether provider staff followed internal policies and procedures, delivered supervision consistent with individual(s) needs and the ISP(s) and acted to prevent individuals from being harmed while receiving services.
- ✓ During the internal review process, the provider is responsible for determining whether something is reportable to OHR in CHRIS.
- ✓ P2P is an incident. Providers are required to track and trend incidents per Licensing Regulations. (See 12VAC35-105-160 and 12VAC35-105-520).

Q-What is the differences between an "internal review" and "investigation"?

✓ Internal Review refers to the provider's standard processes to review incidents to determine any further actions needed to identify and address potential harm to an individual and to reduce the likelihood of reoccurrence. This is separate from the human rights investigation, that would occur if the review raised suspicion of abuse or neglect, or the provider received a complaint.

Q-Is a provider required to submit documentation from internal reviews of P2P incidents to OHR, like they do for Annual Seclusion/Restraint?

✓ No. OHR may request to review provider information specific to their review of incidents involving P2P because of identified trends, the possibility of neglect, complaints discovered by the OHR that were known to the provider but not reported, or in any situation that the OHR deems necessary to protect the rights of individuals receiving services (See 12VAC35-115-260.)

Q-How long does the provider have to complete their internal review of P2P incidents?

✓ Providers should have policies to address internal review procedures that include a reasonable timeframe for the review of incidents, the methodology used for the review, and a structure for documenting the outcome of the review.

Q-What if a provider makes an incorrect determination and does not report in CHRIS? Will there be a late reporting citation?

- ✓ When the provider is doing an internal review and identifies a potential rights violation, the provider would use the date of the internal review as the date of discovery and report the incident within 24 hours.
- ✓ Late reporting is when the provider is made aware of a reportable incident by OHR, and the provider does not enter the report into CHRIS within the 24-hours or when a provider is aware of a reportable P2P incident and only enters it on the OL side of CHRIS.
- ✓ If OHR discovers that a provider should have but did not report a P2P incident to OHR in CHRIS, this would be considered a failure to report.





CHRIS Technical Assistance



CHRIS Accounts & Access

- All requests for DELTA accounts, to include obtaining access to CHRIS, must be made through the DELTA Helpdesk Microsoft Form:
 DELTA Account Request Form
- Each Provider 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.

Technical Assistance and Reminders

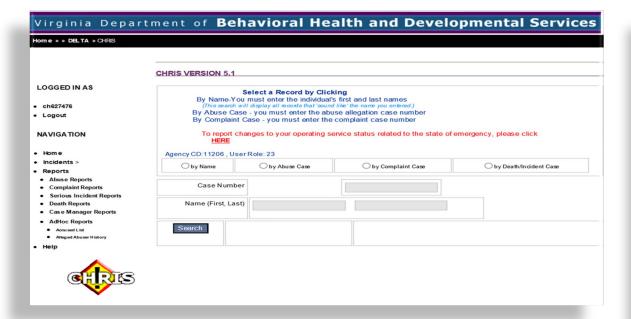
- For general questions about what should be reported, contact your assigned Human Rights Advocate.
 - If you receive an error while you are entering the report within your 24-hour timeframe, take a screenshot and send to your Advocate.
- For issues with <u>CHRIS</u> login or <u>DELTA access</u>, email <u>deltaprod@dbhds.virginia.gov</u>.
- 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

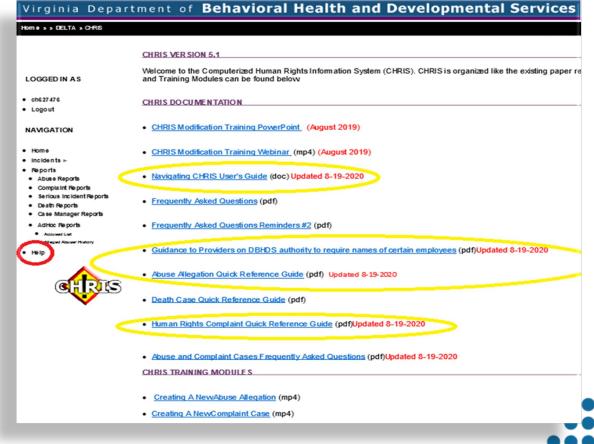






CHRIS Resources



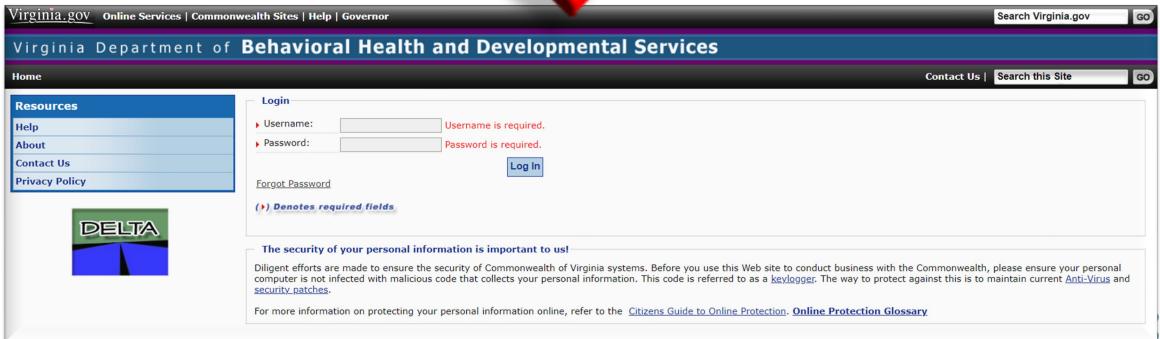




Entering ALLEGATIONS











To rep	By Name-You mus (This search will dis By Abuse Case - you By Complaint Case	elect a Record by Clicking st enter the individual's first and splay all records that 'sound like' the name you must enter the abuse allegation you must enter the complaint ng service status related to the state HERE	ou entered.) on case number t case number
	Į.	Agency CD:016 , User Role: 22	
by Name	O by Abuse Case	O by Complaint Case	Select one
Case Numl			
(,			
earch	,,		,

*You must select a record search type to access ability to enter existing case numbers or name

Entering ALLEGATIONS

Example:

Search:

"by Name"

Enter name:

(FIRST, then last)

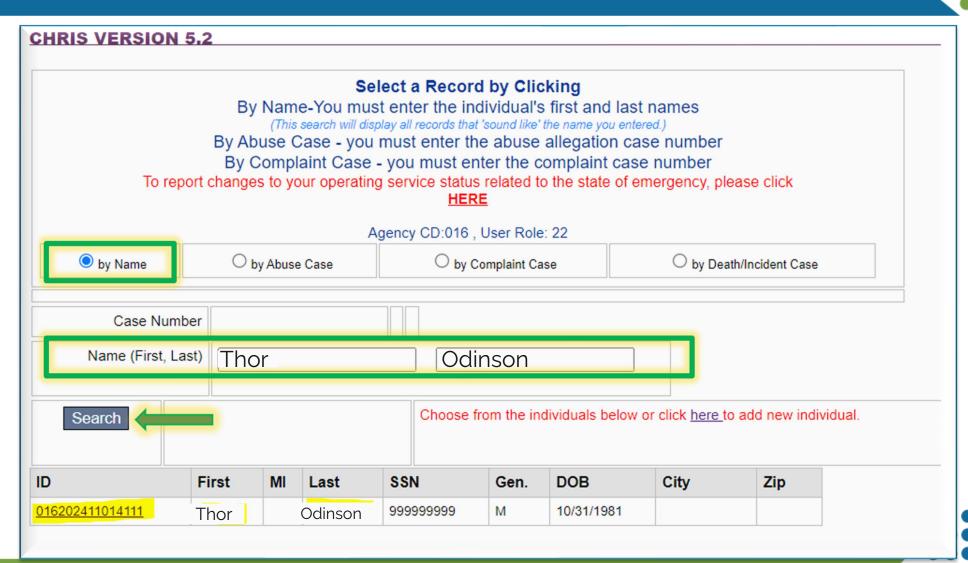
Click "Search"

Individual is found

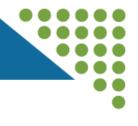
Click "ID" link

Note:

If this is a newly
entered individual,
you may use the
hyperlink in CHRIS to
begin entering in
demographics to
create new case



Entering ALLEGATIONS



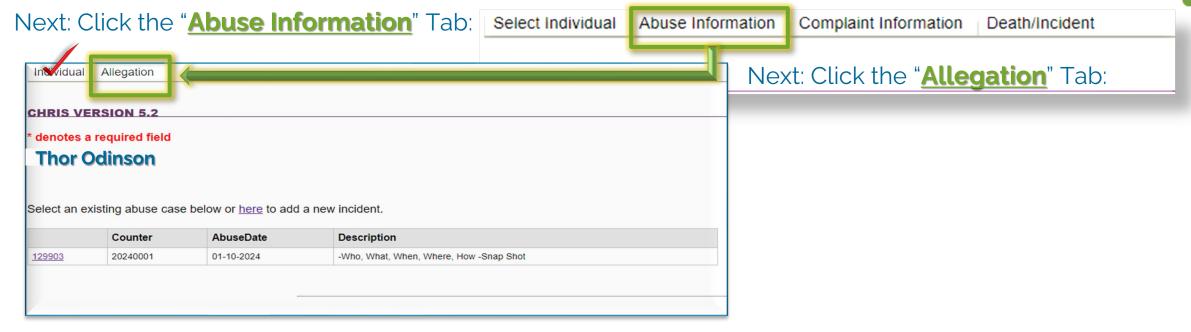
Select Individual Abuse Infor	mation Complaint Information Death/Incident	
CHRIS VERSION 5.1 * denotes a required field A additionally required fields f	or CSBs and Private Providers	<u>s</u>
* Legal Name (First, MI, La:		>
*SSN (no dashe: Don't have SSN Please ent (99999999	er Cooksood	
	Current Address where individual is living	
^ Stre	778 Bi-Frost Way	
^ City, ^State, ^Z	Asguard VA 77777	
Pho	Phone (###) ### #####	
	Provider Primary Address	
Stre	4850 Mark Center Drive	
City, State, 2	ip Alexandria VA 22311	
DEMOGRAPHICS		
*Date of Birth (format: 99/99/9999)		
*Race Other	*Gender Male *	
Medicaid Number		
* Substitute Decision Maker	Name Phone Number Em	ail
Relationship to Individual		
Save Cancel D	elete	

