



**PA 26-39—HB 5558**

*Human Services Committee*

*Appropriations Committee*

**AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' ABUSE AND NEGLECT INVESTIGATIONS**

**SUMMARY:** This act requires the Department of Developmental Services (DDS) to give copies of original or investigation reports of alleged abuse and neglect to the alleged victim's parent, guardian, or other legal representative, upon request to the applicable regional DDS office. Under the act, these people cannot access the reports if they are, or live with, the alleged or substantiated perpetrator (§ 1). (Under prior practice, these people could access the reports upon request.)

Additionally, the act:

1. requires DDS to give certain people with intellectual disabilities, and their legal representatives, a guide on the DDS abuse and neglect reporting process during their annual individual planning meeting (§ 2);
2. requires the commissioner to ensure all DDS staff are trained in state law's information sharing requirements for abuse and neglect complaints (§ 3);
3. expands the required content of DDS's annual report to the Human Services and Public Health committees on abuse and neglect reports filed under existing law (§ 4);
4. requires the Human Services and Public Health committees to conduct an annual hearing and review of DDS's annual report (§ 4);
5. expands the scope of the department's five-year review of its policies and procedures on abuse and neglect investigations and reports to include, among other things, ways to improve screening of people hired to provide services to DDS program participants (§ 4); and
6. requires the DDS commissioner to ensure that all materials related to the prevention or occurrence of, and response to, abuse and neglect of people the department serves are distributed through a consumer-friendly and easily accessible website that ensures the widest possible access to services for families and people with disabilities (§ 4).

**EFFECTIVE DATE:** July 1, 2026, except the investigation report provision is effective upon passage.

**DDS ANNUAL INDIVIDUAL PLANNING MEETINGS**

By law, DDS must annually assess the need for future DDS residential funding or services for each person with intellectual disability who qualifies for them and who has an individual plan prepared by the department. DDS must do this in consultation with the person and his or her legal representative, if applicable. The act requires DDS to give the person and the representative the latest version of its

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“Guide for Individuals and Legal Representatives when an Allegation of Abuse or Neglect has Been Made” during the person’s annual planning meeting.

### DDS ANNUAL REPORT ON ABUSE AND NEGLECT FILINGS

#### *Report Content*

Existing law requires DDS to investigate reports of abuse and neglect of people with intellectual and developmental disabilities and people who receive services from the Department of Social Services’ Division of Autism Spectrum Disorder Services. The law also requires DDS to maintain a registry of, among others, certain former employees who were fired from or left their jobs due to substantiated abuse or neglect and to make the registry available to specified agencies and employers.

Under existing law, the DDS commissioner must report annually on abuse and neglect reports filed under these laws to the Human Services and Public Health committees and post the report on its website. The act expands the report’s required content to include the following:

1. the number of substantiated complaints by the perpetrator, including family members, day program providers, or direct care or other residential care staff;
2. the number of substantiated complaints by the setting where the abuse or neglect occurred, including private homes, day programs, state-licensed community living arrangements, state-operated residential programs, and health care facilities;
3. the percentage of (a) investigations that produced recommendations and (b) recommendations that were confirmed as completed by providers within 90 days after issuing them;
4. how many regulatory citations DDS issued for failing to (a) ensure abuse and neglect was detected and reported and (b) implement corrective action requirements;
5. how many abuse or neglect allegations were reported for people who died and what findings, recommendations, or administrative action DDS took; and
6. any systemic agency actions and recommendations to ensure the safety of people DDS serves and prevent and respond to abuse and neglect concerns.

#### *Annual Hearing and Review*

The act requires the Human Services and Public Health committees to conduct an annual hearing and review of DDS’s abuse and neglect report and DDS’s and the Department of Social Services’s compliance with federal Medicaid requirements on safety and quality of care for people with intellectual or developmental disabilities in Medicaid home- and community-based waiver programs. This includes how the departments continue to address audit findings and recommendations from the federal Department of Health and Human Services Office of the Inspector General and Auditors of Public Accounts on abuse and

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neglect prevention, timely reporting of abuse and neglect concerns, and timely implementation of related corrective actions.

### DDS FIVE-YEAR REVIEW OF ABUSE AND NEGLECT POLICIES AND PROCEDURES

By law, the commissioner must review department policies and procedures on abuse and neglect investigations and reports every five years. As part of the review, the act requires the commissioner to review the department's method for sharing information on original reports and investigation reports of abuse and neglect with the reported victim or his or her legal representative (except as described above) while generally keeping records related to its registry of former employees confidential. Existing law already requires the commissioner to review this method regarding substantiated abuse and neglect complaints.

The act also requires the commissioner's review to include an evaluation of systems to screen people hired to provide services to DDS program participants and any recommendations needed to improve background checks of these people.