

DEVELOPMENTAL DISABILITIES ADMINISTRATION
Olympia, Washington

TITLE:	INCIDENT MANAGEMENT AND REPORTING REQUIREMENTS FOR COUNTY AND COUNTY-CONTRACTED PROVIDERS	6.08
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Authority:	Title 71A RCW	<i>Developmental Disabilities</i>
	Chapter 26.44 RCW	<i>Abuse of Children</i>
	Chapter 74.34 RCW	<i>Abuse of Vulnerable Adults</i>
	Chapter 388-825 WAC	<i>Developmental Disabilities Services</i>
	Chapter 388-845 WAC	<i>Home and Community-Based Services Waivers</i>
	Chapter 388-850 WAC	<i>County Plan for Developmental Disabilities</i>

PURPOSE

This policy establishes uniform reporting requirements and procedures for county and county-contracted providers regarding incidents that involve clients enrolled with the Developmental Disabilities Administration (DDA). This policy also addresses reporting allegations of suspected abuse, improper use of restraint, neglect, self-neglect, personal or financial exploitation, abandonment, and mistreatment.

SCOPE

This policy applies to all county staff and county providers contracted with DDA or providers contracted through counties as subcontractors, their employees, contractors, and volunteers.

DEFINITIONS

See Attachment A for a list of terms that apply to this policy.

POLICY

- A. Provider administrators, owners, employees, contractors, volunteers, and interns (referred to as “provider”) who have reasonable cause to believe there has been abuse, improper use of restraint, neglect, personal or financial exploitation, or abandonment of a client must follow the requirements of Chapters [26.44 RCW](#) and [74.34 RCW](#) and

make a report to the Department of Social and Health Services (DSHS).

- B. An allegation or suspicion of sexual or physical assault as outlined in this policy must also be reported to law enforcement.
- C. Client injuries of unknown origin and allegations of self-neglect must be reported according to this policy.
- D. A mandated reporter does not have to witness or have proof that an incident occurred. As long as there is reasonable cause to suspect that a child or a vulnerable adult has been abused, improperly restrained, neglected, personally or financially exploited, or abandoned, a mandated reporter must make a report.
- E. Failure to report can result in disciplinary action. Failure to report such incidents may result in termination of the provider's contract. Furthermore, failure to report is a gross misdemeanor under [RCW 74.34.053](#). Any provider employee, contractor, or volunteer found to have knowingly failed to fulfill their mandatory reporting obligation will be reported to the appropriate law enforcement agency and may be prosecuted.
- F. If a provider, an employee, contractor, or volunteer of a provider is being investigated by Adult Protective Services (APS), Child Protective Services (CPS), Division of Licensed Resources (DLR), Residential Care Services (RCS) or law enforcement, the provider must:
 - 1. Take appropriate action to ensure the health and safety of DDA clients; and
 - 2. Take appropriate administrative action upon receipt of the investigation findings.
- G. Counties must designate a person responsible for communication in each DSHS region in which they hold a contract. Agencies and counties must cooperate with DDA staff regarding inquiries about incidents, incident follow up, and closure.

PROCEDURES

- A. **Mandatory Reporting of Abuse, Improper use of Restraint, Neglect, Self-Neglect, Personal or Financial Exploitation, Abandonment**
 - 1. Incidents must be reported as follows:
 - a. An incident must be reported when it occurs under the care or supervision or is reported to county staff or county- contracted providers.
 - b. An incident does not need to be witnessed to be reported.

