

POLICY AND PROCEDURE CONCERNING ABUSE AND NEGLECT

I. PURPOSE

This policy and procedure is implemented to provide a system to prevent and detect abuse and neglect, to provide a system of reporting suspected cases of abuse and neglect and to assure thorough investigation and appropriate follow-up action in alleged incidents of abuse and neglect. This policy and procedure applies to all NorthStar Services employees, contracted health service providers (therapists, nurse consultants, etc.), committee and board members and volunteers. It is implemented to comply with Regulations: Title 205 013 through 013.06.

II. AUTHORITY

This policy and procedure is implemented with the approval of NorthStar Services Governing Board and/or its designee.

III. DEFINITIONS

There are primarily four types of abuse and neglect:

- *PHYSICAL*, which can be described as damage to bodily tissue by non-therapeutic conduct, including but not limited to, fractures, bruises, lacerations, internal injuries, or dislocations. Examples may include, but are not limited to:
 - withholding of personal care, medical care or food
 - purposely placing an individual in scalding or frigid water
 - pulling an individual out of bed
 - slapping, shoving or hitting an individual
 - failing to provide proper supervision or assistance
 - unreasonable confinement, unauthorized restraint or cruel punishment
 - sexual assault.
- *PSYCHOLOGICAL*, which can be described as the intent to cause harm or pain, assert dominance, or express anger or frustration with a vulnerable person, which results in emotional distress or fear. Examples may include, but are not limited to:
 - verbal assaults, (may include name calling or demeaning comments which cause emotional pain)
 - verbal threats
 - provocation of fears
 - isolation of the person either physically or emotionally
 - threat of physical or sexual abuse

- *EXPLOITATION*, which can be described as taking of real or personal property, taking of financial resources, or using someone for one's own personal gain (emotional, financial or sexual gratification).
- *DENIAL OF ESSENTIAL SERVICES*, which can be described as the failure to provide the proper supports to the extent that there is imminent or potential danger that the person may suffer physical injury, psychological harm, or exploitation. Examples may include, but are not limited to:
 - insufficient and inappropriate food and clothing
 - inadequate shelter
 - lack of or delay of treatment for physical and mental health needs
 - inadequate supervision of people served
 - failure to intervene in abuse between people in service
 - staff ignoring people's needs
 - mismanagement of financial resources
 - failure to follow Medical Practitioner's orders
 - failure to follow procedure for assigned medical tasks
 - performing a medical task without proper training.

NOTES: Any unauthorized rights restrictions will be considered abuse and neglect.

If there is a question as to what constitutes abuse and neglect, the Chair of the Human and Legal Rights Committee should be consulted.

IV. PROCEDURAL DIRECTIVES

A. Prevention

NorthStar Services will be proactive in protecting and preventing abuse and neglect from occurring. Proactive measures include first day training in abuse and neglect issues, including but not limited to, what, where, and when to report. All employees and volunteers of NorthStar Services must uphold state and federal statutes and regulations concerning rights of people served.

All employees and volunteers of NorthStar Services will be checked through the Health and Human Services Central Registry for involvement in adult or child abuse and/or neglect and through a criminal background check. Any employee or volunteer with a substantiated charge of adult or child abuse and/or neglect will be terminated from NorthStar Services. This will also disqualify employment candidates from consideration.

B. Warning Signs of Abuse/Neglect

Grounds for suspicion and further investigation may include, but are not limited to:

1. Malnutrition - (excessive hunger)
2. Dehydration - (excessive thirst)
3. Frequent or multiple bedsores
4. Poor personal hygiene
5. Unclean clothes and bedding
6. Intentional misuse of medications by caregiver
7. Untreated physical or mental health problems
8. Inadequate heating or cooling
9. Multiple injuries, burns or bruises
10. Injuries, burns or bruises of unknown origin
11. Exaggerated defensiveness exhibited by caregiver
12. Overt hostility towards a person served exhibited by caregiver
13. Has "imprint injuries." e.g. bruises that retain the shape of traumatizing object; note shapes of bruises similar to objects or hand/thumb/finger marks; inner arm or thigh bruises are especially suspect as are injuries to the head, neck, scalp or face; be especially aware of bruises that are inconsistent with the story given by either the caregiver or person served; various stages of bruises that are inconsistent with the story need to be regarded as suspicious

