DISABLED PERSONS PROTECTION COMMISSION
M.G.L. c. 19C / 118 CMR INVESTIGATION REPORT

Alleged Victim: [Redacted]
Investigation Agency: DPPC
DPPC Case Number: 151315 151441

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Date of Incident: 11/03/2016
Allegation Investigated:
On 11/3/2016 during evening hours the ALV's one on one noticed the ALV had bruises on both of his arms and then the one on one called and reported the bruises to [Redacted]

On 11/4/2016 during evening hours when [Redacted] was putting the ALV to bed she noticed the bruises reported by the one on one and also noticed additional bruises on the ALV.

The ALV had bruises on his left arm: underneath inner arm right above armpit and the bruises were hand size bruises and on the right arm underneath inner arm right above arm pit and bruises were finger size bruises.

The Alleged Victim (Alv) is a "Person with a Disability" as defined by M.G.L. Chapter 19C &/or 118 CMR? If not, please explain:

118 CMR Definition: a person 18 through 59 years of age, who is a Person with an Intellectual Disability or a Person with a Developmental Disability, as used in M.G.L. c. 123B, § 1, or who is otherwise mentally or physically disabled, and, such mental or physical disability prevents or restricts the individual's ability to provide for his or her own Daily Living Needs; provided, however, that a person who is temporarily dependent upon a medically prescribed device or procedure to solely treat a transitory physical ailment or injury shall not be considered a Person with a Disability for the purposes of M.G.L. c. 19C unless that person otherwise meets the definition of a Person with a Disability.

Alleged Victim's Primary Disability:

The Alleged Abuser (Alab) does meet the definition of a "caretaker" as defined by M.G.L. Chapter 19C &/or 118 CMR?

If Alab does meet the definition, provide at least one example of care provided. If Alab does not meet the definition, list facts that support this determination.

The ALAB prepares meals for the ALV, and assists with daily living needs.

118 CMR Definition: Any State Agency or any individual responsible for the health and welfare of a Person with a Disability by providing or directly providing assistance in meeting a Daily Living Need, which cannot otherwise be performed by the Person with a Disability without assistance, regardless of the location at which such assistance occurs. Minor children and adults adjudicated incapacitated by a court of law shall not be deemed to be Caretakers. Caregiver and Caretaker may be used interchangeably without changing the meaning of either.
Category of abuse committed by the Alleged Abuser: Act

Injury sustained by the Alleged Victim:

Physical Injuries:
- First: Bruising
- Second: None

Emotional Injuries:
- First: None
- Second: None

Abuse Per Se: None

If "Other" or more than two types of injury explain:
N/A

Description of the act and/or omission of the Alleged Abuser that caused the injury sustained by the Alleged victim?

The ALV is currently wearing a back brace to restrict him from movement of his torso. The current procedure states the ALV is to be showered with the brace on and has to be lying in the bed for the brace to be removed. PC-4 stated on 11/3/16, when at approximately 8:00 AM on 11/4/16, he noticed a bruise while putting the ALV’s brace on. PC-4 stated he reported the injury to I-6 in the Medication line and completed an incident report. I-6 stated that he did not look at the injury; he just gave PC-4 an incident report to fill out and to make sure I-4 was aware of the injury when the ALV was picked up that afternoon. I-6 could not explain why he did not access the injury and document the size and extent of the bruising.

The ALV was picked up by I-4 on 11/4/16 to go home for the weekend. I-4 stated that when she picked the ALV up PC-1 stated during their conversation "oh by the way the ALV has a bruise on his arm", but played it off like it was no big deal. That evening I-4 looked at the injury and was shocked because the bruising looked like hand prints. I-4 photographed the injuries and notified I-5 for an explanation. I-5 claimed that it may have been from the ALV putting arm over the back of the chair in class, but I-4 felt the excuse was not fitting with the injury. This investigator viewed these photos I-4 took, and more likely than not the bruising on both arms are from a hand.

The PC(s) involved in this investigation are the sole caretakers for the ALV and are responsible for 1:1 supervision. It is more likely than not the incident occurred between 11/2/16 and 11/4/16 when the injury was discovered. During the investigation the PC(s) could not provide any reasonable explanation as to how the injury occurred and it is physically impossible for the ALV to self inflict these injuries.