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- c. The person who witnesses or has reasonable cause to suspect an incident occurred must make the report.
 2. If a provider has reasonable cause to believe that a client has been abused, neglected, or exploited, regardless of the source of information, the provider must immediately call the appropriate DSHS reporting unit-- Adult Protective Services (APS), Child Protective Services (CPS), or Residential Care Services (RCS) Complaint Resolution Unit (CRU). If the provider does not know who the appropriate reporting unit is, the provider must call 1-866-EndHarm.
 3. "Immediately" means there should be no delay between awareness of the incident or allegation and making the report. Reporting must occur as soon as the safety of all clients is assured, and all necessary emergency measures have been taken.
 4. Reports must be made immediately regardless of the provider's leave or days off.
 5. A mandated reporter must first report to APS, CPS, or the CRU by calling the agency reporting number (see Attachment D) or 1-866-ENDHARM if they witness any of the following or suspect that any of the following have occurred:
 - a. Abuse, improper use of restraint, neglect, self-neglect, personal or financial exploitation, or abandonment;
 - b. Any physical or sexual assault;
 - c. Physical or sexual abuse, neglect, or exploitation of a child; or
 - d. An act that causes fear of imminent harm.
 6. A mandated reporter must report to law enforcement if there is reason to suspect that any of the following has occurred against a DDA client:
 - a. Sexual assault;
 - b. Physical assault (non-client-to-client);
 - c. Any act that causes fear of imminent harm; or
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- d. Physical assault (client-to-client): Any alleged or suspected physical assault that causes bodily injury requiring more than first aid, or in the event of:
 - i. Injuries, such as bruises or scratches, on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal areas;
 - ii. Fractures;
 - iii. Choking attempts;
 - iv. Patterns of physical assault between the same vulnerable adults or involving the same vulnerable adults; or
 - v. Any client-to-client assault, regardless of injury, if requested by the client, the client's legal representative, or family member.
- 7. Under [RCW 74.34.035](#) and [RCW 68.50.020](#), if a mandated reporter has reason to suspect the death of a vulnerable adult was suspicious, or caused by abuse, neglect, or abandonment, the mandated reporter must report the death to the local coroner or medical examiner and local law enforcement. To determine the local coroner or medical examiner for a specific county, visit the Member Directory on the Washington Association of County Officials website.
- 8. Report to the Department of Health suspected abuse, neglect, exploitation of a vulnerable person or other license-related issue for:
 - a. Professionally licensed people employed by an agency (i.e., nursing assistant-registered [NA-R], certified nursing assistant [CNA], licensed practical nurse [LPN], or registered nurse [RN]); or
 - b. If known, a Department of Health licensed professional practicing in the community but not employed by an agency ([RCW 18.130.180](#)).

B. Provider Procedures

- 1. The provider must have written procedures in place to implement this policy and provide training to staff and volunteers on recognizing and reporting suspected client abuse, improper use of restraint, neglect, self-neglect, personal or financial exploitation, abandonment or mistreatment, and

neglect.

2. Written procedures and training must be available to all employees, volunteers, interns, and work study students, and include, at a minimum:
 - a. Timelines for reporting suspected abuse, improper use of restraint, neglect, self-neglect, personal or financial exploitation, abandonment or mistreatment, and neglect;
 - b. Reference to, or attachments of state statutes [Chapters 74.34](#) and [26.44](#) RCW.
 - c. Current telephone numbers of DSHS reporting units;
 - d. The responsibilities of reporting staff, supervisors, and administrative staff, witnesses, and direct care staff (where applicable);
 - e. Instruction on recognizing abuse, improper use of restraint, neglect, self-neglect, personal or financial exploitation, abandonment or mistreatment, and neglect;
 - f. Mandatory reporting requirements, including instructions for notifying local law enforcement if there is reason to suspect that sexual or physical assault has occurred, prior to notifying the DDA case manager; and
 - g. Instructions for emergency client protection.
 - h. Instructions on reporting suspicious death to the medical examiner or coroner and local law enforcement.

C. Incident Reporting Timelines

1. Incidents must be reported to the county and DDA within the required timelines.
2. One-hour protocol incidents must be reported to the county and the client's DDA Case Resource Manager (CRM) or social worker by phone no more than one hour after the provider becoming aware of the incident, or as soon as client safety has been established. If the client's case resource manager or social worker cannot be reached, contact the regional designee. For after-hour incidents, use the emergency contact protocol. (The region shares the protocol annually, or more frequently if there are changes.)

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3. One-day protocol incidents require written notification within one business day after the provider becomes aware of the incident and an incident report within three business days. An incident report submitted within one business day will meet both the written notification requirement and the incident report requirement. The provider must provide an incident reporting form or tool that staff can use to document incident details. DSHS 20-330, *Incident Report to DDA*, may be used for this purpose but is not required.
 4. All incidents under the scope of this policy require written notification or an incident report to the client's case resource manager or social worker no more than one business day after the provider becomes aware of the incident. The written notification is based on the provider's immediate knowledge of the incident and must include:
 - a. Who was involved in the incident;
 - b. Where the incident occurred;
 - c. The time and date of the incident;
 - d. A description of the incident; and
 - e. Initial actions taken to keep the client safe.
 5. One-hour protocol incidents include:
 - a. Alleged or suspected sexual abuse of a client.
 - b. Missing client. A person who receives county or county-contracted services is considered missing if:
 - i. The provider becomes aware that the client has missed their scheduled work shift or appointment and cannot be contacted for two hours, unless the client's support plan indicates an alternative time plan;
 - ii. The client cannot be located for any length of time and the client is a community protection program (CPP) participant; or
 - iii. The client is located by law enforcement or some other person not associated with the client and the provider was unaware the client was gone, regardless of the length of time the client was missing.
 - c. Any event involving known media interest or litigation. Positive news stories do not require an incident report; however, DDA and the
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county must still be notified.

