

## Maltreatment, Abuse, Neglect –Policy and Procedures Adult Development/ Waiver Program

### Purpose

To ensure the prevention of occurrences of maltreatment, abuse, and neglect of and to report and investigate maltreatment when it occurs.

This policy establishes a maltreatment prohibition protocol and defines responsibilities for reporting and investigating alleged, suspected, and witnessed maltreatment of individuals served by DDS.

### Scope

- This policy applies to all staff, volunteers, medical personnel, facility employees who work with or interact with ERC clients.

### Definitions

**Abuse:**

(A) Any intentional and unnecessary physical act which inflicts pain on or causes injury to an endangered or impaired adult, including sexual abuse; or

(B) Any intentional or demeaning act which subjects an endangered or impaired adult to ridicule or psychological injury in a manner likely to provoke fear or alarm.

**Department:** Department of Human Services.

**Exploitation:** the illegal use or management of an endangered or impaired adult's funds, assets, or property, or the use of an endangered or impaired adult's person, power of attorney, or guardianship for the profit or advantage of himself, herself, or another;

**Imminent danger to health or safety:** means a situation in which death or severe bodily injury could reasonably be expected to occur without intervention.

(B) The burden of proof shall be upon the department to show by clear and convincing evidence that such imminent danger exists.

**Impaired adult:** a person eighteen (18) years or older who, as a result of mental or physical impairment, is unable to protect himself or herself from abuse, sexual abuse, neglect, or exploitation, and as a consequence thereof is endangered.

**Neglect:** means acts or omissions by an endangered adult; for example, self-neglect or intentional acts or omissions by a caregiver responsible for the care and supervision of an endangered or impaired adult constituting:

(A) Negligently failing to provide necessary treatment, rehabilitation, care, food, clothing, shelter, supervision, or medical services to an endangered or impaired adult;

(B) Negligently failing to report health problems or changes in health problems or changes in the health condition of an endangered or impaired adult to the appropriate medical personnel; or

(C) Negligently failing to carry out a prescribed treatment plan;

**Serious physical injury:** physical injury to an endangered or impaired adult that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or loss or protracted impairment of the function of any bodily member or organ;

**Sexual abuse:** means deviate sexual activity, sexual contact, or sexual intercourse, as those terms are defined in § 5-14-101, with another person who is not the actor's spouse and who is incapable of consent because he or she is mentally defective, mentally incapacitated, or physically helpless.

DHS Form 1910: [http://humanservices.arkansas.gov/ddds/ddds\\_docs/DHS-1910.pdf](http://humanservices.arkansas.gov/ddds/ddds_docs/DHS-1910.pdf)

Reference DHS Policy 3004-1 (Feb, 2003), **Adult abuse (5-28-101)**

### Policy

ERC shall report the following incidents to the appropriate agency:

- A. A significant injury to, or death of a person: in DHS custody; at a DHS office, institution or facility; employed by DHS while on duty; or caused or done by an on-duty DHS employee.
- B. Serious injury to a person: in DHS custody, at a DHS office, institution or facility, employed by DHS while on duty.
- C. Threatened or attempted suicide of a person in DHS custody.
- D. The arrest or conviction of a person in DHS custody, or a DHS employee while on duty or for any job-related action.
- E. Any situation where the location of any person in DHS custody is unknown and cannot be determined within two (2) hours.
- F. \Any crime committed at a DHS office, institution, or facility.
- G. Maltreatment or abuse or any other patients' rights violation which jeopardizes the health or quality of life, of any person: in DHS custody or who was named as the victim of alleged maltreatment or abuse reported within the previous ninety (90) days.
- H. Disturbances involving a person: in DHS custody, at a DHS office, institution or facility, or employed by DHS while on duty.
- I. Property destruction which results in loss of: state property exceeding \$100.00 value, or destruction of any significant property of others.
- J. Any communicable disease resulting in quarantine or closing of a DHS facility.
- K. Any condition or event that prevents the delivery of DHS services for more than two hours (e.g., interruption in telephone service or the inability to fully occupy a DHS office, facility or institution due to fire, flood or other disaster).
- L. No report is necessary if the office is closed by Governor's Proclamation.

**Procedures**

1. Once an incident has been discovered the Program Director/Designee will be immediately notified.
  - I. If the incident involves the suspected abuse, neglect, or exploitation of a client, the client will be assessed to determine the client is safe.
  - II. Measure will be taken to ensure the safety of the client as required.
  - III. If the incident requires the notification of Adult Protective Services, the Program Director/Designee will make the required notification.
2. DHS Form 1910 will be initiated by the Program Director/Designee. The Form is located at [http://humanservices.arkansas.gov/ddds/ddds\\_docs/DHS-1910.pdf](http://humanservices.arkansas.gov/ddds/ddds_docs/DHS-1910.pdf). Typed responses are preferred by DHS, but a written copy will be acceptable if a computer is not available.
3. The Program Director/designee will make contact with all appropriate person(s), including the case manager, as stipulated in the DHS Form 1910, Section 1, "Other Notifications" section.
4. A GER will be completed and Form 1910 will be attached once completed.
5. A copy of DHS Form 1910 will be sent to the Director of Adult Services the next business day.

**Review/Revision/Approval Information**

- List all review/revision dates made by P&S Review Committee: <3/2017, 6/2017>
- Reviewed/Approved by Board of Directors Committee: 6/7/2017  
Date
- Approved by:   
Lynne Keller, Director of Administration
- Date: 6/22/2017