Based on documentation and testimony there is sufficient evidence to conclude with certainty that unknown ALAB(s) or caretaker(s) have committed an act or omission in care that caused the injury to the ALV. Furthermore, there is sufficient evidence to substantiate abuse per MGL c 19C occurred as reported.
Facts pertinent to the allegation(s) investigated:

I-1 stated that the ALV is non behavioral but did hurt a staff awhile back by twisting their arm. I-1 stated the ALV resides at the Cardinal Cushing School Sunday night to Friday afternoon. I-1 stated that the ALV requires specially trained staff because of the support brace that he is wearing in which only a handful of staff are trained to administer. PC-1 is primarily responsible for showering the ALV in the evenings. I-1 stated that PC-1 had spoken to I-4 upon picking up the ALV, and mentioned the bruising in the ALV's upper inner arm.

I-4 stated that when she picked the ALV up on 11/4/16 PC-1 stated during their conversation, "oh by the way the ALV has a bruise on his arm", but played it off like it was no big deal. I-4 looked at the injury and was shocked because the bruising looked like hand prints. I-4 photographed the injuries and notified I-5 for an explanation. I-5 claimed that it may have been from the ALV putting his arm over the back of the chair in class, but I-4 felt the excuse was not fitting with the injury.

I-5 stated she first heard of the ALV's injury on 11/4/16, and was very shocked by the bruising. I-5 stated that protocol would be to call the health center and have nursing staff access the injury. I-5 stated that she had not seen any notations in reference any incident or injury prior to the reporting date. However, I-5 stated that she did observe that area on 10/31/16, and there was no evidence of any bruising. I-5 was asked if any of the other clients could do this, she said it was possible but very hard with the 1:1 in place. I-5 stated that the 1:1 would note this in the log if there was an attempt; she also advised that the 1:1 staff sit right next to the ALV's bed and it would be impossible for a client to get to the ALV while he was sleeping.

I-6 stated that he did not look at the injury; he just gave PC-4 an incident report to fill out and to make sure I-4 was aware of the injury when the ALV was picked up that afternoon. I-6 could not explain why he did not access the injury and document the size and extent of the bruising. I-6 stated that when an injury occurs that medical staff need to access the injury to make a determination. I-6 stated that he believed that it was in the guideline book.

I-7 stated that 11/8 or 11/9/16 was the first time he heard of the ALV's injury. I-7 stated that during this week they were just showing how to do the brace with hands on and I-16 present.

This investigator interviewed I-8, I-10, and I-11 who have worked with the ALV during the week of the incident. Neither have reported anything that would cause bruising under the ALV's arms. I-8, I-10, and I-11 stated that PC-1 works very well with the ALV and did not feel he would hurt the ALV. I-17 also stated when PC-1 is 1:1 with the ALV he is right by his side.

This investigator interviewed I-9, I-12, I-13, I-14, and I-15, I-17 who are that work with the PC(s) and do not routinely work with the ALV. The staff reported that they did not see any altercations or injuries that were not recorded in the log book. The staff reportedly was not aware of the bruise until after it was discovered and reported. The staff did not feel PC(s) would injure the ALV and if so they would report it.

PC-1 states that the overnight staff had reported it to I-6. PC-1 stated that he had to adapt and get trained on the brace the ALV is currently wearing. PC-1 stated he received both PT and OT training on the ALV's brace and showering the ALV in the brace. PC-1 stated he takes the T-shirt off with the brace on before showering. PC-1 stated he currently has to assist the ALV with washing his hair and use the scrub brush where the ALV cannot reach or is not suppose to try and reach. PC-1 stated that once the showering is complete the ALV is dried and dressed from the waist down and brought to his bedroom. Once in the bedroom, the ALV lies on the bed, and the brace is removed, dried and sanitized. PC-1 stated he will then complete drying the ALV and put a new T-shirt on him and re apply the brace according to the way he was trained. PC-1 advised this investigator that during the course of the week he did not observe any bruising during showering or changing the ALV's T-shirt. PC-1 stated that he had showered the ALV every evening from 10/31-11/3/16. PC-1 stated even with the ALV rolling over to put the brace on and lifting his arms to get dried off and to put a fresh T-shirt on, no injuries were observed. PC-1 claimed he only heard about the injury and never saw it.
PC-2 stated the overnight staff, that is trained to work with the ALV, will switch out after so many hours. PC-2 stated the first time he saw the ALV’s injury was during the week of 11/07/16, he remembered that the bruising on the ALV’s armpit area resembled fingerprints. PC-2 also stated that this was also the first week he had to take the brace off. PC-2 also stated that the ALV is very OCD and will not want to move until “he does what he does”.