- d. Choking – client chokes on anything, for example, food, liquid, or object, during County or County contracted services and requires physical intervention regardless of outcome. Refer to your CPR and first aid training.
- e. Client is arrested.
- f. Death of a client during County or County contracted services.
- g. Injuries requiring hospital admission resulting from:
 - i. Suspected abuse or neglect; or
 - ii. An unknown origin.
- h. Life-threatening, medically emergent condition.
- i. Natural disaster or environmental condition threatening client safety or program operation.
- j. Suicide.
- k. A suicide attempt, which means a non-fatal, self-directed, potentially injurious behavior with an intent to die as a result of the behavior and which requires medical or psychiatric attention.

6. One-day protocol incidents include:

- a. Alleged or suspected abuse, improper use of restraint, neglect, self-neglect, personal or financial exploitation, or abandonment of a client.
- b. Alleged or suspected criminal activity by a client resulting in:
 - i. A case number being assigned by law enforcement;
 - ii. The client being taken into custody by law enforcement; or
 - iii. For juveniles, detainment in a juvenile correctional facility.
- c. Alleged or suspected criminal activity perpetrated against a client.
- d. Awareness that a client or the client's legal representative

are contemplating permanent sterilization procedures.

- e. Client-to-client abuse as defined in RCW 74.34.035:
 - i. Injuries (e.g. bruising, such as bruises or scratches, etc.) that appear on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal areas;
 - ii. Fractures;
 - iii. Choking attempts;
 - iv. Patterns of physical assault between the same vulnerable adults or involving the same vulnerable adults; or
 - v. If there is reasonable cause to believe that an act has caused fear of imminent harm.
- f. Hospital or nursing facility admission not otherwise defined.
- g. Injuries to a client:
 - i. Resulting from the use of restrictive procedures or physical intervention techniques;
 - ii. When there is reason to suspect the injury is the result of abuse or neglect;
 - iii. That are serious and require professional medical attention; or
 - iv. Injuries of unknown origin when the injury raises suspicions of possible abuse or neglect due to:
 - A) The extent of the injury;
 - B) The location of the injury (e.g., the injury is located in an area not generally vulnerable to trauma);
 - C) The presence of multiple injuries;
 - D) Repeated injuries of unknown origin; or

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- E) Injuries inconsistent with client's condition, pattern of behavior, or routine.
 - h. Medication or nurse delegation error that:
 - i. Causes, or is likely to cause, injury or harm as assessed by a pharmacist, or medical or nursing professional; or
 - ii. A pattern of medication errors involving the same client or the same staff.
 - i. Mental health crisis resulting in inpatient admission to a state or local community hospital or psychiatric hospital or evaluation and treatment center.
 - j. Property damage caused by a client that is estimated at over \$1,000.
 - k. Restrictive procedures implemented under emergency guidelines that are not described in an approved Positive Behavior Support Plan (PBSP), as described in [DDA Policy 5.15](#), *Restrictive Procedures: Community*, and [DDA Policy 5.17](#), *Physical Intervention Techniques*.
 - l. Serious treatment or court order violations including:
 - i. Court-ordered conditions of release; and
 - ii. Community Protection Program treatment violations.
- D. **Requirements to Protect Clients Following an Allegation**
- 1. County and county-contracted providers must:
 - a. Support client health and welfare at all times; and
 - b. Prevent an accused employee or volunteer from working unsupervised with clients during an ongoing investigation.
 - 2. In some instances of egregious allegations of abuse, neglect, or exploitation, the county or DDA may restrict the accused employee's access to any client. The county or DDA must make this request in writing. The provider must respond in writing to the county or if the county provides services directly, to DDA to verify that the accused staff will not have any access to clients under the provider's

contract.