Select Individual tab:

- Verify correct individual
- Provider address will auto populate from location selected previously

- In the "Demographics" section of this tab, the Substitute Decision Maker field is now required. When "Yes" is selected, the "Name," "Contact Information," and "Relationship to Individual" fields must be completed.
- Save record This completes the Select Individual Tab

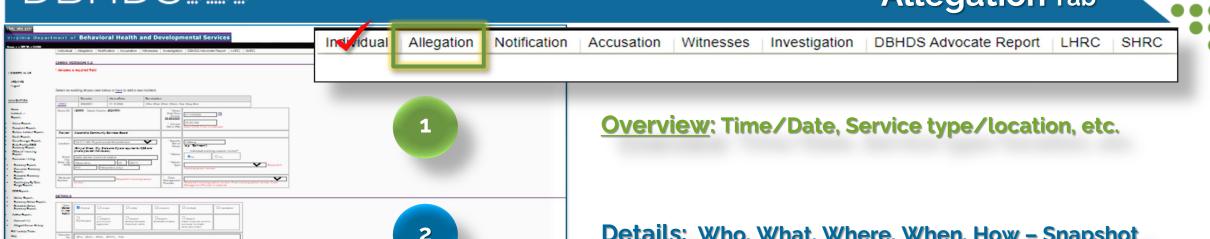
Allegation Tab



On the "Allegation" tab, any existing cases for the individual will be shown

- > Add updates by clicking the hyperlink to the case in CHRIS (i.e. 129903 in this example)
- New incidents can also be added at this time by clicking the hyperlink stating "here" to add new incidents

Allegation Tab



2

Details: Who, What, Where, When, How - Snapshot

Injuries: Specific Injury/injuries reported or observed

Reporting: Persons reporting / Report "Trail"

BE

Allegation Tab: Overview section



Overview

"Abuse Counter" = **Case Number** i.e. **202400001** seen here

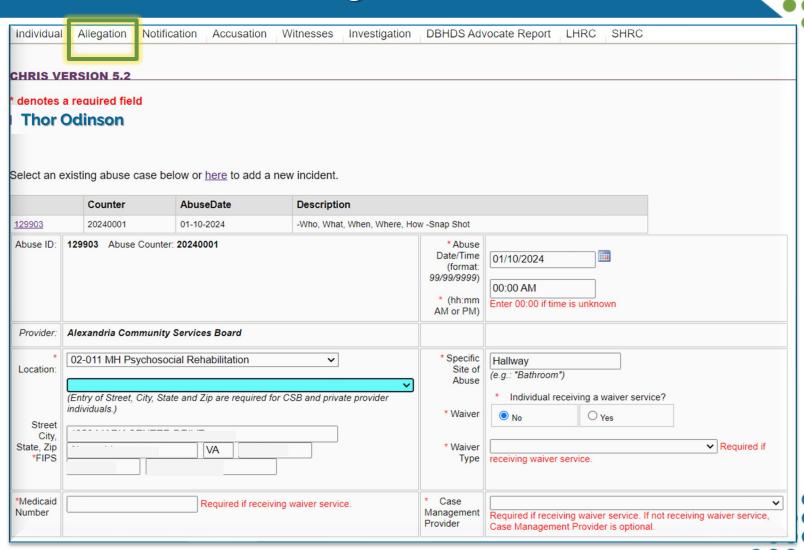
Enter the following information:

- ✓ Abuse Date/Time Reported
- ✓ Provider will be auto-populated
- ✓ Select Service Type/Location
- ✓ Specific area where alleged abuse occurred during the service

Indicate "Yes" or "No" to Individual receiving a wavier service.

"Yes" will require additional information such as:

- > Type of Wavier
- Medicaid Number
- Support Coordination CSB



Allegation Tab: Details section

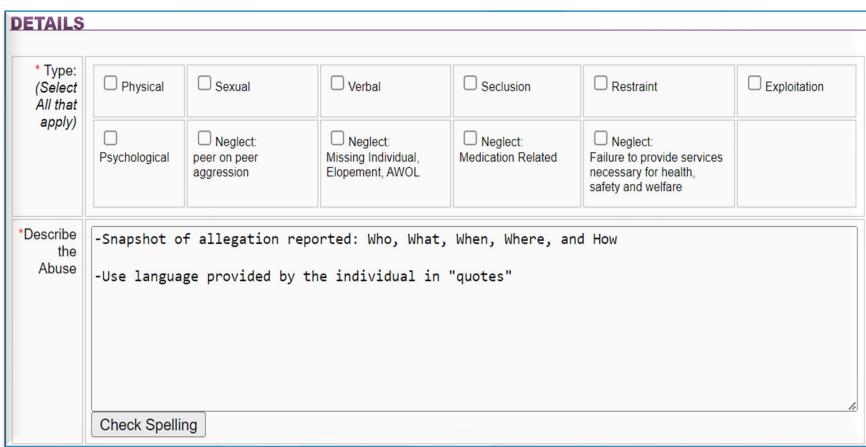


2 Details

Select type(s) of abuse alleged. More than one selection can be chosen.

Describe:

- ✓ "Who" is the alleged assaulter
 /victim
- ✓ "What" type of alleged abuse is reported/denied, and by whom
- "When" did the alleged abuse occur
- "Where" specifically in the service area did the alleged abuse occur
- "How" was the alleged abuse perpetrated or happened.

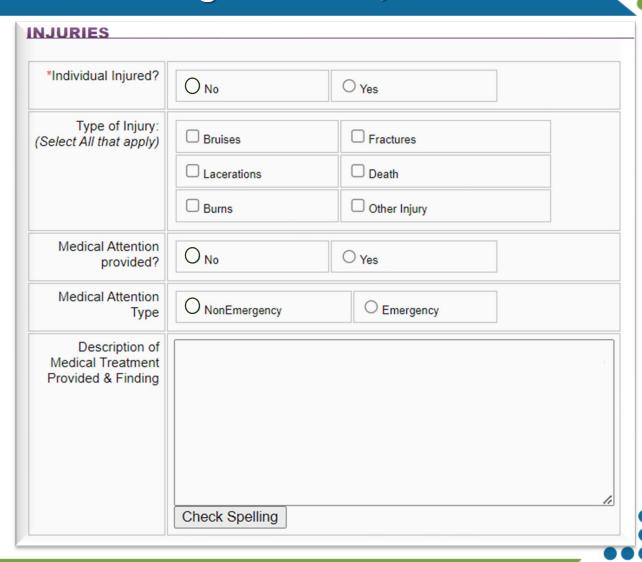


Allegation Tab: Injuries section

Injuries: Specific Injury/injuries reported or observed

- Indicate injuries that are observed, that meet the definition of serious injury (section 30) - by selecting yes or no
- Specify the type of injury more than one type of injury can be selected
- Select yes or no if the individual receive medical attention, and the type of care provided
 - *Emergency (i.e., ambulance or taken out of the facility) / Non-emergency (i.e., appointment made)
- Lastly describe the treatment provided and findings.

 *If taken out of the facility use hospital records to report the treatment received / diagnosis or cause.
- If specifying "NO" to injury, a notation of a "medical review" and/or verbal denial of injury noted from individual.



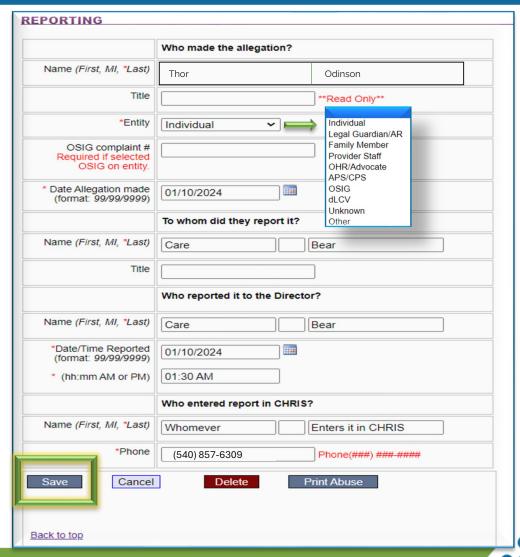
Allegation Tab: Reporting section



Reporting: Persons reporting / Report "Trail"

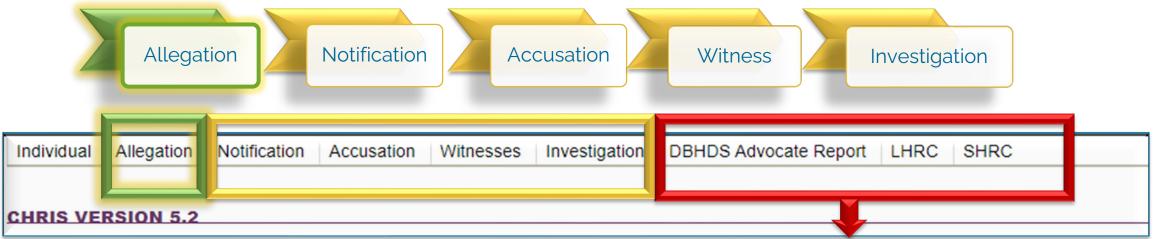
- Begin by noting the person making the allegation, followed by their title (if applicable) and "Entity" (i.e. is the person reporting the individual, the parent or the AR, staff, etc.)
- Allegations from the Office of the State Inspector General (OSIG) will have a 'complaint number" associated with the allegation, which must be listed next.
- The person to whom and when the allegation was reported is noted next, as well as their title.
- Next is noting whom reported the allegation to the Facility Director (FD) and date/time when the FD was notified.
- Lastly, enter the name and the telephone number for the person entering the information into CHRIS *allegations of ANE must be entered in CHRIS as soon as possible, but no later than *24 hrs.

