

**Cottonwood, Inc.
Policies and Procedures**

SECTION: Consumer Related

POLICY NO: 05-036

SUBJECT: Protection from Abuse/Neglect/Exploitation

EFFECTIVE DATE: January 1990

**Licensing Regulation
Reference: 30-63-28**

Policy:

Cottonwood, Inc. prohibits abuse, neglect, or exploitation of adults served by the agency. Suspicion by staff of such abuse, neglect, or exploitation to Cottonwood, Inc. consumers must be reported immediately.

The reporter is not subject to civil or criminal liability for reporting, assisting with an investigation or testimony, unless he/she acted in bad faith or with malicious purpose. Cottonwood, Inc. will not terminate, prevent, or impair the practice or occupation of or impose any other sanction on any employee solely for the reason that such employee made or caused to be made such a report or for cooperation with an investigation.

In situations where abuse or exploitation is inflicted upon a consumer by another consumer, then it is the organization's responsibility to protect the harmed individual. Failure to provide protective remedies against repeated incidents or an incident resulting in serious injury would be negligent and should be reported.

Procedures:

1. Staff suspecting abuse, neglect, or exploitation will report the suspicion immediately. Staff should make an in-house report to any of the following:
 - a. Their immediate supervisor
 - b. The appropriate case manager
 - c. The "on-call" manager
 - d. A department director
 - e. The Administrator
 - f. The Chief Executive Officer

Staff may also report directly to the Adult Protective Services (APS) toll free number at 1-800-922-5330. Support Services will submit an Adverse Incident Report to KDADS and upload it to the CDDO.

If a report is made within the agency, the above individuals are required to refer to APS if warranted. An in-house report will allow for a thorough and more immediate investigation and is the appropriate course of action.

2. Upon knowledge of alleged abuse, an internal investigation will be conducted in a timely manner and if the situation warrants, action will be taken immediately to protect the alleged victim. However, if the report is anonymous and APS does not fully share

information an investigation may not be conducted effectively. Results of the investigation will be documented.

3. The person who suspects the abuse/neglect/exploitation will fill out an Incident Report if reported internally.
4. Staff will cooperate in all internal or State agency investigations and follow through with all correction plans. Confidentiality will be maintained according to agency policy. That is only those in a "need to know" capacity and who are involved in the official investigation will have access to the reported information.
5. If abuse, neglect, or exploitation is confirmed, Cottonwood, Inc. will submit to Kansas Department of Aging & Disability Service (KDADS) and the CDDO a corrective action plan within the timeframe designated. Cottonwood, Inc. will not employ any individual who is known by a provider to have had a conviction for or prior employment history of abuse, neglect, or exploitation of children or vulnerable adults.
6. The Case Manager will make any necessary referrals with regard to the incident, (for example Kansas Guardianship Program, Bert Nash, Al-Anon, etc).
7. Consumers and guardians if applicable will receive information regarding Abuse/Neglect/Exploitation protection and reporting annually during the Person Centered Support Plan Process. Each department will also train on procedures regularly in staff/consumer meetings and may periodically test staff on their knowledge.

DEFINITIONS

"Abuse" means any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to an adult, including:

1. Infliction of physical or mental injury;
2. Any sexual contact with an adult when the adult does not consent or when the other person knows or should know that the adult is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship;
3. Unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm an adult;
4. Unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician's orders or as a substitute for treatment, except where such conflict or physical restraint is in furtherance of the health and safety of the adult;
5. A threat or menacing conduct directed toward an adult that results or might reasonably be expected to result in fear or emotional or mental distress to an adult;
6. Fiduciary abuse, or;
7. Omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness.

"Neglect" means the failure or omission by one's self, caretaker or another person to provide goods or services which are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness.

"Exploitation" means misappropriation of an adult's property or intentionally taking unfair advantage of an adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person.

"Fiduciary abuse" means a situation in which any person who is the caretaker of, or who stands in a position of trust to an adult, takes, secretes, or appropriates their money or property, to any use or purpose not in the due and lawful execution of such person's trust.