POLICY

This facility will not tolerate in any form, abuse of our residents by staff, family members, volunteers, other residents or anyone else interacting with residents of our facility.

DEFINITIONS

For the purposes of this policy, abuse shall be defined as:

(a) Any physical injury, including pain, unreasonable discomfort or serious loss of human dignity to a resident caused by other than accidental means or failure to provide basic care or services. Physical injuries include injuries that a reasonable and prudent person would be able to prevent such as hitting, pinching or striking, rough handling or corporal punishment. These instances of abuse are presumed to cause physical injury, including pain, to all residents. Abuse under this definition includes abandonment and use of restraints.

(b) Neglect, which results in physical harm or discomfort or loss of human dignity. Neglect includes failure to provide agreed upon care or services to a resident, failure to make a reasonable effort to assess what care is necessary for the well-being of the resident, or failure to provide a safe and sanitary environment.

(c) Sexual contact, including fondling of a resident by an employee, agent or other resident by force, threat, deprivation, duress, coercion, through use of position or authority, or any sexual contact with a resident where there was no pre-existing relationship.

(d) Financial exploitation which includes illegal or improper use of a resident’s resources or personal property for the personal profit or gain of another person; borrowing a resident’s funds; spending resident funds without the resident or their designee’s consent or if the resident is not capable of consenting; spending resident funds for items or services from which the resident cannot benefit or appreciate; or spending resident funds to acquire items for use in common areas when such purchase is not authorized by the resident;

(e) Verbal abuse, including the use of oral, written, gestured communication to a visitor or staff about a resident within that resident’s presence or hearing distance that describes the resident in derogatory terms including humiliating, intimidating, harassing, threatening, frightening, knowingly unwanted comments or actions.
(f) Mental abuse including humiliation, harassment, threats of punishment or deprivation directed toward a resident;

(g) Corporal punishment;

(h) Involuntary seclusion of a resident for convenience of staff or discipline;

(i) Utilizing unauthorized pictures or videos of residents, or their personal space, including taking a picture or video, sharing the electronic data, or posting it on a social media site. Each resident has the right to privacy and confidentiality in all aspects of care and services. Taking unauthorized photographs or recordings of residents in any state of dress or undress using any type of equipment (e.g., cameras, smart phones, and other electronic devices) and/or keeping or distributing them through multimedia messages or on social media networks is a violation of a resident’s right to privacy and confidentiality;

(j) Using restraints, except when a resident approves or requests the use of the restraint as a supportive or enabling devise to increase independence; or when a resident’s actions present an imminent danger to self or others and only until appropriate action is taken by medical, emergency, or police personnel.

PROCEDURES

All employees who have reasonable cause to believe a resident has suffered abuse or an injury of unknown origin, are responsible for reporting that information to the Executive Director or upon his/her absence, to a supervisor. If to a supervisor, he/she shall pass along the information to the Executive Director immediately.

Upon receipt of an allegation of abuse, the Executive Director shall immediately conduct an investigation and document all of his/her relevant findings and final outcome. The Executive Director shall notify the local DHS/SPD office of the incident, or of any incident of abuse or suspected abuse, including events overheard or witnessed by observation, unless the facility investigation reasonably concludes that abuse did not occur. The Executive Director or designee will also notify the local law enforcement agency if the suspected abuse constitutes a crime. Physical injury of unknown origin will be reported to the local SPD office as suspected abuse, unless an immediate facility investigation reasonably concludes and documents that the physical injury is not the result of abuse.
If a resident injury is not witnessed, but abuse is suspected, the facility will immediately investigate. If abuse cannot be ruled out, the Executive Director will immediately notify the local SPD office.

Facility investigation of suspected abuse will include:
1. Time, Date, Place and Individuals present;
2. Description of the event as reported;
3. Response of staff at the time of the event;
4. Follow-up action; and
5. Administrator’s review.

The facility’s licensee, employees and agents will not retaliate in any way against anyone who participates in the making of an abuse complaint, including but not limited to restricting otherwise lawful access to the facility or to any resident, or if an employee, dismissal or harassment.

No employee, volunteer or resident of our facility shall be subject to any retaliation. If the employee is the complainant, he or she shall not be dismissed or harassed for making a good faith report, or being interviewed about a complaint, or being a witness.

The Executive Director shall be responsible for the resolution of complaints of abuse. The remedies for abuse of a resident by an employee shall include all measures in the employee discipline procedure including verbal or written reprimand or in the case of significant or serious cases of abuse, immediate termination and notification of proper local law enforcement and/DHS/SPD authorities. The remedies for abuse of a resident by a resident shall include prudent and reasonable interventions with the resident and his/her family and/or designee.

A resident who demonstrates behaviors or actions that repeatedly and substantially interfere with the rights or well-being of other residents, despite documented intervention efforts of the facility, may be subject to involuntary move-out.

FORMS
Alleged Abuse Interview
Alleged Abuse Investigation Checklist