SAVE record – This completes the Allegation Tab





After clicking "Save" for the individual on the <u>Allegation</u> tab, a series of **additional tabs** will become visible (*or will already be visible if accessing a previously entered case.)



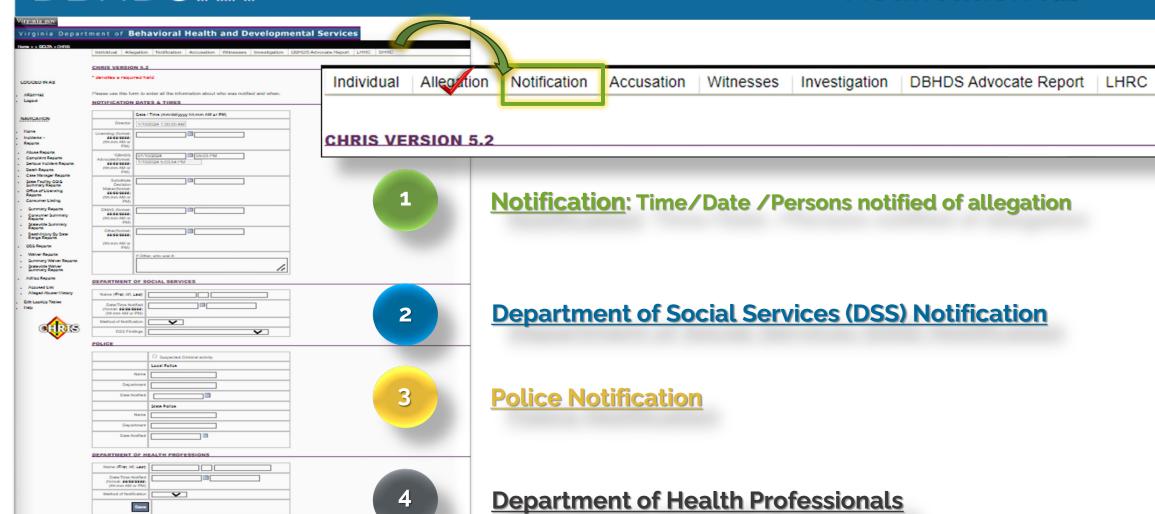
The remaining tabs are for the Advocate to complete. However, Providers may observe entries on these tabs.

- ▶ DBHDS Advocate Report: progress of the Advocate review of information entered by the provider.
- LHRC: Will be completed when appeals to the director decision are made/requested
- > SHRC: Will be completed when appeals of the LHRC are made/requested.

Notification Tab



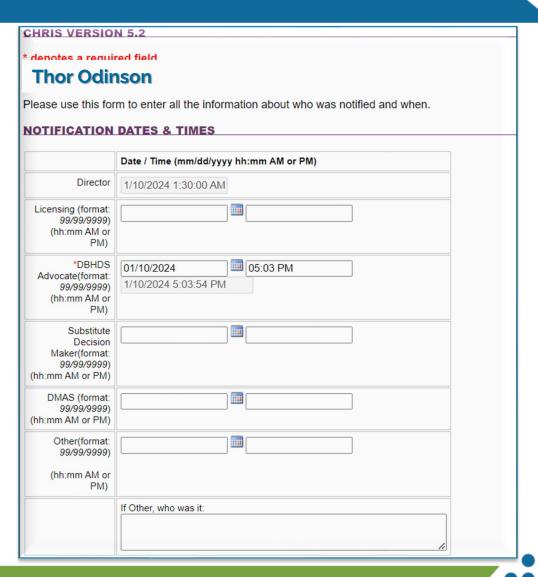
SHRC



Notification Tab: Notification Dates & Times section

Notification: Time/Date/Persons notified of allegation

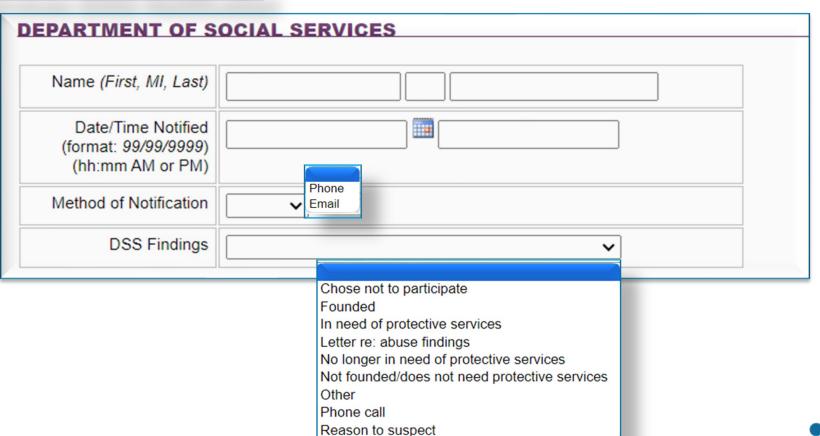
- Director notification date and time autopopulates from previous entry on allegation tab.
- Note the date and times of additional notification to appropriate additional parties:
 - ✓ Licensing
 - ✓ Advocate
 - ✓ Substitute Decision Maker: Authorized Repetitive (AR) Legal Guardian (LG) Power of Attorney (POA)
- Other: Any other person notified. Use the text field to note who was notified.



Notification Tab: DSS Notification section

Department of Social Services (DSS) Notification

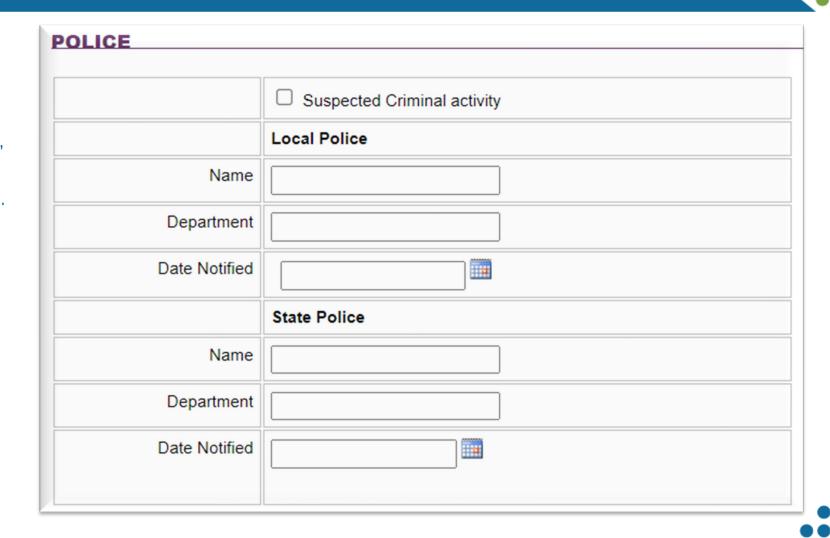
- Note any communications with DSS in this section:
- Name, Date, and Time of person notified
- Method of Communication via drop down Menu: Phone or Email
- Any participation, communication, or findings by DSS can be identified/updated via drop down menu



Notification Tab: DSS Notification section

3 Police Notification

- When there is known or suspected criminal activity, note this by checking the box indicating this concern.
- Identify the police organization contacted (Local or State):
 - ✓ Name of person contacted
 - ✓ Department
 - ✓ Date

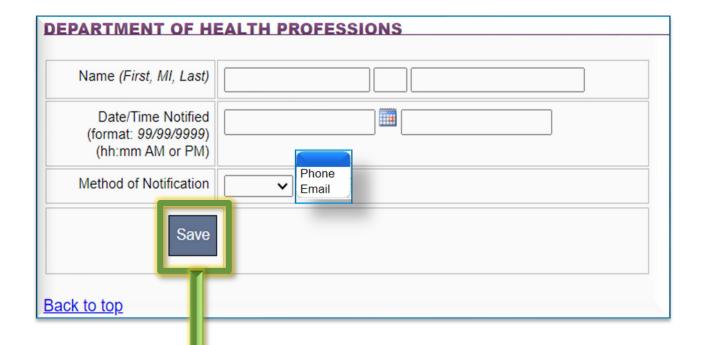


Notification tab: **DHP** Notification section



4 <u>Department of Health Professionals (DHP)</u>

- Complete the section only when an alleged assaulter who is licensed by the DHP has been determined in the investigation findings and Director's decision as having conducted abuse.
- Name, Date, and Time of person notified
- ➤ Identify the method of Communication via drop down Menu: (Phone or Email)
 - *if faxed, use email as notification type

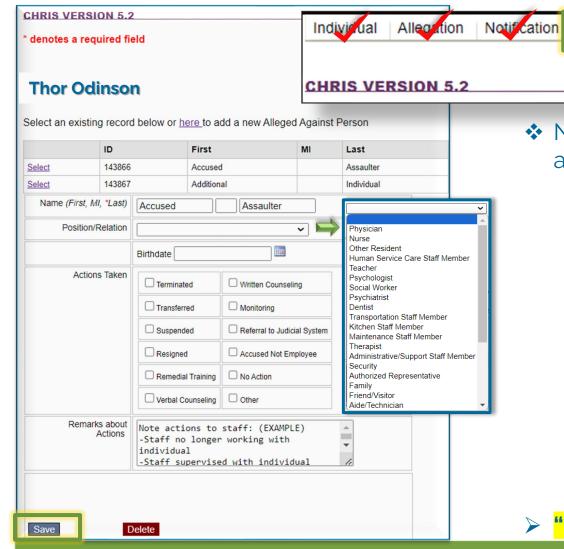


"Save" record - This completes the Notification Tab

Accusation Tab

SHRC

DBHDS Advocate Report | LHRC



Note the alleged employee(s) accused of abuse; and additional individuals involved or accused.

