

## ADMINISTRATIVE POLICY

### 1 Overview

- 1.1 It is the policy of OPTIONS that abuse, mistreatment and neglect will not be tolerated and that all possible and reasonable actions will be taken for prevention. The Chief Executive Officer (CEO) will be responsible for the oversight and implementation of these Policies and Procedures. The CEO will be responsible for initiating and directing any necessary investigations.
- 1.2 Depending on the program, the Program Supervisor or Manager will have the responsibility for bringing incidents or allegations to the attention of the CEO or administrative designee, and will assist in any investigations.
- 1.3 The CEO or administrative designee, in conjunction with OPTIONS' Program Director, RN or RN consultant and the Program Supervisor or Manager, will take steps to ensure the safety and well being of any alleged victim.
- 1.4 Immediate action to take place during an investigation will include:
  - 1.4.1 All allegations of abuse or any suspicious incidents will be reported to an appropriate agency per regulatory mandate and investigated as possible abuse/neglect.
  - 1.4.2 The person accused of the allegation will be restricted from having contact with the alleged victim until the investigation is complete. Any employee accused of abuse will be suspended immediately without pay, pending the outcome of an investigation. If the complaint is unsubstantiated, any pay lost will be restored.
  - 1.4.3 The CEO or designee will be responsible for the internal investigation of all incidents that involve suspected abuse and will maintain any and all records of any investigations that will be analyzed for possible trends/patterns.
- 1.5 Anyone bringing forth a complaint or report of suspected abuse/neglect will be protected from any retaliation and their anonymity protected, as much as possible. However, anonymity cannot be guaranteed.

### 2 Definition of Abuse

- 2.1 The maltreatment or mishandling of a person served which would endanger the physical or emotional well-being of the individual through the action or inaction on the part of anyone including an employee,

## ADMINISTRATIVE POLICY

volunteer, consultant, visitor, or other person, whether or not the individual is or appears to be injured or harmed.

### 2.2 Types of abuse include:

- 2.2.1 Physical Abuse
- 2.2.2 Emotional Abuse
- 2.2.3 Financial Abuse
- 2.2.4 Neglect
- 2.2.5 Sexual Abuse

## 3 Training for the Protection, Prevention and Identification of Abuse of Persons Served

### 3.1 During New Employee Orientation (NEO) and initial training, to be completed within 90 days of employment, the following topics will be covered:

- 3.1.1 Laws regarding complaints, abuse, mistreatment and neglect will be covered in the employee's first day of new employee orientation (NEO). This will include OPTIONS' policies and procedures, as well as what constitutes abuse; how to recognize suspected abuse and how to report it.
- 3.1.2 Regulations and what regulatory agencies look for will be reviewed on an ongoing basis during in-services.
- 3.1.3 The expectation of OPTIONS is non-tolerance regarding abuse. Mistreatment and neglect will be reviewed during the New Employee Orientation (NEO) and during Pro-Act Crisis Training.
- 3.1.4 What constitutes a complaint, abuse, mistreatment and neglect (definitions) will be reviewed during the first day of orientation (NEO).
- 3.1.5 Investigation process. The process of reviewing complaints or incidents and how abuse, mistreatment and neglect are investigated internally and by outside regulatory bodies to substantiate or not substantiate a complaint. These topics will be part of the NEO and ongoing in- service program.

## 4 Safety Measures

### Pro-Active Measures to Protect Persons Served

## ADMINISTRATIVE POLICY

### Screening for Prevention of Abuse

The following actions will be taken in order to maintain a safe environment to protect persons served from abuse:

- 4.1 All employees will have reference checks performed and fingerprints submitted for criminal clearance at time of employment.
- 4.2 The physical condition of persons served will be observed on a frequent basis.
- 4.3 Data regarding persons served will be used to identify those persons served with personal and situational risks (e.g. large crowds, alone, etc.).
- 4.4 There will be immediate response to all injuries and documentation to provide explanation for any injuries.
- 4.5 All abuse, mistreatment, neglect and complaint data will be monitored as part of the Human Rights Committee.

### 5 Data Collection

- 5.1 Appropriate state forms will be used for reports, allegations and complaints.
- 5.2 Data will be utilized to ascertain if there are any patterns or trends and will be reviewed quarterly by the Human Rights Committee.