- a. The accused employee must not have access to clients until the county or DDA communicates otherwise to the provider in writing.
- b. If the provider has completed an internal investigation, a report of the findings from the internal investigation must be sent to the county or DDA.

E. **Mandatory Reporting Requirements Form**

- 1. Upon hire and annually thereafter, the provider must have each administrator, owner, operator, employee, contractor, and volunteer read and sign [DSHS 10-403](#), *Employment and Day Program Services Providers: Mandatory Reporting of Abandonment, Abuse, Neglect, Exploitation or Financial Exploitation of a Child or Vulnerable Adult*.

Note: DSHS 27-081 was updated in August 2024 to DSHS 10-403. If the employee signed the old version of this form, it will be valid until their annual review.

- 2. The provider must maintain the signed form. The service provider’s policy and procedures manual must also include a blank copy of the form.

F. **Department Reporting Units**

1. **Reporting to DDA:**

Report to the client’s assigned case manager, unless specifically noted otherwise. If there is an out-of-office email or voicemail, the provider must make contact with to the person designated in the out-of-office reply.

2. **Reports of abuse, neglect, or mistreatment, involving children and youth under 18:**

DSHS Child Protective Services statewide number: 1-866-363-4276
(1-866-ENDHARM)

3. **Reports involving adults over 18 receiving DDA-funded, DDA-operated residential services, or both:**

Residential Care Services (RCS) Complaint Resolution Unit (CRU): 1-800-562-6078;

TTY 1-800-737-7931.

Online reporting tool: [Residential Care Services Online Incident Reporting webpage](#)

4. **Incidents that occurred in the community during county and county-contracted services or are suspected to have occurred:**

DSHS Adult Protective Services (APS): Call 1-877-734-6277

AL TSA online reporting tool: [Report Concerns Involving Vulnerable Adults webpage](#)

EXCEPTIONS

Any exception to this policy must have the prior written approval of the Deputy Assistant Secretary.

SUPERSESSION

DDA Policy 6.08
December 15, 2023

Approved:



Deputy Assistant Secretary
Developmental Disabilities Administration

Date: October 15, 2024

Attachment A – *Definitions*

Attachment B – *Clarifying Examples of Abuse, Neglect, and Financial Exploitation*

Attachment C – *Incident Reporting Timelines*

ATTACHMENT A

Definitions

DEFINITIONS -- GENERAL

ALTSA means the Aging and Long-Term Support Administration.

Adult Protective Services (APS) means the ALTSA division office that conducts investigations of reported incidents and may offer protective services to the alleged adult victim.

CRM means the Developmental Disabilities Administration Case Resource Manager, the Social Worker, or Social Service Specialist.

Child Protective Services (CPS) means the Department of Children, Youth, and Families unit that takes a report of abuse, neglect, abandonment or exploitation, conducts the investigation, and may offer protective services if the alleged victim is under 18 years of age.

Client means a person determined eligible for DDA and receiving services from the provider.

Complaint Resolution Unit (CRU) means the Residential Care Services (RCS) Division unit that takes a report of abandonment, abuse, neglect, exploitation or financial exploitation when the alleged victim resides in a licensed facility or receives services from a supported living, group home, or group training home provider.

Division of Licensed Resources (DLR) means the Department of Children, Youth, and Families that licenses out-of-home settings. DLR staff is also responsible to investigate reported licensing concerns when there has been a violation or allegation of violation of minimum licensing requirements. This includes group home providers, licensed staffed residential settings, and staff working at these facilities.

Good faith means a state of mind indicating honesty and lawfulness of purpose.

Injury of Unknown Origin means an injury that was not observed directly by the staff person and the injury is determined to not be reasonably related to the client's condition, diagnosis, known and predictable interaction with surroundings, or related to a known sequence of prior events.

Mandated reporter means an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator or an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; employees of domestic violence programs; Christian Science practitioner; or healthcare provider subject to [Chapter 18.130 RCW](#) [RCW 74.34.020]. Refer to [RCW 26.44.030](#) for a list of individuals with a duty to report child abuse or neglect.

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Professional medical attention means attention beyond first aid, by a medical professional including primary care provider, paramedics, fire fighters, urgent care, or emergency room personnel.

Reasonable cause to believe means that the reporter, in making a report of abuse or neglect, acts with good faith intent, judged in light of all the circumstances then present.