Investigation

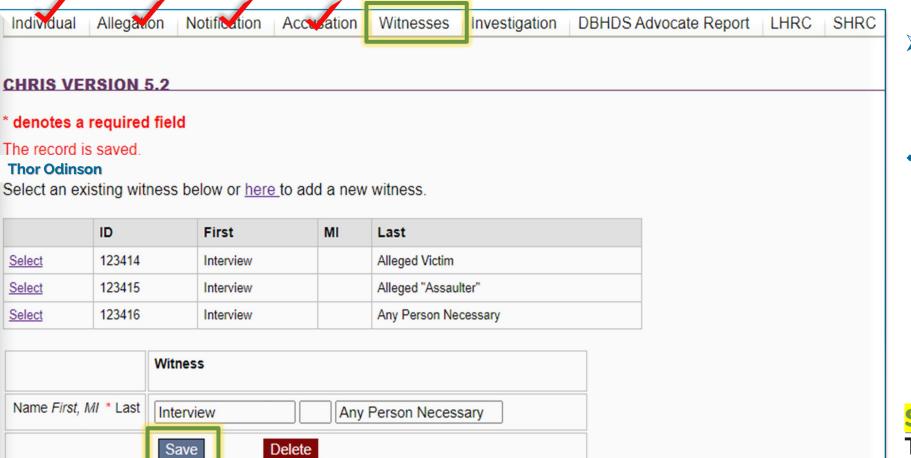
Accusation

Witnesses

- Name: List the employee's/individuals name(s). (if name us unknown list "staff" until discovered.
- Position/Relation: Note the title or relationship to the accused
 if known (*will appear in drop down menu).
- Action Taken: indicate what steps are taken regarding the accused employee
- Remarks: describe what the "actions taken" (from above) included
- "SAVE" record This completes the Accusation tab

Witness Tab





- Note the individuals who were interviewed as part of the investigation.
- Include the alleged victim on this tab, as they should also be interviewed as part of the investigative process.

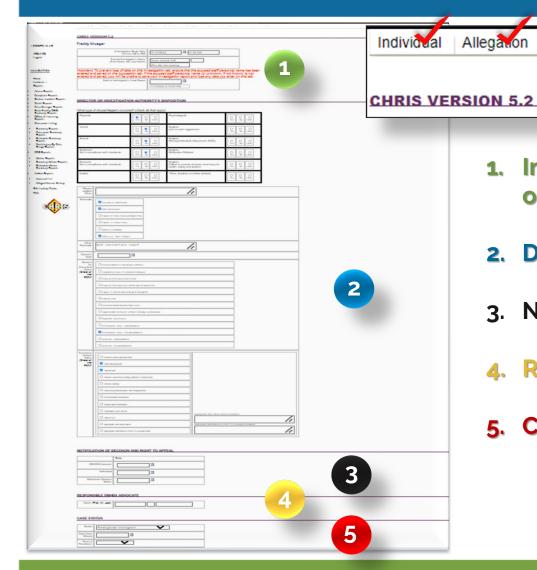
Save record This completes the
Witness tab

Investigation Tab

DBHDS Advocate Report | LHRC



SHRC



1. Investigation Begin date, Trained Investigator, Final Date of Investigation

Investigation

2. Director or Investigator Authority Disposition

Withesses

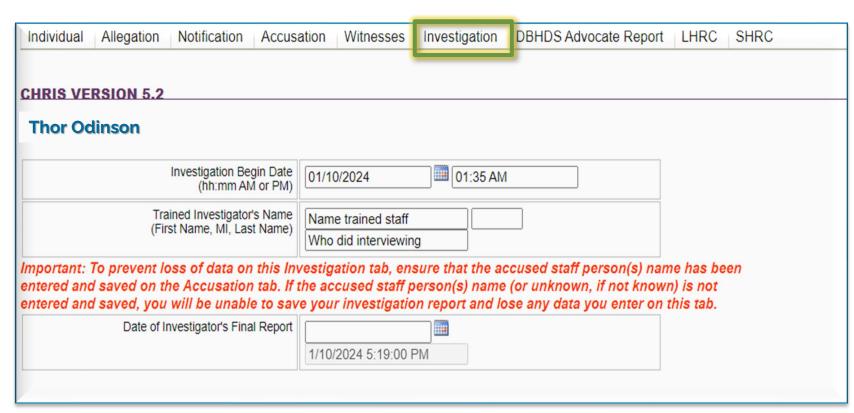
- 3. Notification of Decision and Right to Appeal
- 4. Responsible DBHDS Advocate
- 5. Case Status

Investigation Tab: Section 1



Notification: Time/Date / Persons notified of allegation

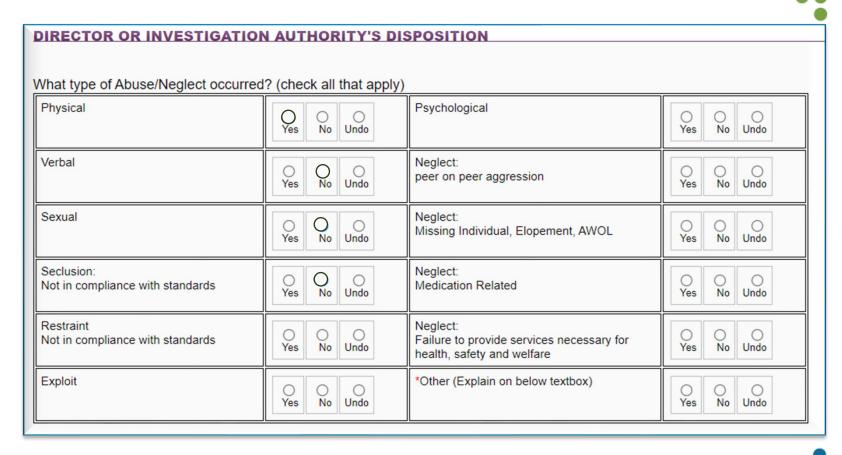
- Note when the investigation began – Date and Time
- Note the *trained* investigator assigned to the case
- Note the date of the close of the investigation.
 - 10 days, unless an extension has been granted
 - Extensions must be requested ASAP but no later than the 6th working day of the investigation



Investigation Tab: Section 2

2 Director or Investigator Authority Disposition

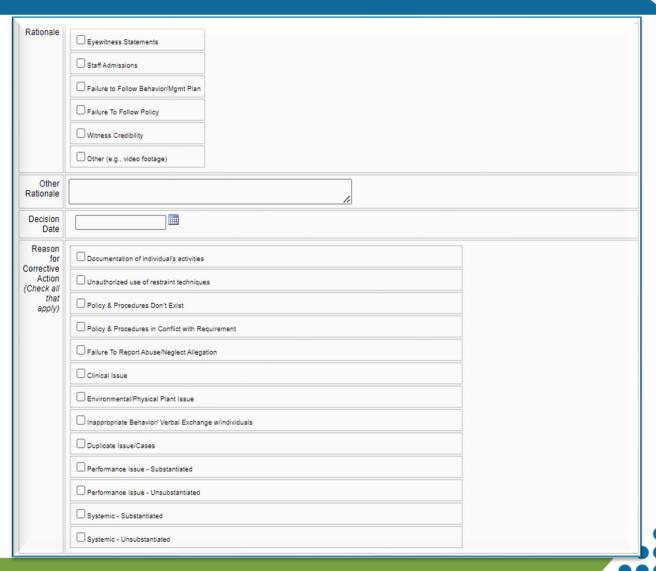
- Use this section to identify the type of ANE determined via the investigation findings – you may select as many that may apply.
- * "Other" may only be used if additional Human Rights complaints are discovered during the investigation. If attempting to select "Other," outside of this reason, reach out to the Office of Human Rights Advocate/Regional Advocate Manager for guidance regarding a selection.





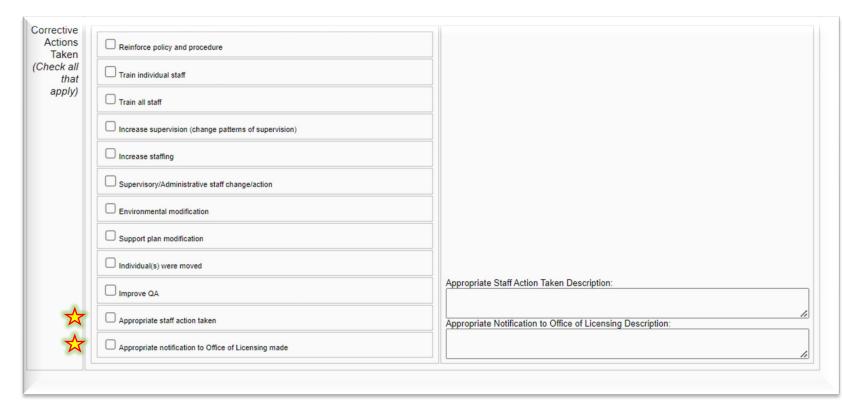
Investigation Tab: Section 2 - continued

- **Director or Investigator Authority Disposition** cont.
- Rationale: identify how information in the investigation finds were obtained.
 - other rationale pertains to video footage: Note time, date, and actions observed on the footage in the text field
- <u>Decision Date</u>: Note the date the determination of ANE was made.
- Reason for Corrective Actions: In the investigation findings, select what was the identified concern/why corrective action is necessary (*select all that are found to apply).



