

ABUSE PREVENTION POLICY AND PROCEDURE

Policy

This policy is intended to provide guidance on investigating and reporting suspected resident rights violations including abuse, neglect and misappropriation of resident property.

Procedure

1. Associates will be screened per state and federal, federal regulations and best practices.
2. Prospective associates:
 - a. Will sign a release allowing a criminal background check to be performed
 - b. Human Resources or a designee will attempt to obtain three (3) reference checks from previous employers
 - c. Licenses and certifications will be verified through the state licensing authority.
 - d. Physical exams will be conducted to include proof of fitness for duty.
3. Supplemental agency personnel will be screened for a history of abuse, neglect or misappropriation. A criminal background check and licensure/certification verification is required.
4. Training and documentation of training on abuse prevention will be provided for associates and supplemental staffing personnel at orientation and annually
5. Residents will be provided with educational opportunities on resident rights and abuse prevention
6. Associates, residents and visitors will be educated on identification and reporting of suspected cases of abuse.
7. Investigations of incidents and allegations will be initiated by qualified, trained members of the leadership team or designee
8. Reporting situations to state and local agencies will be the responsibility of the Executive Director

Training

Community associates and supplemental agency personnel will be trained on abuse prevention, reporting and investigation during orientation and annually to include:

1. The community abuse prevention policy
2. The most current state and federal regulations regarding abuse prevention
3. Definitions of what constitutes abuse, neglect and misappropriation of resident property
4. Recognizing signs of burnout, frustration and stress that may lead to abuse situations
5. Strategies for managing difficult and/or aggressive behaviors
6. Understanding behavioral symptoms that may increase the risk of abuse and neglect and how to respond.
7. How and who associates should report their knowledge related to allegations of abuse

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8. The associate's legal and ethical responsibility to report any suspected incident to the community's Executive Director and/or designee.
9. The investigative process including protecting residents during the process

Prevention

1. Prevention of abuse, neglect or misappropriation of property will be implemented through:
 - a. Establishing a safe environment
 - b. Ongoing associate, resident and family educational opportunities.
 - c. Abiding by facility policy in identifying, correcting and intervening in situations in which abuse, neglect, exploitation, and/ or misappropriation of resident property maybe likely to occur.
 - d. Monthly Safety Committee meetings.
 - e. Regular rounds and quarterly associate meetings.
2. Resident and families will be educated on how and to whom they should report concerns, incidents and grievances without fear of retribution and will include:
 - a. Resident's Bill of Rights, the Ombudsman address and telephone number. Applicable state and licensing agencies' address and telephone numbers will be accessible.
 - b. Residents and family will receive both verbally and in writing a copy of resident rights upon move in and annually and will be asked to sign a statement acknowledging receipt of the information.
 - c. The Community Social Service Director or designee will provide educational opportunities to residents and families to include:
 - i. Resident Bill of Rights
 - ii. Advance Directives
 - iii. Resident Abuse and the Grievance Process

Identification

Through implementation of the training and prevention process, associates, residents and families will be knowledgeable on how to identify and report incidents of suspected abuse.

1. Associates will identify events like injuries of unknown origin that may be a result of abuse.
2. A witnessed incident of suspected abuse, neglect or misappropriation of resident property will be reported immediately to the supervisor on duty. The supervisor is responsible for protecting the resident by:
 - a. Immediately removing the alleged associate from the premises pending investigation.

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- b. If observation or report of abuse is resident-to-resident or a family member, immediate action will be taken to protect the safety of all involved.
 - c. Reports of abuse will be forwarded to the Executive Director, the resident's legal representative, the Wellness Director, the attending physician.
3. Associates will recognize that some cases of abuse are not directly observed, understanding resident outcomes of abuse could assist in identifying whether abuse is occurring or has occurred. Possible indicators of abuse include, but are not limited to:
 - a. An injury that is suspicious because the source of the injury is not observed or the extent or location of the injury is unusual, or because of the number of injuries either at a single point in time or over time
 - b. Sudden or unexplained changes in the following behaviors and/or activities such as fear of a person or place, or feelings of guilt or shame.

Investigation

An immediate investigation will be initiated into any allegations of abuse, neglect or misappropriation of resident property.

1. The Wellness Director of designee will complete the investigation process and document the steps taken and the information obtained.
2. The Executive Director and attending physician will review and sign the investigation summary.
3. The summary will be maintained in a secure location by the Executive Director.
4. In the event the allegation involves an associate:
 - a. The associate will be suspended without pay pending a full investigation.
 - b. The associate will have thirty days to request a hearing to present evidence either in person, in writing or through witness statements to refute the allegation.
 - c. The associate may have an attorney present at the hearing.
 - d. In the event it is determined that the associate did not abuse, neglect or misappropriate resident property, they will be reinstated with pay for lost days and returned to duty.
5. A final report of the investigation and findings will be submitted to the Executive Director within five working days of the occurrence.

Protection

1. The community will assist in providing protection for the resident during the investigation process through the least disruptive means and may include:
 - a. Separation of resident from caregiver
 - b. Separation of resident from family member or visitor
 - c. Separation of resident from other residents

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- d. Examining the alleged victim for any sign of injury, including physical examination or psychosocial assessment if needed
 - e. Increased supervision of the alleged victim and residents
 - f. Room or staffing changes, if necessary, to protect the resident(s) from the alleged perpetrator
 - g. Prevention from retaliation
2. The resident will be interviewed to determine what may provide them with comfort and a sense of well-being.

Reporting

1. Alleged and substantial incidents will have a completed investigation report including what corrective actions were taken. This information will be reported to the resident's legal representative, attending physician, state licensing authority and local law enforcement as appropriate.
2. In the event a staff member is found guilty of abuse or neglect in a court of law, the information will be reported to the appropriate registry or licensing authority.
3. The Executive Director will analyze all occurrences to determine if changes are needed to policies and procedures to assist in preventing further occurrences.

Coordination with QAPI

The facility is responsible to develop written policies and procedures that define how staff will communicate and coordinate situations of abuse, neglect, misappropriation of resident property, and exploitation with the QAPI program.

Cases of physical or sexual abuse, for example by facility staff or other residents, always require corrective action and tracking by the QAA Committee.

The QAPI Committee will determine the following:

- If a thorough investigation is conducted;
- Whether the resident is protected;
- Whether an analysis was conducted as to why the situation occurred;
- Risk factors that contributed to the abuse (e.g., history of aggressive behaviors, environmental factors); and
- Whether there is further need for systemic action such as:
 - Insight on needed revisions to the policies and procedures that prohibit and prevent abuse/neglect/misappropriation/exploitation,
 - Increased training on specific components of identifying and reporting that staff may not be aware of or are confused about,

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- Efforts to educate residents and their families about how to report any alleged violations without fear of repercussions,
- Measures to verify the implementation of corrective actions and timeframes, and
- Tracking patterns of similar occurrences.

Administrator Signature: Date: _____

Medical Director Signature: Date: _____

Date of Review and/or Revision: _____

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