### 6 Monitoring Trends

- 6.1 All complaints/allegations/suspicions of abuse, mistreatment, and neglect will be reviewed by the CEO and quarterly by the Human Rights Committee.
- 6.2 Actions taken regarding allegations/complaints will be documented and compiled by the CEO.
- 6.3 During all reviews, indicators for improvement will be identified by the reviewing person(s) or entity.
- 6.4 Persons served will be randomly observed by Program Supervisors and Managers in various settings to compare observations of any unusual markings/ behavior with reported and documented incidents and conditions.

### 7 Suspected Abuse Reporting

- 7.1 Any dependent adult care custodian, medical practitioner, non-medical

## ADMINISTRATIVE POLICY

practitioner, or employee of a dependent protective agency who has actual knowledge or suspects that a dependent child or adult whom he or she observes in his or her professional capacity or within the scope of his/her employment appears to have been the victim of physical/emotional abuse will report the suspected instance of physical/emotional abuse to an appropriate protective agency within 24 hours by telephone, and will prepare and send a written report (Dept. of Social Services Form SOC 341) within two days of the phone contact of knowledge of the alleged abuse.

- 7.2 If the person who is suspected of being abused is a resident of a Department of Public Health-licensed facility (ICF/ID-H), an initial written report must be faxed to the California Department of Public Health Services within 24 hours of the incident. If the incident has resulted in bodily injury requiring medical attention, it will be reported to law enforcement within two hours of knowledge of the incident on the part of OPTIONS personnel.
  - 7.3 If the person who is suspected of being abused is a resident of a Community Care Licensed facility (CCL), the employee is responsible to report to the licencing agency per Welfare and Institutional code sections 15630 and 15658.
  - 7.4 When two or more persons who are required to file a report are present and jointly have knowledge of a suspected instance of child or dependent adult abuse, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected members of the reporting teams. Any member who has knowledge that the member designated to report has failed to do so, will thereafter make the report.
  - 7.5 All employees will be requested to read and sign Welfare and Institutions Section 15630, Reporting of Dependent Adult Abuse; and Penal Code Section 11166, Reporting Child Abuse, indicating that they have been apprised of the laws relating to adult and child abuse. These compliance forms will be filed in each employee's personnel folder.
  - 7.6 No reprisal will be taken against a person filing an incident report or SOC 341 abuse report. All attempts will be made to protect the anonymity of the reporting party as much as possible.
- 8 Procedure for filing a Suspected Abuse Form
    - 8.1 Obtain the "Report of Suspected Dependent Adult/Elder Abuse (SOC

## ADMINISTRATIVE POLICY

- 341)" from the Supervisor or Manager at the location, from the Chief Operating Officer or on-line.
- 8.2 Complete a form for each incident and each victim of suspected abuse.
  - 8.3 Write "unknown" beside any item of information deemed to be unknown.
  - 8.4 Sign the report.
  - 8.5 Forward the report to the appropriate authorities, the Ombudsman's office, Adult Protective Services and the local police department by fax. Immediately call to verify the receipt of the report.
  - 8.6 The Chief Executive Officer or designee will file a report with the appropriate applicable governmental entity, such as: Department of Public Health Licensing Division; Department of Social Services; Community Care Licensing; Long Term Care Ombudsman; Regional Center; etc.
  - 8.7 The Chief Executive Officer or designee will file the OPTIONS copy of the report of suspected abuse separately from the person's record at the main administrative office.
  - 8.8 If a person other than the person served requests access to the underlying medical information, disclosure will be guided by confidentiality law.

POLICY DATE: September 2000  
Revised: December 2002  
Revised: March 2004  
Revised: March 2005  
Revised: November 2005  
Revised: November 2006  
Revised: August 2007  
Revised: August 2008  
Revised: December 2010  
Revised: December 2011  
Revised: May 2012  
Revised: May 2013  
Revised: September 2014  
Revised: September 2015  
Revised: September 2016  
Reviewed: October 2017  
Reviewed: October 2018  
Revised: November 2019

**ADMINISTRATIVE POLICY**