Investigation Tab: Section 2 – continued

- Director or Investigator
 Authority Disposition cont.
- Identify all actions taken as result of the findings of the investigation (*select all that apply)
- Should "Appropriate staff action taken" or "Appropriate notification to Office of Licensing" be selected, use the text fields on the right to specify what the actions taken included and/or what was reported to licensing (the method and to whom.)



Appropriate staff action taken signifies corrective actions taken against staff appropriately; not if accused staff acted appropriately



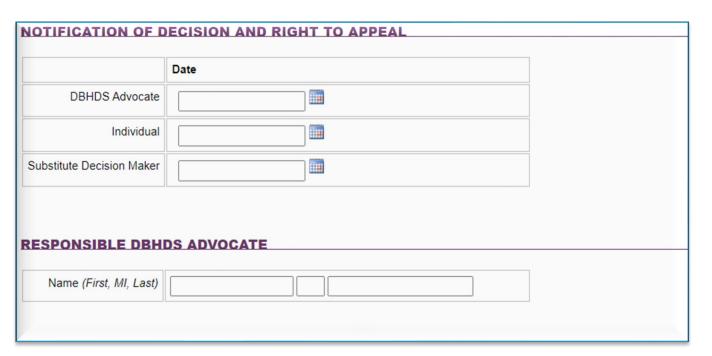


3 Notification of Decision & Right to Appeal

- Note the date the Advocate, individual, and Substitute Decision Maker (if applicable) were notified of the Director's decision and appeals information provided
 - Date Investigation Tab is completed.
 - Date decision letter provided

4 Responsible DBHDS Advocate

Note the name of the assigned Advocate



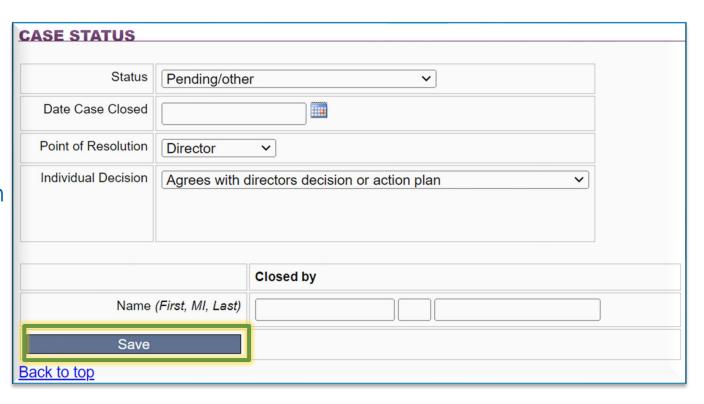


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- **5** Case Status
- Complete this section <u>as shown</u>: From the drop-down menu(s), only select the following:
 - ✓ "Pending Other" as Status
 - ✓ "Director" as Point of Resolution
 - ✓ "Agrees with..." as Individual Decision

The Advocate completes the remainder of the fields; and closes the case or updates case statuses drop-down menus.

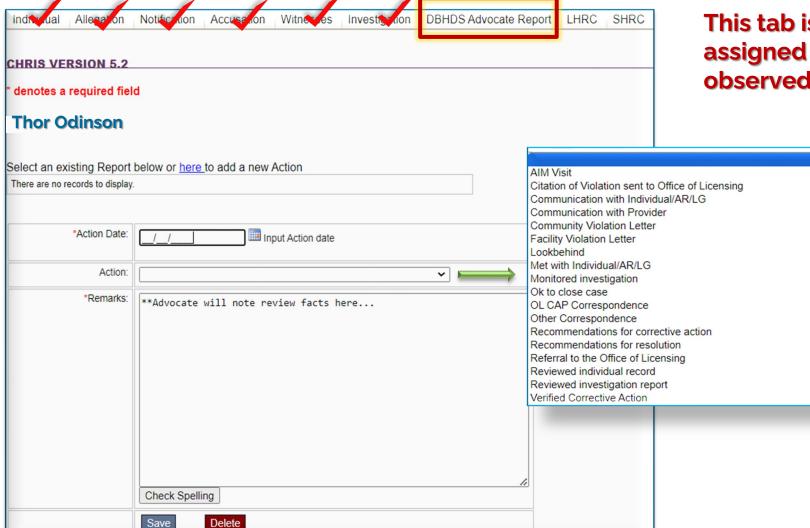
Closed by: Should always be completed by the Advocate only



Save record – This completes the Investigations Tab



DBHDS Advocate Report Tab

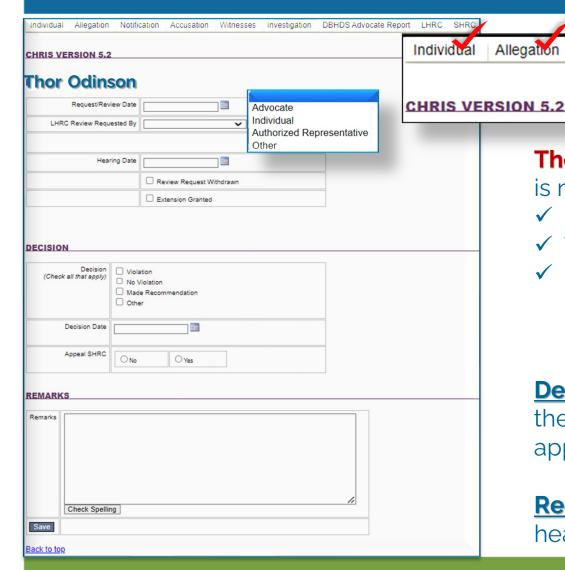


This tab is only completed by the assigned Advocate; however, may be observed by the provider.

The Advocate will **Date** and select **Actions** or participation taken during the investigation; and describe the actions and participation in the **Remarks** field.



Local Human Rights Committee (LHRC) Tab



The Advocate completes this tab when a LHRC Hearing is needed or requested, noting the following:

- ✓ Date LHRC hearing was requested or reviewed
- ✓ Whom requested the LHRC Hearing
- ✓ Date of the hearing (or indicating if the hearing request was withdrawn; or an extension for the investigation was granted)

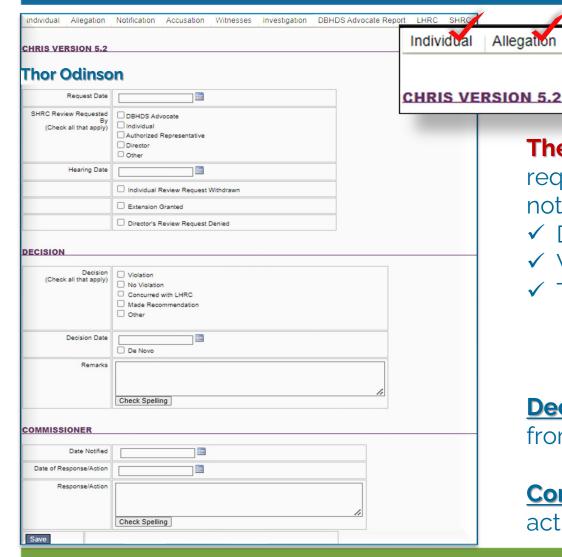
Decision: The decision of the LHRC will noted, the date the decision was made by the LHRC, and if there is an appeal of the LHRC decision

Remarks: The Advocate will note remark pertaining to the hearing/Recommendations from the hearing

LHRC

SHRC

State Human Rights Committee (SHRC) Tab



The Advocate completes this tab when an SHRC request/review is requested (via appeal of LHRC decision), noting the following:

- ✓ Date the SHRC review/hearing was made
- ✓ Whom made the SRCH review/hearing request
- ✓ The date of the hearing
 *Or if the review/hearing request was withdrawn, denied,
 or an extension granted it will be selected

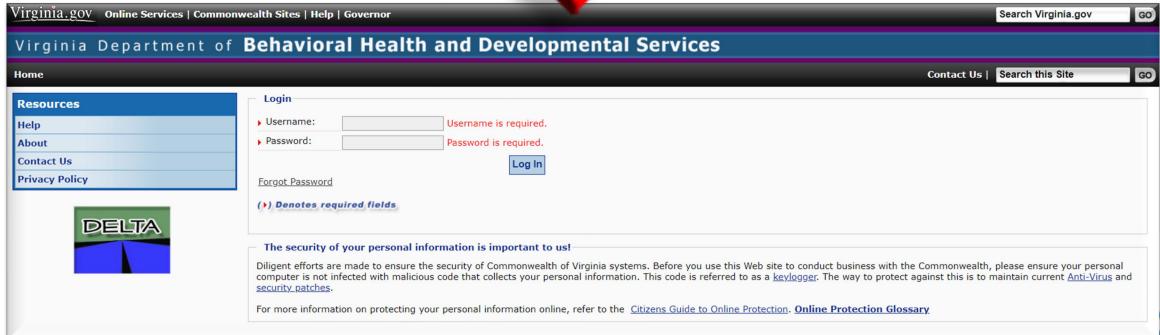
<u>Decision:</u> The SHRC decision, the decision date, and remarks from the hearing will be noted here.

