

COMMISSION CIRCULAR #4

DEPARTMENT OF HUMAN SERVICES

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

DATE ISSUED: September 15, 2004

REVISED/REISSUED: February 22, 2023

UPDATED: XXXXX

HISTORY: *Formerly numbered as Circular 18. Renumbered to Circular 4. Rescinded former Circular 4 on Dress Code Policy.*

I. TITLE: **Incident Reporting and Management**

II. PURPOSE: To adopt and apply Administrative Order 2:05, effective August 12, 2022 and any and all future amendments in order to establish and maintain procedures which assure the Incidents Reports affecting services recipients of the Commission for the Blind and Visually Impaired (CBVI) are recognized, reported and accounted for in a uniform manner consistent with the policies of the Department of Human Services (DHS).

III. SCOPE: This standard applies to all State employees in all components managed by the Executive Director of CBVI and all community programs contracted to provide services to the agency's service recipients.

IV. POLICY: The Commission will follow the policies and procedures established by DHS Administrative Order 2:05, effective August 12, 2022 and any and all future amendments of Administrative Order 2:05 (Attachment 1). This policy includes an Incident Reporting and Levels and Categories Grid (Attachment A).

V. **DEFINITIONS:** Refer to Administrative Order 2:05.

VI. **STANDARDS:**

- A. The fundamental duty of CBVI staff is always to ensure the health, safety, and welfare of consumers and service recipients.
- B. The Commission for the Blind and Visually Impaired recognizes that its service recipients have the right to receive services within a safe, supportive environment. The Commission also recognizes, however, that even within the most supportive environment, there may be occurrences out of the ordinary. In such instances, CBVI expects all agency personnel, as well as staff members from contracted agencies, to take immediate steps to protect consumers/service recipients, to ensure prompt medical attention, if necessary, and to work to prevent future occurrences. In order to accomplish this, such occurrences must be reported as Incidents and receive appropriate follow-up actions.
- C. All CBVI Incidents must be reported to the Department of Human Services through the chain of command established by the Executive Director. Caseworkers should report incidents to their manager/supervisor as soon as safety allows. Manager/Supervisor will notify CBVI Incident Reporting and Management Officer and/or Executive Director. It is the responsibility of all CBVI staff to report incidents within the timeframes contained in Administrative Order 2:05 (and noted in Paragraph VII) and cooperate in their investigation.
- D. Any allegation of a violation of the New Jersey Code of Criminal Justice involving an individual receiving services from and/or through DHS shall be reported to law enforcement authorities. Certain incidents require additional notification to other state agencies, such as Child Protection and Permanency, within the Department of Children and Families. The CBVI Executive Director, the CBVI Incident Reporting and Management Officer, Managers and Supervisors may authorize such notifications. Executive Director and/or the CBVI Incident Reporting and Management Officer should be informed of such notification as soon as safety allows. Authorization is not needed for emergencies that require calling 911.
- E. Failure to follow the procedures in this circular may result in

appropriate action in accordance with Department of Human Services policy including, but not limited to Administrative Order 4:08, Disciplinary Action Policies and Responsibilities.

VII. PROCEDURE:

- A. All CBVI staff and staff employed by community programs to provide services to consumers and service recipients must be familiar with the policies and procedures described in Administrative Order 2:05 (Attachment 1).
- B. Per Administrative Order 2:05(VI)(A)(2), an Incident Report (Attachment B) should be completed and submitted to the CBVI Incident Reporting and Management Officer and/or Executive Director **by the end of the business day for Level A incidents.**
- C. Per Administrative Order 2:05(VI)(A)(3), an Incident Report (Attachment B) should be completed and submitted to the CBVI Incident Reporting and Management Officer and/or Executive Director or designee **within one business day for Level B Incidents.**
- D. Initial notification of event should be made to the CBVI Incident Reporting and Management Officer as soon as safety allows so that preliminary information can be entered in the NJIRMS.