PC-3 stated that typically the ALV is asleep when his shift starts. PC-3 stated that the ALV wears a T-shirt to bed and the brace is put on before the ALV gets up for the day. PC-3 stated that the first time he saw the bruising was on 11/4/16. PC-3 stated that the ALV is usually showered by PC-1 and put to bed by the time the overnight start shift.

PC-4 stated that on 11/2/16 he did not work with the ALV until the morning of the 3rd. PC-4 stated that he had been called to another house to work and came back and was 1:1 with the ALV from 6:00 AM-9:00 PM. PC-4 stated about 7:30 AM 1-16 showed up to put on the brace. At that time PC-4 did not believe he saw any injury.

PC-4 stated he was working when at approximately 8:00 AM on 11/4/16, he noticed a bruise while putting the ALV’s brace on. PC-4 stated he reported the injury to I-16 who was present and agreed that medical should be notified. PC-4 stated he notified nursing and spoke to I-6. PC-4 stated that he didn’t want to undress him and would look at the injury later. PC-4 stated this struck him as odd. PC-4 stated that while in the Medication line I-6 said to complete an incident report and to let I-4 know about it.

PC-4 stated that he did catch a client coming into the ALV’s room at the beginning of the month, but was able to redirect him. PC-4 stated that the way the 1:1 staff sits the person would have to climb over the staff to get to the ALV.

PC-5 stated he first got trained with the ALV when he returned to the school, but typically does not work with the ALV. PC-5 stated that on 11/3/16 I-16 and he had done the ALV’s back brace together. PC-5 also stated that I-16 had come in to train PC-4 but he had gone home. PC-5 stated that during the course of changing the brace he did not see any bruising.

PC-6 stated that on 11/2/16 he was assigned to a different residence but was asked to take over a 1:1 with the ALV. PC-6 stated that PC-4 had gone home and he would be working with PC-5 for the night. PC-6 stated he received the specialized training with regards to the ALV’s brace. PC-6 stated he and PC-5 worked out a rotation to switch 1:1 responsibilities every 2 hours until PC-6 left at 6:00 AM on 11/3/16. During the course of the shift PC-6 stated he did not see any bruising on the ALV, and was not aware of any incident or mishandling of the ALV that would leave a mark like that.

The PC(s) involved in this investigation are the sole caretakers for the ALV and are responsible for 1:1 supervision. It is more likely than not the incident occurred between 11/2/16 and 11/4/16 when the injury was discovered. During the investigation the PC(s) could not provide any reasonable explanation as to how the injury occurred and it is physically impossible for the ALV to self inflict these injuries.

Based on documentation and testimony there is sufficient evidence to conclude with certainty that unknown ALAB(s) or caretaker(s) have committed an act or omission in care that caused the injury to the ALV. Furthermore, there is sufficient evidence to substantiate abuse per MGL c. 19C occurred as reported.
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M.G.L. c. 19C / 118 CMR Conclusion

Based on information gathered by the Investigator there is sufficient evidence to conclude that Alv is a victim of abuse, as it is defined by M.G.L. c. 19C and/or 118 CMR, by Alab(s) Unidentified

Therefore, the investigation(s) is/are substantiated for DPPC case number(s) 151315 151441

When there are multiple Alabs and allegations are substantiated on some of them, but not on others, explain:

N/A

Individuals Interviewed or Contacted by Investigator (Provide redaction code, name, title or relationship to Alleged Victim, method of contact and date for each person interviewed):