Commissioner: notification, date of response, or actions/remarks will be noted here.

Entering Complaints











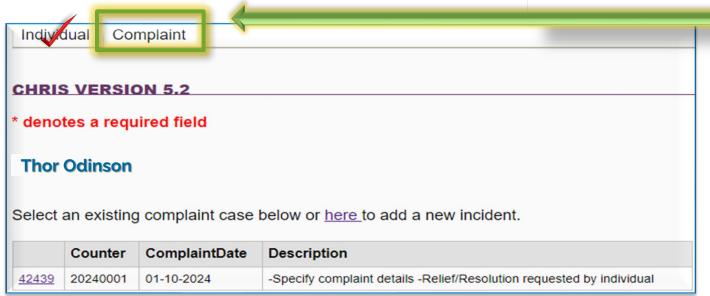
То гер	By Name-You mus (This search will dis By Abuse Case - you By Complaint Case	elect a Record by Clicking st enter the individual's first ar splay all records that 'sound like' the name of must enter the abuse allegation you must enter the complaining service status related to the standard	you entered.) ion case numb nt case numbe	ber er
	, , , , , , , , , , , , , , , , , , ,	Agency CD:016 , User Role: 22		
O by Name	O by Abuse Case	O by Complaint Case	-	Select one
Case Numl				
Search				

*You must select a record search type to access ability to enter existing case numbers or name

Complaint tab

Next: Click the "Complaint Information" Tab: Select Individual Abuse Information Complaint Information Death/Incident

Next: Click the "Complaint" Tab:



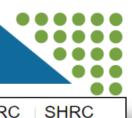
- On the "Complaint" tab, any existing cases for the individual will be shown
 - ✓ Add updates by clicking the hyperlink to an existing case in CHRIS
 - ✓ New incidents can also be added by clicking the hyperlink stating "here to add new incident"

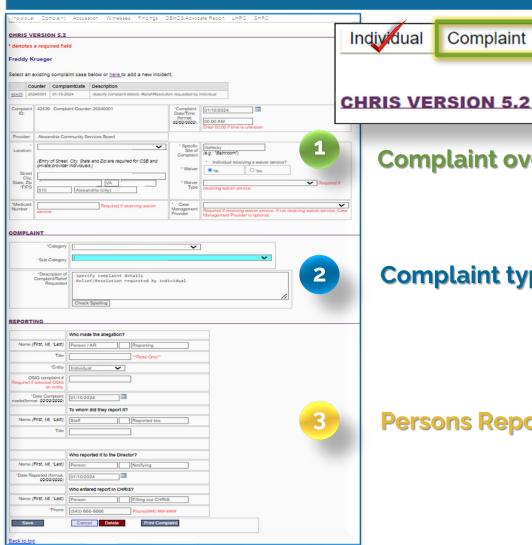




Complaint tab

DBHDS Advocate Report





Complaint overview

Complaint

Complaint type

Persons Reporting / Reporting "trail"

Accusation

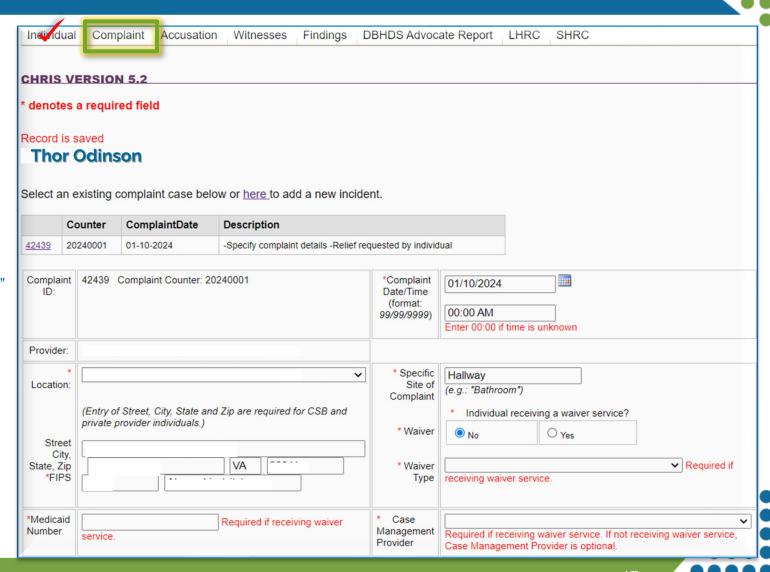
Witnesses

Findings

Complaint tab

Complaint overview

- Cases previously entered will appear at the top along with the ability to enter a new complaint
- To access a previously entered case click the complaint ID hyper link
 - Enter the complaint Date/Time
 - If time is unknown enter "00:00"
- The Provider will auto populate from location selected previously.
 - Specify the setting where the complaint was alleged to occur.
- DD waivered individuals will require additional information: Wavier type, Medicaid #, and Support Coordinator Provider CSB name



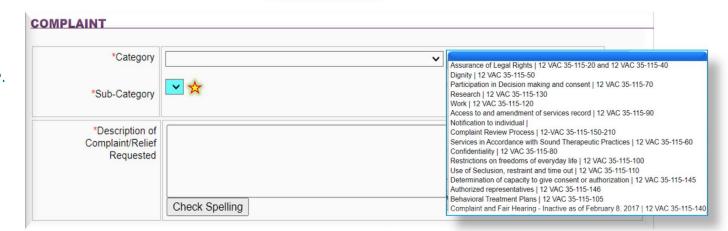
Complaint tab: Complaint Section

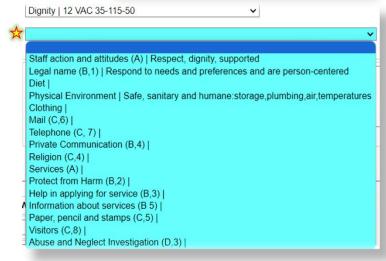
2 Complaint type

- ➤ **Category**: Select the complaint type. The corresponding regulation accompanies the complaint category.
- Sub-Category: access to the subcategories will only become available based on the category above. The selections will be specified to the category selected.

Description:

- ✓ Specify complaint details
- ✓ Note relief/resolution requested by individual
 - (i.e. what is the individual asking to be done to resolve the concern.)



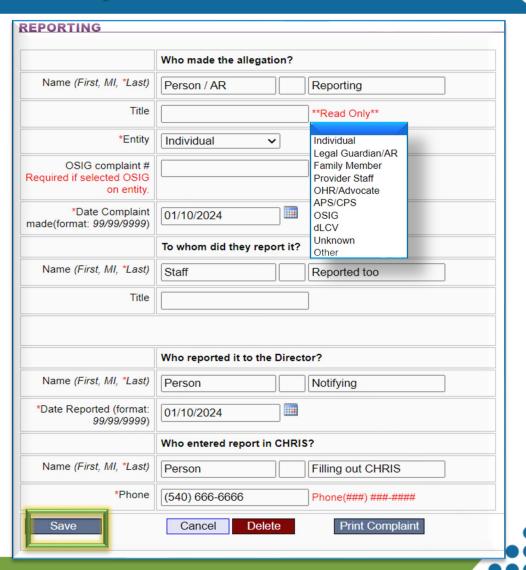


Complaint Tab: Reporting section

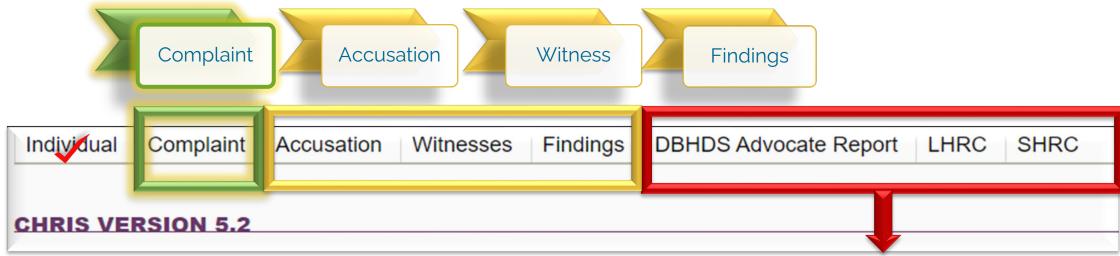
Reporting: Persons reporting / Report "Trail"

- Begin by noting the person making the allegation, followed by their title (if applicable) and "Entity" (i.e. is the person reporting the individual, the parent or the AR, staff, etc.)
- Complaints from the Office of the State Inspector General (OSIG) will have a 'complaint number" associated with the complaint, which must be listed next.
- The person to whom and when the allegation was reported is noted next, as well as their title.
- Next is noting whom reported the allegation to the Director and date/time when the Director was notified.
- Lastly, enter the name and the telephone number for the person entering the information into CHRIS *allegations of ANE discovered in a complaint must be entered in CHRIS as soon as possible, but no later than *24 hrs.

SAVE record – This completes the Accusation Tab



After clicking "Save" for the individual on the **Complaint** tab, a series of **additional tabs** will become visible *or will already be visible if accessing a previously entered case.