Any time there is a conflict or an illogical explanation of bruises, concern will be for the person's safety
14. Vague explanation or denial by any of the parties involved in view of obvious injury
15. A person's unwillingness to discuss problems or injuries with caregiver or in caregiver's presence

16. The person served is fearful of caregiver, but anxious to please
17. There is failure to meet basic needs despite adequate income
18. Reliance on the person's income by caregiver for caregiver's personal needs
19. Multiple medication errors

C. Reporting Suspected Incidents of Abuse and Neglect

1. Who must report?

Nebraska law mandates reporting suspected or actual incidents of abuse and neglect. All NorthStar Services employees and volunteers will report any suspected case of abuse and neglect. The person witnessing or suspecting an alleged incident of abuse will make the report. All staff members will be protected from retaliation when reporting suspected abuse and neglect except in the case of malicious or intentionally false statements. Staff members who are found to be harassing individuals who have reported suspected abuse or neglect will face disciplinary action. Staff members who are aware of possible abuse and neglect and who do not report the situation are subject to disciplinary action.

2. When to report?

NorthStar Services requires all employees and volunteers to **immediately** report a suspected incident of abuse and neglect. This is to never exceed 24 hours.

3. Where to report?

Report to one of the following:

- Protective Services
- Toll Free Statewide Hotline 1-800-652-1999
- Local Law Enforcement Agency

4. Situations to report

- Staff-to-person served
- Person-to-person served
- Self-abuse by person served
- Suspected abuse or neglect by others, including family, friends and neighbors

5. Information given when a report of abuse/neglect is made will include to the extent possible:
 - a. Name, address, telephone number, age, sex, and mental/physical condition of the alleged victim
 - b. Description of the incident or indicators which cause you to suspect abuse or neglect; be specific - when did the incident occur; what is the frequency of similar incidents; are there bruises, where are they located and what color are they; if there is an injury visible, has the person received medical attention, if someone has threatened harm, when did it happen, what exactly did s/he say; did anyone else witness the injury, verbal abuse, etc.
 - c. The alleged perpetrator's name, address, telephone number relationship to alleged victim
 - d. Other individuals who might have information; family, friends, doctor, nurses, services coordination, or any others
 - e. What action has been taken by the agency
 - f. Your name, address, telephone number, relationship to the alleged victim

D. Alleged Incidents Involving NorthStar Services Employees

1. The individual witnessing the alleged abuse or neglect will take steps to remove the individual from immediate danger and administer/obtain any necessary first aid or medical attention.
2. The person witnessing or suspecting the alleged abuse/ neglect must report the incident per instructions IV.C.1-5 of this policy and procedure. The individual must **then** notify his/her immediate supervisor of the suspected incident.
3. Complete an Incident Report which documents information per IV.C.5 of this policy and procedure. The Incident Report will also note whether or not a report was made to Health and Human Services Protective Services, the Abuse and Neglect Hotline, or the local law enforcement agency. This report must be completed by the end of the staff person's current shift
4. The immediate supervisor will inform the Area Director.
5. The Area Director will inform the CEO.

6. The Area Director will consult with the individual who witnessed the alleged incident and his/her supervisor. The Area Director will report the information concerning the alleged incident to the Chair of the Human and Legal Rights Committee (using the *H & L 1- Human & Legal Referral Form*; Appendix A of the *Policy and Procedure Concerning Human and Legal Rights Committee*), the Services Coordinator, the legal representative, the parent (if the person is a minor), and any chosen advocate reported in the IPP, using *A & N 1- Notification to Legal Representative/Services Coordination*, (Appendix A) within 24 hours of the incident/allegation. If contact was made by phone, it must be documented on the *A & N 1, Notification to Legal Representative/Services Coordination*.

At any time, the witnesses may skip up the chain of command in reporting the alleged incident, particularly if the alleged perpetrator of abuse is that person's supervisor.