Reporting to the County means reporting to the county that the provider contracts with for services.

Residential Care Services (RCS) means the ALISA division responsible for the licensing and oversight of adult family homes, assisted living facilities, nursing facilities, intermediate care facilities for individuals with intellectual disabilities, and certified community residential services and supports.

Suspicious death means there is no medically reasonable explanation for the cause of death, or it is possible that criminal activity, substandard care, negligence, or abusive treatment may have caused or was a factor in the death.

DEFINITIONS – CHILDREN ([RCW 26.44.020](#))

Child or Children means any person younger than 18 years of age.

Abuse or neglect means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under [RCW 9A.16.100](#); or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child.

Negligent treatment or maltreatment means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under [RCW 9A.42.100](#). When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment, or maltreatment.

Poverty, homelessness, or exposure to domestic violence as defined in [RCW 26.50.010](#) that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

Sexual exploitation includes: allowing, permitting, or encouraging a child to engage in prostitution by any person; or allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

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DEFINITIONS -- VULNERABLE ADULTS (RCW 74.34.020)

Abandonment means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

Abuse means the intentional, willful action or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, personal exploitation of a vulnerable adult, and improper use of restraint, which have the following meanings:

Sexual abuse means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under [Chapter 71A.12 RCW](#), and a vulnerable adult living in that facility or receiving service from a program authorized under [Chapter 71A.12 RCW](#), whether or not it is consensual.

Physical abuse means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding..

Mental abuse means any willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, intimidating, yelling, or swearing.

Personal exploitation means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

Improper use of restraint means or the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that:

1. Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW;
2. Is not medically authorized; or
3. Otherwise constitutes abuse under this section.

Chemical restraint means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of

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restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

Facility means a residence licensed or required to be licensed under Chapter 18.20 RCW, assisted living facilities; Chapter 18.51 RCW, nursing homes; Chapter 70.128 RCW, adult family homes; Chapter 72.36 RCW, soldiers' homes; or Chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department.

Financial exploitation means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by another person or entity for any person's or entity's profit or advantage other than the vulnerable adult's profit or advantage. Financial exploitation includes, but is not limited to:

1. The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;
2. The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, which results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or
3. Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of their property, income, resources, or trust funds.

Mechanical restraint means any device attached or adjacent to the vulnerable adult's body that they cannot easily remove that restricts freedom of movement or normal access to their body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are:

1. Medically authorized, as required; and
2. Used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

Neglect means:

1. A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or

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Definitions

2. An act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under [RCW 9A.42.100](#).

Physical restraint means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include:

1. Briefly holding without undue force a vulnerable adult in order to calm or comfort them; or
2. Holding a vulnerable adult's hand to safely escort them from one area to another.

Self-neglect means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

Vulnerable adult means a person 18 years of age or older who:

1. Is 60 years of age or older who has the functional, mental, or physical inability to care for himself or herself;
2. Is found incapacitated under [Chapter 11.88 RCW](#);
3. Has a developmental disability as defined under [RCW 71A.10.020](#);
4. Is admitted to a licensed facility (i.e., boarding home, nursing home, adult family home, soldiers' home, residential habilitation center, or any other facility licensed by DSHS);
5. Is receiving services from home health, hospice or home care agencies licensed or required to be licensed under [Chapter 70.127 RCW](#);
6. Is receiving services from an individual provider; or
7. Self-directs their own care and receives services from a personal aide under [Chapter 74.39 RCW](#).

ATTACHMENT B

Clarifying Examples of Abuse, Neglect, Financial Exploitation, and Self-Neglect

The following examples, which are not all-inclusive, are provided to assist staff in identifying suspected or actual abuse, neglect, exploitation, and self-neglect. **While many examples are straightforward, others may be less obvious and need to be considered in a larger context.**

A. Physical Abuse

- Biting
- Choking
- Kicking
- Pinching
- Pushing
- Shaking (especially a child under three years of age)
- Shoving
- Prodding
- Slapping
- Striking with or without an object
- Twisting limbs (joint torsion)
- Causing or willfully allowing the person to do bodily harm to themselves or
- Causing or willfully allowing another client to physically harm them
- Controlling a person through corporal punishment
- Not allowing the client to eat, drink, or care for physical needs such as elimination
- Retaliation following a physical attack, verbal abuse or other unwelcome action by a client
- Using excessive force when restraining an agitated client