| I-1 | , Cardinal Cushing School, 11/14/16. |
| I-2 | , Cardinal Cushing School, 11/14/16. |
| I-3 | , Cardinal Cushing School, 11/14/16. |
| I-4 | , , Cardinal Cushing School, 11/15/16. |
| I-5 | , Cardinal Cushing School, 11/16/16. |
| I-6 | , Cardinal Cushing School, 11/16/16. |
| I-7 | , Cardinal Cushing School, 11/18/16. |
| I-8 | , Cardinal Cushing School, 11/21/16. |
| I-9 | , Cardinal Cushing School, 11/21/16. |
| I-10 | , Cardinal Cushing School, 11/21/16. |
| I-11 | , Cardinal Cushing School, 11/21/16. |
| I-12 | , Cardinal Cushing School, 11/28/16. |
| I-13 | , Cardinal Cushing School, 11/28/16. |
| I-14 | , Cardinal Cushing School, 11/28/16. |
| I-16 | , Cardinal Cushing School, 12/01/16. |
| I-17 | , Cardinal Cushing School, 12/01/16. |
| I-18 | , Easter Seals, 12/01/16. |
| PC-1 | , Cardinal Cushing School, 11/14/16, 12/01/16. |
| PC-2 | , Cardinal Cushing School, 11/14/16. |
| PC-3 | , Cardinal Cushing School, 11/14/16. |
| PC-4 | , Cardinal Cushing School, 11/18/16. |
| PC-5 | , Cardinal Cushing School, 12/01/16. |
| PC-6 | , Cardinal Cushing School, 1/19/17. |

Redaction Code Key

Alv – Alleged Victim or Victim
Alab – Alleged Abuser or Abuser
OI - Other Individual
PC – Person Considered (someone, not an Alab, whose actions or inactions were examined)
I - Denotes person interviewed during this investigation
C - Denotes person contacted for collateral or expert/professional opinion
R - Denotes person referred to in the report that was not questioned

Required by 118 CMR
* - Telephone interview or contact
** - Email contact

DPPC Case Number: 151315 151441
It does not appear that the abuse report constitutes a malicious “False Report.”

118 CMR Definition: A report of Abuse which at the time it is made is known by the reporter not to be true and is maliciously made for: the purpose of harassing, embarrassing or harming another person; the personal financial gain of the reporter; acquiring custody of the Person with a Disability; or the personal benefit of the reporter in any other private dispute. A False Report does not include a report of Abuse of a Person with a Disability that is made in good faith to the Commission and subsequently is unsubstantiated or screened out for lack of jurisdiction under M.G.L. c. 19C.

Protective Service Actions Taken and/or Recommended (required when abuse is substantiated):

The agency providing protective services to the Alv should ensure that the Alv is provided with access to trauma informed therapeutic supports that are appropriate to Alv’s individual situation and needs.

It is recommended that all staff be retrained on injury identification, reporting injuries to supervisors, and when to report to DPPC.

Additional Findings of Risk:

Additional risks that were discovered during the investigation were the lack of medical attention administered to the ALV. Neither, I-2 or I-6 assessed the ALVs injury. There was no documentation of the size or extent of the injury and whether or not it was just a bruise. Based on the documentation and interviews there was a clear disregard of protocol for treating a client.

That the ALV is 1:1 supervision 24/7 and is unable to self inflict these injuries.

It was also discovered that PC-1 could have possibly showered the ALV while these bruises were on his body. This raised the question as to whether PC-1 as well other staff are observing the ALV’s body while bathing.

It was also discovered that only the bruise on the left arm was found on the ALV and a complete body check was not done. The second bruise was discovered by I-4 on the right arm at her residence.
Additional Recommendations and/or Actions Already Completed (required when additional risk is identified):

It is recommended that I-2 and I-6 as well as the entire nursing staff be retrained on what the proper procedure is and the importance of adhering to the protocol.

It is recommended that a body check form be established in order to keep track of injuries and to promote a more stringent body check of the ALV and other staff.

It is also recommended that the ALV have 2:1 staff or have increased oversight on the 1:1 staff.

Furthermore, it is recommended that a body check be done in cases of injury to document if there are any more injuries on the client's body.

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<th>Alleged Victim (Alv) Information:</th>
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<td>Address:</td>
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<td>Telephone Number:</td>
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<td>Date of Birth:</td>
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<td>Social Security Number:</td>
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<td>Pertinent information regarding the Alleged Victim:</td>
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<th>Alleged Victim Guardian Information:</th>
<th>Guardian?</th>
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<tr>
<td>Guardian:</td>
<td>Yes</td>
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<td>Name:</td>
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DPPC Case Number: 151315 151441
Was the Alleged Victim interviewed?  □ Yes  □ No
If no, explain why not:
The ALV is non verbal, but face to face was conducted.