VIII. INVESTIGATION OF INCIDENTS:

- A. Investigations of unusual incidents shall occur in accordance with DHS policies and procedures.
- B. All allegations of abuse, neglect, or exploitation require an investigation and a finding for each allegation. Other events may also require investigation and/or follow-up as determined by the identified code and location.
- C. Agencies and community providers under contract with CBVI shall have internal procedures for the investigation of incidents.
- D. Agencies and community providers under contract with CBVI may immediately initiate an independent investigation, unless law

enforcement is involved. This does not however, relieve the provider agency of the responsibility to make an initial report to CBVI.

- E. Per Administrative Order 2:05(VI)(D)(4), for allegations related to abuse, neglect and/or exploitation, providers shall immediately initiate and conduct an internal investigation, unless otherwise directed not to do so by law enforcement authorities. Provider agencies shall ensure that investigations are conducted by staff who are impartial and not directly involved in the incident under investigation. Investigations conducted by providers shall, at a minimum, include the following:
- Interview and summary of interview for all alleged perpetrators (or a statement as to why an alleged perpetrator could not be interviewed);
 - Interview and summary of interview for all alleged victims (or a statement as to why an alleged victim could not be interviewed);
 - Interview and summary for all identified witnesses and/or collateral contacts (or a statement as to why a witness/collateral contact cannot be interviewed);
 - Summary of all physical and documentary evidence obtained;
 - Identified findings for each allegation, alleged victim, and alleged perpetrator, including a justification for each finding.
- F. Agencies and community providers under contract with CBVI shall provide a follow up report which describes in detail the actions taken or services needed to prevent recurrence of a similar incident. If an action or service has not been taken at the time of the report, an expected date of completion should be listed along with the title of the person or component responsible for assuring the actions and services are completed (Attachment C).
- G. The Executive Director of CBVI reserves the right to initiate the investigation of an incident. Executive Director shall designate an individual(s) to lead the investigation which could include such staff as the CBVI Incident Reporting and Management Officer, Assistant Division Director, Quality Assurance Coordinator, Regional Office Manager, Legal and Regulatory Affairs Officer, and the OPIA (Office of Program Integrity and Accountability) Office of Investigations.

- F. Investigations for incidents that don't involve an agency/community provider under contract with CBVI will be overseen by Executive Director's designee and follow the procedures listed above.

IX. CLOSING CRITERIA:

- A. Incidents will be closed by CBVI when sufficient information and reporting as outlined in Paragraph VIII has been received/reviewed.
- B. Closing criteria will follow the procedures outlined below: Allegations of abuse, neglect, or exploitation shall not be closed until the following steps are completed:
- A thorough investigation and/or evaluation of the incident has been completed by an objective party in accordance with the applicable statutory, regulatory, and/or policy-related time frames;
 - The investigation or evaluation has arrived at an objective conclusion based upon the evidence and facts;
 - The investigation or evaluation has identified concern(s)/made recommendations that delineate the scope of required corrective plans and designated targeted time frames for implementation to prevent recurrences of the incident.
- C. Incidents will be closed after all investigations/evaluations, reports and recommendations have been reviewed by CBVI and it has been determined that the aforementioned documents are consistent with the closing criteria outlined in AO 2:05(E). CBVI will be responsible for closing all incidents in the New Jersey Incident Reporting and Management System.
- D. All allegations must have one of the following findings:
- **Substantiated:** There is a preponderance of credible evidence that an allegation or a situation is true and/or occurred.
 - **Unsubstantiated:** There is less than a preponderance of credible evidence, facts, or information to support the allegation or situation is true and/or occurred.
 - **No Findings:** There is not enough available information to reach a conclusion, or the event does not require a finding.

X. ATTACHMENTS:

- DHS Administrative Order 2:05 (Attachment 1)
- DHS Incident Reporting Levels and Categories Grid (Attachment A)
- CBVI Incident Reporting Form (Attachment B).
- Follow Up Reporting Form for Community Providers (Attachment C)

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