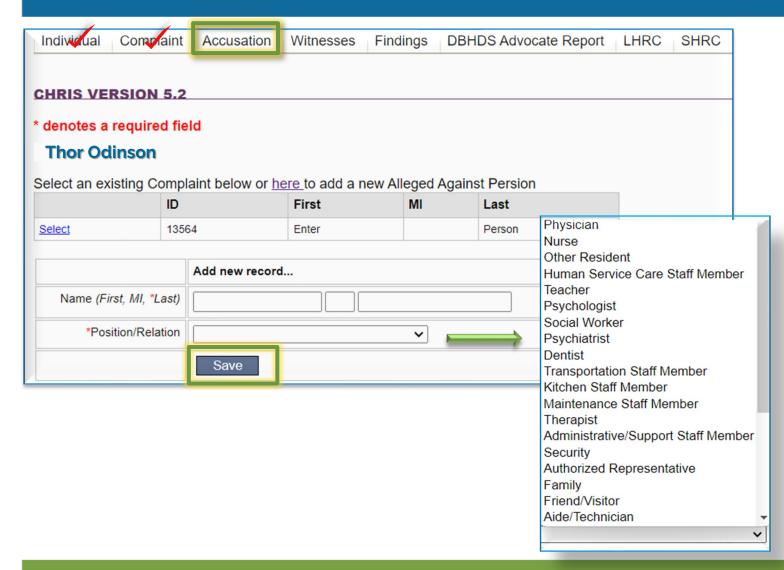


The remaining tabs are for the Advocate to complete. However, Providers may observe entries on these tabs.

- DBHDS Advocate Report: progress of the Advocate review of information entered by the provider.
- LHRC: Will be completed when appeals to the director decision are made/requested.
- SHRC: Will be completed when appeals of the LHRC are made/requested.

Accusation tab



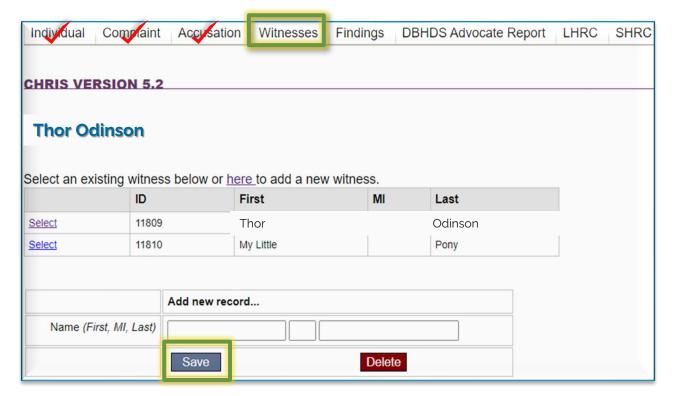


- Enter the name of the person(s) accused and their title/relation to the individual
- Select the title/relation from the drop-down menu.
- You may enter multiple "alleged against" individuals. Save after each entry.
 - Please note that a separate report is required for multiple alleged victims.

This completes the Accusation tab

Witness tab

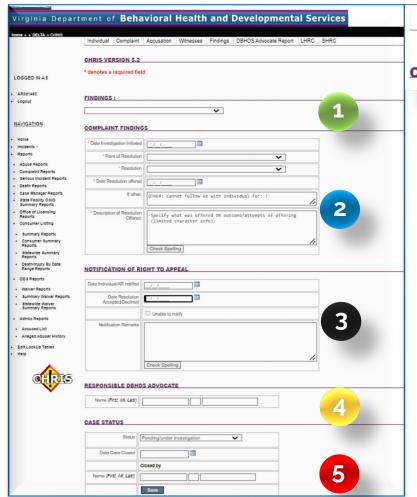




- Note any person who was interviewed as part of the investigation here.
- Include the alleged victim and the alleged assaulter. on this tab, as they should also be interviewed as part of the investigative process.

Save record - This completes the Witness tab

Findings Tab



Individual Complaint Accusation Witnesses Findings DBHDS Advocate Report LHRC SHRC

CHRIS VERSION 5.2

Finding

Complaint Findings

Notification of Right to Appeal

Responsible DBHDS Advocate

Case Status



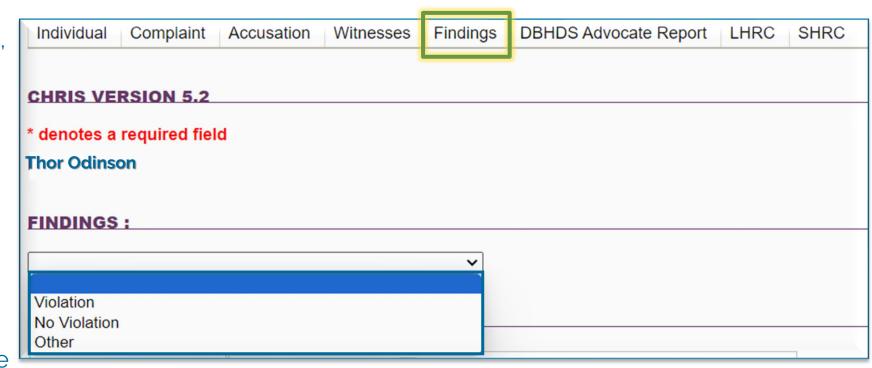
Findings tab: Section 1



Findings

- Using the drop-down menu, select:
- ✓ Violation –

 Facts support a violation
- ✓ No Violation Facts do not support a violation
- Other –
 Talk with Advocate if
 "Other" is felt to need to be
 chosen



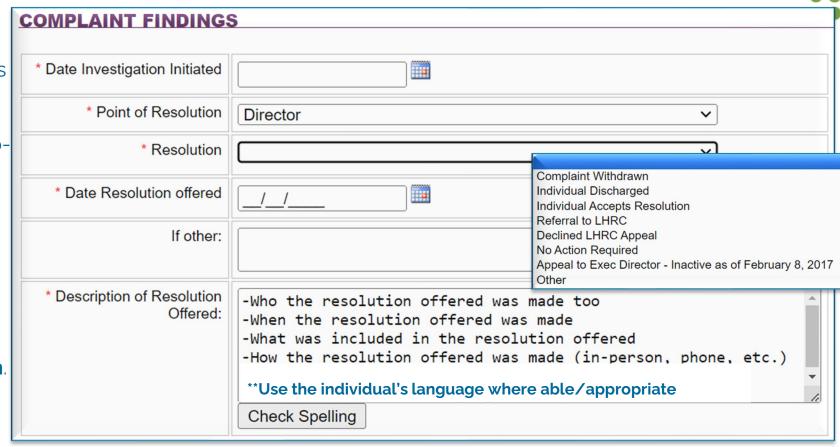
Even when the complaint is able to be resolved, that doesn't mean that there isn't still a violation initially.



Findings tab: Section 2

2 Complaint Findings

- Note the date the investigation was initiated.
- Point of Resolution: from the dropdown menu, select "Director" as level complaint was offered (*as shown).
- > **Resolution**: from the drop-down menu, select either:
 - ✓ No Action required (for unsubstantiated complaints)
 - ✓ Individual accepts resolution.
- Use the text field as indicated. The field has limited text capacity – be concise.



Discharge from a service does not mean that a complaint cannot still be made or require being entered.

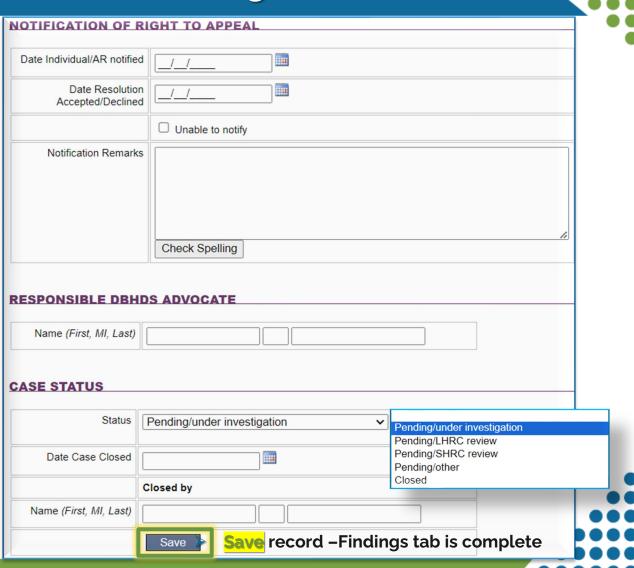
Findings tab: Sections 3, 4, & 5

3 Notification of Right to Appeal

- Identify the date the individual or AR (if applicable) was notified of their right to appeal
- Identify the date that the resolution offered was accepted
- ➤ If the individual or AR were unable to be notified select the field to indicate this.
- Use the "Notification Remarks" field to indicate how the notification occurred or efforts toward notification if unable to do so.

