

POLICY ON ABUSE AND MISTREATMENT

PURPOSE

To establish a policy that defines abuse and mistreatment and ensures that rights of individuals receiving support services are insured at all times.

SCOPE

This policy applies to all the individuals receiving support services from LADD.

POLICY

It is the policy of LADD that all people's rights are ensured at all times (See Rights Policy). Additionally, all people receiving support services should be free of abuse or mistreatment. No individual will be sexually abused, neglected, or mistreated while receiving support services from LADD. In addition, all individuals will be provided with a safe, sanitary, and humane environment. Denial of this constitutes neglect.

DEFINITIONS

EMOTIONAL HARM: Impaired psychological functioning, growth, or development of a significant nature as evidenced by observable, physical symptomatology and as determined by a psychiatrist or by a fully or limited licensed psychologist or social worker.

SERIOUS PHYSICAL HARM: Physical damage suffered by a recipient which, at the time of examination by an RN or a physician, is determined to have caused or could have caused death, or is determined to have caused an impairment of bodily function or a permanent disfigurement.

NON-SERIOUS PHYSICAL HARM: Any physical damage suffered by a recipient, which a physician or RN determines could not have caused or contributed to the death of a recipient, the permanent disfigurement of a recipient, or an impairment of his/her bodily function(s).

SEXUAL ABUSE Sexual contact between a recipient and: an employee of a mental health program operated by or under contract, any non-employee providing support services under jurisdiction of the Contract Agency Board, another recipient, if either recipient is a minor or either does not assent, any other person in a supervisory or administrative position of the facility. Sexual abuse means any of the following: A) Criminal sexual conduct as defined by section 520b to 520e of 1931 PA 318, being MCL 750.520b to MCL 750.520e involving an employee, volunteer, or agent of a provider and a recipient, B) Any sexual contact involving an employee, volunteer, or agent of a department operated hospital or center, a facility licensed by the department under section 137 of the act or an adult foster care facility and a recipient, C) Any sexual contact between an employee, volunteer, or agent of a provider and a recipient for whom the employee, volunteer, or agent provides direct services.

"Sexual contact" means the intentional touching of the recipient's or employee's intimate parts or the touching of the clothing covering the immediate area of the recipient's or employee's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for: A) revenge, B) to inflict humiliation, or C) out of anger.

SEXUAL HARASSMENT: means sexual advances to a recipient, requests for sexual favors from a recipient, or other conduct or communication of a sexual nature toward a recipient

ABUSE - CLASS I: A non-accidental act, or provocation of another to act, by an employee or volunteer, which caused, or contributed to, death, serious physical harm, or sexual abuse of a recipient.

ABUSE - CLASS II: A) A non-accidental act, or provocation of another to act, by an employee or volunteer, which caused, or contributed to, non-serious physical harm to a recipient; or B) The use of unreasonable force on a recipient by an employee or volunteer, with or without apparent harm; or C) Any action, or provocation of another to act, by an employee or volunteer, which causes, or contributes to, emotional harm to a recipient, or, D) An action taken on behalf of a recipient, by assuming incompetence, although a Legal Representative has not been appointed or sought, which results in substantial economic, material, or emotional harm to the recipient, E) or exploitation of a recipient by an employee, volunteer, or agent of a provider.

ABUSE - CLASS III: Means use of language, or other means of communication, by an employee to degrade, threaten or sexually harass a recipient.

NEGLECT: Means the non-compliance, by an employee, with a standard of care required by law, rules, or other policy, which caused injury or exposure to risk to the client.

NEGLECT: CLASS I: A) Acts of commission or omission by an employee or volunteer which may result from noncompliance with a standard of care or treatment required by law, rules, policies, guidelines, written directives, procedures, or individual plan of service and which cause, or contribute to, serious physical harm to a recipient; or, B) The failure to report abuse or neglect of a recipient when the abuse or neglect results in death of serious physical harm to the recipient.

NEGLECT - CLASS II: A) Acts of commission or omission by an employee or volunteer which result from non-compliance with a standard of care or treatment required by law, rules, policies, guidelines, written directives, procedures, or individual plan of service and which cause, or contribute to, non-serious physical harm or emotional harm, to a recipient, or, B) The failure to report abuse or neglect of a recipient when the abuse or neglect results in non-serious harm to the recipient.

NEGLECT - CLASS III: A) Acts of commission or omission by an employee or volunteer which result from noncompliance with a standard of care or treatment required by law, rules, policies, guidelines, written directives, procedures, or individual plan of service which either placed or could have placed, a recipient at risk of physical harm: or, B) The failure to report abuse or neglect of a recipient when the abuse or neglect places a recipient at risk of serious or non-serious harm.

PROCEDURE

Any one who witnesses, discovers, or is notified of an unusual incident including injuries, involving a person receiving support services must:

1. Stop the abuse or neglect from occurring immediately upon finding.
2. Protect, comfort, and assure treatment of the men/women, as necessary.
3. Verbally notify designated immediate supervisor immediately.
4. Insure that incident is reported to your supervisor, assigned Contract Agency case manager and/or the Recipient Rights Officer at the Contract Agency, as well as any other appropriate agencies.
5. Make out IR (Incident Report) to include all information available and procedures followed. Within 24 hours a copy of the IR will be sent to the designated representative, Contract Agency, the AFC Licensing Consultant and ORR.
6. Any suspected and/or reported acts of abuse or neglect may result in suspension of the employee(s) in question, without pay, pending the investigation.
7. All reports of suspected abuse or neglect will be investigated, reported to the appropriate agencies, and all other appropriate action will be taken. (Please refer to the Mandatory Reporting Requirements posted at home/apartment, office or service location).
8. Failure to report an incident of suspected abuse or neglect as well as failure to respond honestly and completely of any information you have in an investigation will result in disciplinary action up to and including separation from employment.
9. Each substantiated allegation of abuse or neglect will be handled on an individual basis. Substantiated allegations of abuse or neglect will result in disciplinary action up to and including separation from employment.
10. If the allegation of abuse or neglect is unfounded, the employee will be reinstated and paid for actual scheduled hours missed during the investigation.