7. The allegations will be made known to the accused staff person by the Area Director or the immediate supervisor.
8. Upon receipt of the allegation, the staff person will immediately be suspended with pay until an investigation is complete.
9. The Area Director will lead the investigation of staff members and people served. The presence of other management personnel will be at the discretion of the Area Director, so as to best facilitate the interview. All individuals who may have pertinent information will be interviewed. The investigation must begin immediately or no later than the next working day using the Investigative Process (See Appendix C).
10. The CEO may request a further investigation of the alleged incident.
11. Information from the investigation must be documented and forwarded to the Human and Legal Rights Committee within five working days of the receipt of the allegation (an extension may be authorized by the CEO). The information sent must include an incident report (if warranted), *H & L 1 - Human & Legal Referral Form*, *A & N 2 – Allegation Notification and Follow-Up* (Appendix B), the investigation report and any other pertinent information.
12. NorthStar staff and volunteers will cooperate with outside agencies in any investigation.
13. The Area Director will inform all persons interviewed that all information is confidential, and that any breach of this confidentiality will result in disciplinary action.

14. The Area Director will inform the accused of the abuse/neglect allegation and results of the investigation, action to be taken by NorthStar Services, and his/her right to appeal any disciplinary action, per the NorthStar Services Personnel Policy Manual.
15. Notify Health and Human Services of the termination of a Medication Aide (See *Medication Procedure, Guidelines for Disciplinary Action of a Medication Aide*) if warranted.

Note: If the Area Director is not available to complete these activities the immediate supervisor will complete these duties.

- E. Suspected Incidents Involving Individual Served:
(Individual self-abuse, abuse by others outside of agency, person served to person served)
1. Criteria for Abuse/Neglect by self-abuse, person served to person served and abuse by others outside of the agency will be the same as those listed in section III.
 2. The individual witnessing the alleged abuse/neglect will:
 - a. Take steps to remove the individual from immediate danger and administer/obtain any necessary first aid or medical attention.
 - b. Report the incident per instructions from IV.C.1 - 5 of this policy and procedure.
 - c. Complete an Incident Report which documents information per IV.C.5 of this policy and procedure. The Incident Report will also note whether or not a report was made to Health and Human Services Protective Services, the Abuse and Neglect Hotline, or the local law enforcement agency. This report must be completed by the end of the staff person's current shift.
 - d. Inform immediate supervisor before staff's current shift is completed.
 3. The immediate supervisor will:
 - a. Provide direction for follow-up regarding the incident. Give directions for any interventions necessary to prevent further incidents from occurring.

- b. Contact the Area Director immediately for any incident when medical attention is sought from a doctor, registered nurse, hospital, clinic, etc.
- c. Record in the follow-up section of the incident report those instructions given per Section IV.E.3.a of this policy and procedure. All agency intervention including programmatic information, environmental changes in staffing, setting, routine psychotropic medication information, psychiatric consultation, intensified supervision, etc. will be documented in the follow-up section.
- d. Forward the Incident Report to the Area Director by the end of the next working day.

4. The Area Director will:

- a. Review the Incident Report, asking for clarification if necessary. Ensure that reported follow-up is adequate and appropriate.
- b. Direct further follow-up action taken to help assure the safety of person served, if necessary.
- c. Inform the Services Coordinator, the legal representative, parent(s) (if the person is a minor), and the chosen advocate of the individual using information from *A&N 1- Notification To Legal Representative/Services Coordination* within 24 hours of the incident/allegation.
- d. Document and forward information from the investigation to the Human and Legal Rights Committee within five working days of the receipt of the allegation (an extension may be authorized by the CEO). The information sent must include an incident report (if warranted), *H & L 1 - Human & Legal Referral Form*, *A & N 2 – Allegation Notification and Follow-Up*, the investigation report and any other pertinent information.

Note: If the Area Director is not available to complete these activities the immediate supervisor will complete these duties.

F. Review of Allegations of Abuse and Neglect

- 1. All allegations of abuse and neglect must be reviewed by the Due Process Committee.

2. All allegations of abuse and neglect reported to Protective Services must be reviewed by the Human and Legal Rights Committee.
3. The Human and Legal Rights Committee's findings will be documented on the A & N 2 – Allegation Notification and Follow-Up form and shared with pertinent people by the Area Director or designee.

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