B. Sexual Abuse

- Any sexual contact between staff or volunteer of a facility and a client, whether or not it is consensual
- Inappropriate or unwanted sexual touching including but not limited to:
 - Fondling
 - Intercourse
 - Oral sex
 - Rape
 - Sodomy
- Sexual coercion
- Sexual harassment
- Sexually explicit photographing, filming, or videotaping
- Showing, selling, or otherwise distributing pornographic materials

C. Mental Abuse

- Coercion

ATTACHMENT B

Clarifying Examples of Abuse, Neglect, Financial Exploitation, and Self-Neglect

- Harassment
- Inappropriately isolating a vulnerable adult from family, friends, or regular activity
- Making derogatory or disparaging remarks about a person and his or her family in front of the person or within hearing distance of any client
- Oral, written, or gestural language threatening harm or intended to frighten clients
- Verbal assault such as ridicule, intimidation, yelling, or swearing

D. Neglect

- A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or
- An act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, which may include but not limited to:
 - Abandoning a client in situations where other persons, objects or the environment may injure the client
 - Allowing the physical environment to deteriorate to the point that a client is subject to hazardous situations, such as electrical, water, and structural hazards
 - Failure to promptly respond to medical emergencies or requests for medical treatment
 - Failure to follow prescribed treatments Failure to attend to clients in hostile or dangerous situations
 - Failure to supervise which results in a client wandering, missing or running away
 - Willful failure to protect the client from physical abuse by another client or staff
 - Willful failure to protect a child from sexual contact with another child

E. Exploitation (Including Personal and Financial)

- An act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior
- Using clients to perform work that should be done by paid employees
- Using client financial resources for personal gain or for activities not related to client care

ATTACHMENT B

Clarifying Examples of Abuse, Neglect, Financial Exploitation, and Self-Neglect

F. Self-neglect

Vulnerable adults who neglect themselves are unwilling or unable to do needed self-care. This can include such things as:

- Not eating enough food to the point of malnourishment
- Living in filthy, unsanitary, or hazardous conditions
- Refusing urgent medical care or a pattern of declining necessary medical care
- Refusing to pay for necessary or essential expenses, such as rent or utilities, resulting in the loss of these services

ATTACHMENT C
Incident Reporting Timelines

<p style="text-align: center;">One-Hour Protocol*</p> <p style="text-align: center;">Phone call to regional office within one hour followed by written notification within one business day</p>	<p style="text-align: center;">One-Day Protocol*</p> <p style="text-align: center;">Written notification within one business day</p>
<ol style="list-style-type: none"> 1. Alleged or suspected sexual abuse of a client 2. Missing client 3. Any event involving known media interest or litigation. Positive news stories do not require an incident report; however, DDA and the county must still be notified. 4. Choking – when the client chokes on anything (e.g., food, liquid, or object) during county or county-contracted services and requires intervention regardless of outcome. Refer to your CPR and first aid training 5. Client arrested 6. Death of a client during county or county-contracted services of a client 7. Injuries requiring hospital admission resulting from: suspected abuse or neglect, or an unknown origin 8. Life-threatening, medically emergent condition 9. Natural disaster or environmental condition threatening client safety or program operation 10. Suicide 11. Suicide attempt 	<ol style="list-style-type: none"> 1. Alleged or suspected abuse, improper use of restraint, neglect, self-neglect, personal or financial exploitation, or abandonment of a client 2. Alleged or suspected criminal activity by a client 3. Alleged or suspected criminal activity perpetrated against a client 4. Awareness that a client or the client’s legal representative is contemplating permanent sterilization procedures 5. Client-to-client abuse 6. Hospital or nursing facility admission 7. Injuries to a client: resulting from the use of restrictive procedures or physical intervention techniques; when there is reason to suspect abuse or neglect; that are serious and require professional medical attention; or that are of an unknown origin and cause suspicion of abuse or neglect 8. Medication or nurse delegation errors 9. Mental health crisis resulting in inpatient admission to a state or local community hospital or psychiatric hospital or evaluation and treatment center. 10. Property damage of \$250 or more 11. Restrictive procedure implemented under emergency guidelines 12. Serious treatment or court order violations

* See Procedures Sections “One-Hour Protocol” and “One-Day Protocol” for more detailed descriptions.