4 Responsible DBHDS Advocate

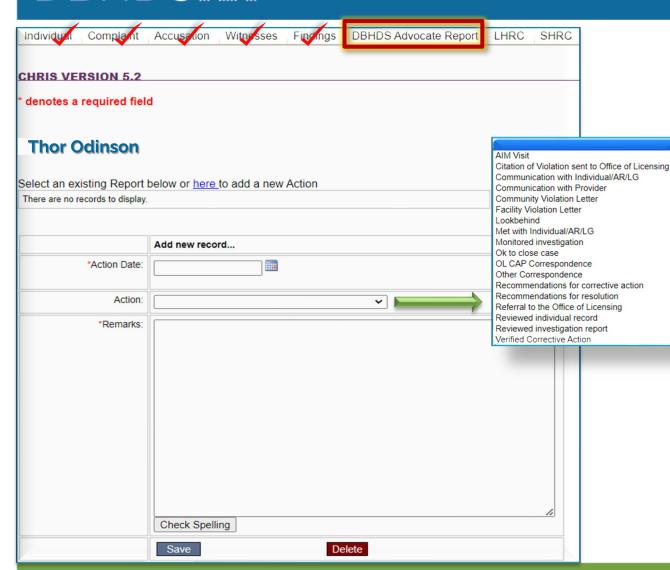
- Enter the assigned Advocates name, consulted on the investigation.
- **5** Case Status
 - From drop-down, Select:
 Pending/Under investigation
 - Only the Advocate will identify if LHRC/SHRC review is needed in the drop-down menu, or close the case

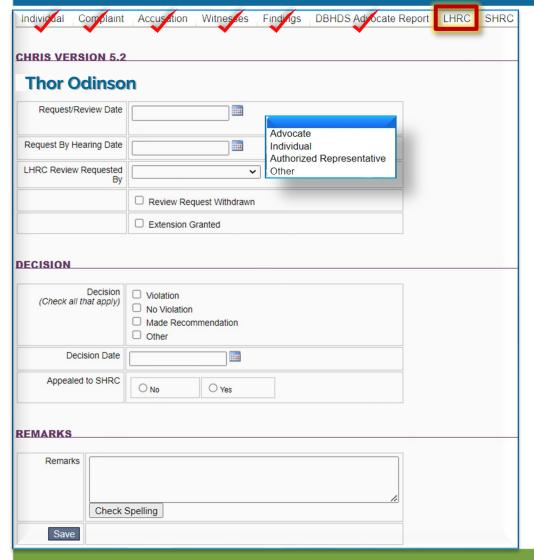


DBHDS Advocate Report tab



The Advocate will date and select actions or participation taken during the investigation; and describe the actions and participation in the remarks field.

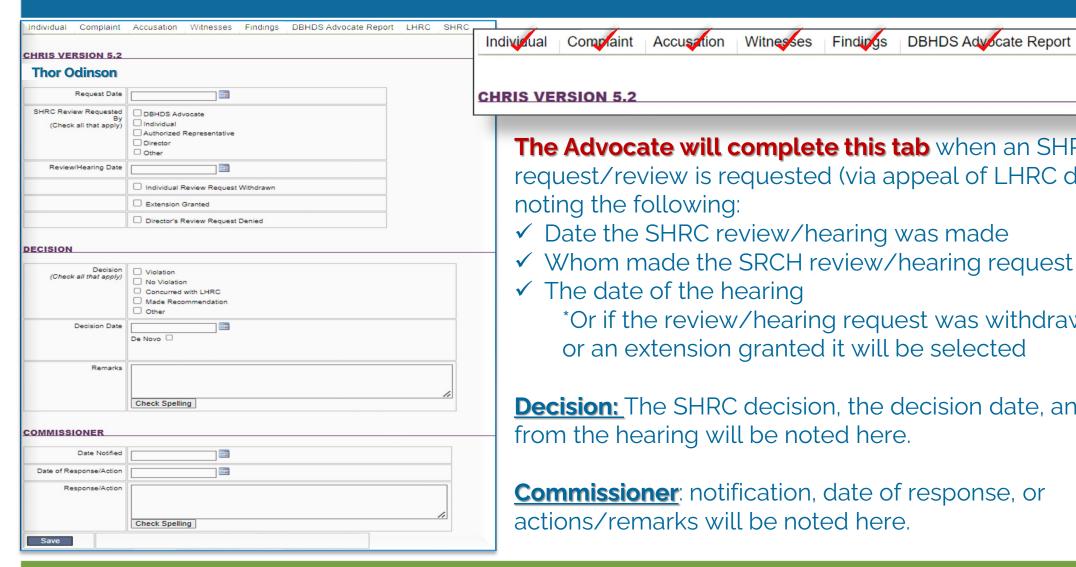




- The Advocate will complete this tab when a LHRC Hearing is needed or requested, noting the following:
 - ✓ Date LHRC hearing was requested or reviewed
 - ✓ Select whom requested the LHRC Hearing from the drop-down menu
 - ✓ Date of the hearing

 (or indicating if the hearing request was withdrawn; or an extension for the investigation was granted)
- **<u>Decision</u>**: The decision of the LHRC will be noted, the date the decision was made by the LHRC, and if there is an appeal of the LHRC decision
- Remarks: The Advocate will note remarks pertaining to the hearing or recommendations from the hearing

SHRC tab



The Advocate will complete this tab when an SHRC request/review is requested (via appeal of LHRC decision), noting the following:

- ✓ Date the SHRC review/hearing was made
- ✓ Whom made the SRCH review/hearing request.
- ✓ The date of the hearing. *Or if the review/hearing request was withdrawn, denied, or an extension granted it will be selected

Decision: The SHRC decision, the decision date, and remarks from the hearing will be noted here.

Commissioner: notification, date of response, or actions/remarks will be noted here.

Considerations in Reporting

DO report the following:

- ✓ Only report incidents in CHRIS that are alleged to have resulted in a human rights violation <u>12VAC35-115</u>, when that complaint is made by an individual receiving services, their surrogate decision maker, or their chosen representative. Individuals can file complaints with or without ANE *post* discharge from a service. There is no statue of limitations on reporting.
- ✓ Allegations of Abuse, Neglect, and/or Exploitation (ANE)
 - Three (3) or more incidents of peer-on-peer aggression involving the same peers within a seven (7) day timeframe
 - o Incidents between peers involving sexual assault
- ✓ Falls that are a result of alleged ANE
- ✓ Injuries that are a result of alleged ANE
 - Improper use of restraints
 - Injury sustained during restraints
- ✓ Deaths which are a result of known (or suspected) ANE
 - Deaths that occur unexpectedly
 - Deaths with "suspicious" circumstances

DO NOT report the following:

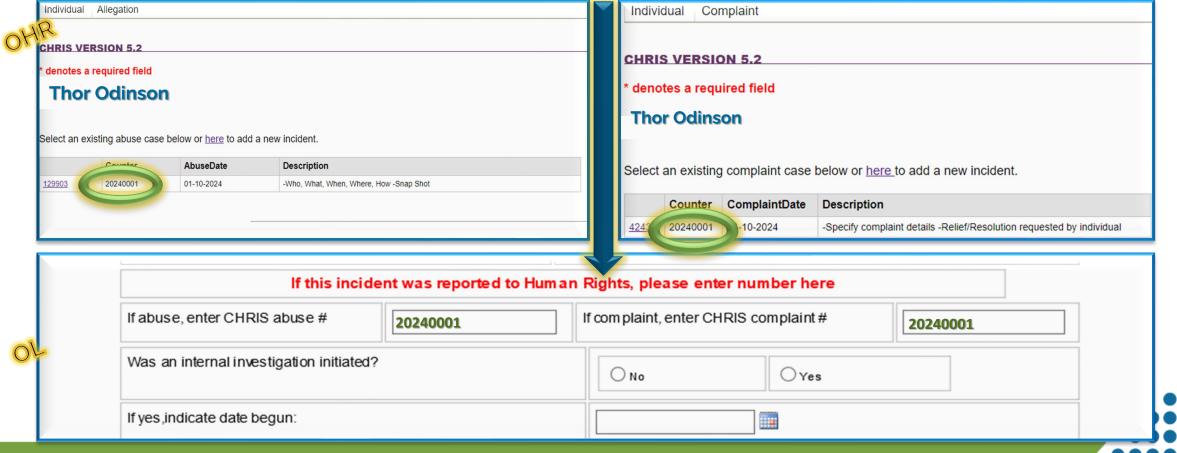
- X A review of an incident where there is no complaint, identified pattern, or determination that a human rights violation may have occurred is not reportable to the Office of Human Rights (OHR) in CHRIS. However, these may still be reportable to the Office of Licensing if they meet the definition of a serious incident.
- X Complaints with or without ANE that does not occur during the provision of the provider's service and the alleged abuser is not an employee, contractor or volunteer of the provider is not reportable to the OHR.
- X Falls that are not result of ANE
- X Injuries that are not a result of ANE
- X Deaths that do not involve ANE or are "suspicious" in nature
 - Expected Deaths
 - Terminal Illnesses
 - Individuals on hospice care





DBHDS Reporting to Office of Licensing (OL) and Office of Human Rights (OHR)

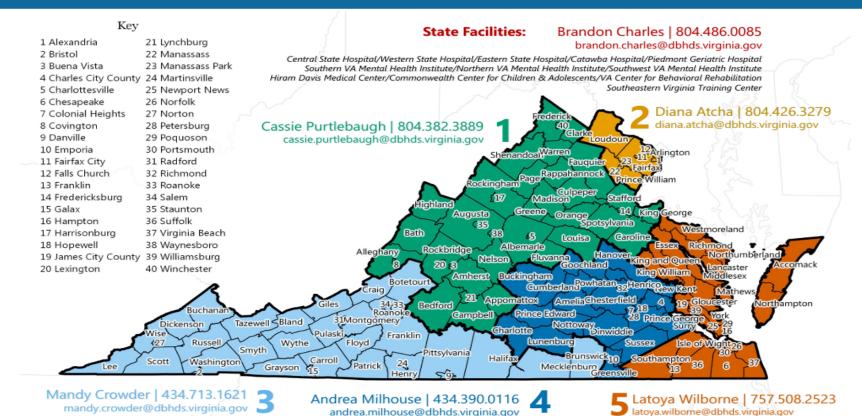
Should a provider require reporting to both OL and OHR, they should enter the OHR report first. The OL Serious Incident Report will have a space to enter the OHR CHRIS Abuse or Complaint Report number(s) in relation to the case.





Office of Human Rights Regional Advocate Manager Contacts





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OHR Regional Manager Contact Information



Virginia Department of Behavioral Health and Developmental Services







OHR Web Page

- Resources for
 - Individuals
 - Licensed Providers
 - State-Operated Facilities
- Memos, Correspondence & Training
- Data & Statistics
- OHR Contact information

<u>Human Rights Regulations</u>

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