Other Individual (OI) Information:
Name: 
Address: 
Date of Birth: 
Social Security Number: 
Is the OI a person with a disability as defined by M.G.L. c. 19C?  □ Yes  □ No
OI Disability: 
Pertinent information regarding the OI:

OI Guardian Information:
Does Other Client have a guardian?  □ Yes  □ No  □ Unknown
Name: 
Address: 
Telephone Number: 

Alleged Abuser Information:
Alleged Abuser 1 (Alab 1) Name: unknown
Was the Alab 1 interviewed?  □ Yes  □ No
ALAB 1 Information:
Unidentified
Alleged Abuser 2 (Alab 2) Name:

Was the Alab 2 interviewed? 〇 Yes 〇 No

ALAB 2 Information:

Alleged Abuser 3 (Alab 3) Name:

Was the Alab 3 interviewed? 〇 Yes 〇 No

ALAB 3 Information:

Alleged Abuser 4 (Alab 4) Name:

Was the Alab 4 interviewed? 〇 Yes 〇 No

ALAB 4 Information:

Alleged Abuser 5 (Alab 5) Name:

Was the Alab 5 interviewed? 〇 Yes 〇 No

ALAB 5 Information:

Alleged Abuser 6 (Alab 6) Name:

Was the Alab 6 interviewed? 〇 Yes 〇 No

ALAB 6 Information:

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Alleged Abuser 7 (Alab 7) Name:

► Was the Alab 7 interviewed?  ○ Yes  ○ No

ALAB 7 Information:

Alleged Abuser 8 (Alab 8) Name:

► Was the Alab 8 interviewed?  ○ Yes  ○ No

ALAB 8 Information:

Did ALAB(s) Receive a Copy of the DPPC Notice of Alleged Abuser’s Rights Form?  ○ Yes  ○ No
If no, explain why not:

Unidentified

► Were all Reporters interviewed?  ○ Yes  ○ No
If no, explain why not:

► Were all available witnesses interviewed?  ○ Yes  ○ No
If no, explain why not:

Site of Alleged or Actual Abuse:

HANOVER MA 02339

Name of Vendor if Site is a Vendor: CARDINAL CUSHING SCHOOL/ ST. COLETTA’S

Type of Setting: RESIDENTIAL SCHOOL

Date of Visit and Pertinent Information Regarding Risk at the Site:

Cardinal Cushing School in Hanover supports students age 6-22. Class size ranges from five to seven students. All classrooms have a licensed teacher and at least one full-time educational assistant, with some classrooms having more assistants as needed. Some of the students attend school for the day, others participate in the residential program.
Document Reviewed:

- Accident Report
- Activity Report
- Admission Report
- Ambulance Log/Trip Sheet
- Audio Recording
- Communication Book
- Death Report
- Discharge Summary
- Doctor's Orders/Note
- Facility Security Log
- Hospital Record
- Human Rights Complaint
- Human Rights Report
- Incident Report
- Individual Day Program Agency Record
- Individual Educational Plan
- Individual Residential Agency Record
- Individual Service Agency Record
- Individual Service/Support Plan
- Individual Treatment Plan
- Injury Report
- Level of Supervision Form
- Medical Examiner's Report
- Medical Record
- Medication Error Report/Form
- On-Call Record/Schedule
- Personnel File
- Policies and Procedures
- Previous Abuse Investigation Report
- Previous Hotline Report
- Progress Notes
- Police Report
- Psychiatric Evaluation/Report
- Psychological Evaluation/Report
- Psychosocial Evaluation/Report
- Quality Assurance Report/Evaluation
- Restraint/Seclusion Form
- Staff Assignment Schedule
- Staff Communication Log
- Video Recording

Additional Documents Reviewed:

None

Photographs/Physical/Other Evidence:

Photos of bruising on both upper portions of the ALV's arms.

Criminal Investigation and Prosecution Status:

Referred to District Attorney: ☐ YES ☐ NO

Was a criminal investigation conducted? ☐ Yes ☐ No

Were criminal charges filed? ☐ Yes ☐ No

Type of charge filed: None

If other explain:

Prosecution result: No prosecution

If other explain:

DPPC Case Number: 151315 151441
Alleged Victim: [redacted]
Page Number: 11
Form Revised: 11/17/2016
The assigned investigator and their supervisor certify that to the best of their knowledge the information contained in this M.G.L. c. 19C investigation report is accurate.

Ryan Savje 1/24/2017
Investigator Name Date Report Submitted to Supervisor

David Viens 1/25/2017
Supervisor Name Date Report Approved by Supervisor