



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: PROTECTION FROM ABUSE POLICY 5.13

Authority: 42 CFR 483.420 (a) (5) and (d)
RCW 11.88, 11.92, 26.44, 43.43, 70.124, 71A.10, 74.15, and 74.34
DSHS Administrative Policies 6.01, 8.02, and 9.01

PURPOSE

Treating people with dignity and respect requires that people are free from abuse and neglect. This policy establishes division procedures for the reporting of abuse and neglect within the Division of Developmental Disabilities (DDD). It is the responsibility of DDD to ensure that suspected abuse, neglect, or negligent treatment of all clients is reported, investigated, and resolved, and to ensure procedures to prevent abuse are in place.

SCOPE

This policy applies to all DDD employees, volunteers, licensees, and contractors.

POLICY

Abuse, neglect, or negligent treatment of clients is prohibited in all facilities, programs, and contractors funded by DDD. All division employees, volunteers, licensees, and contractors shall report every incident of observed, reported, or suspected mistreatment, neglect or abuse of clients, as well as injuries of unknown origin. DDD shall process allegations in a manner that ensures prompt investigation and resolution.

In addition to the requirements of this policy, the requirements of DDD Policy 12.01, Incident Management, shall also be met.

DEFINITIONS

- A. **Abuse** means an act of physical or mental mistreatment or injury which harms or threatens a person through action or inaction by another individual.
- B. **Developmentally Disabled Persons Abuse or Neglect** means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a developmentally disabled person by any person under circumstances which indicate that the individual's health, welfare, and safety is harmed.
- C. **Neglect** means a pattern of conduct resulting in deprivation of care necessary to maintain minimum physical and mental health. This includes, but is not limited to, failing to provide training and support services which are necessary to maintain the person's health and safety.
- D. **Negligent Treatment** means an act or omission which demonstrates a serious disregard of consequences of such magnitude as to constitute a clear danger to the person's health, welfare, and safety.
- E. **Physical abuse** is defined as inflicting any pain or discomfort upon a person or inducing a person to inflict pain or discomfort upon him/herself or any other person. This includes, but is not limited to: kicking, squeezing, pinching, hair pulling, slapping, striking the person with or without an object; pushing or using excessive force when restraining an agitated client; not allowing the client to eat, drink, or care for physical needs such as elimination; or any other action which may cause physical pain or harm to the person. Physical abuse also includes any unauthorized use of mechanical and physical restraints.
- F. **Sexual abuse** includes, but is not limited to: intimate caressing or fondling, exposure, intercourse, rape, attempted rape, and any overtly sexual act; permitting, encouraging, or forcing client to participate in sexually explicit conduct; and showing, selling, or otherwise distributing pornographic materials to a client.
- G. **Sexual exploitation** is a general term for inducing a person to participate in sexual activities with another individual in return for favor or implied favor from the exploiter. This may include taking sexual advantage of a person who may not understand the implications of the behaviors being requested of him/her, including engaging in prostitution, and obscene or pornographic photographing or filming.
- H. **Emotional/verbal abuse** means action, either overt or subtle, which cause mental injury or emotional distress to the individual. Verbal abuse includes, but is not limited

to: verbal teasing, humiliation, belittling or ridiculing a person, the person's family, background, culture, race, disability, or physical appearance; making an individual a "scapegoat"; use of profanities and/or obscenities in the person's presence; shouting, yelling, and screaming at clients; use of derogatory names; and capricious withdrawal of the person's privileges.

- I. **Failure to provide care** includes, but is not limited to: leaving an incontinent person in excrement for an extended period of time; overt refusal to protect the person from physical abuse by another client or staff; failure to promptly respond to medical emergencies or requests for medical treatment.

PROCEDURES

All DDD funded programs, licensees, and contractors shall have written procedures in place to implement this policy. These procedures shall include, but are not limited to, the following:

- A. A process for immediately reporting alleged, suspected, or observed abuse or negligent treatment of clients within 24 hours to appropriate persons as designated by the program or organizational unit;
- B. A process for reporting all alleged, suspected, or observed abuse or negligent treatment of clients to DDD within 24 hours;
- C. A process for reporting alleged, suspected or observed abuse or negligent treatment to outside agencies and/or authorities such as law enforcement, Department of Health, Child Protective Services (if person is under 18 years), or Adult Protective Services (if person is over 18 years);
- D. Each facility and program having responsibility for direct client services shall adhere to the division program policy and procedures when responding to allegations of client abuse/neglect. This shall include:
1. A copy of pertinent federal and state statutes and regulations regarding client abuse and specific type of program (e.g., Residential Habilitation Center (RHC) nursing facility, boarding home, foster care, adult family home, etc.);
 2. Provision for staff training in client protection, reporting, and evidence preparation;
 3. Current telephone numbers for local law enforcement agencies as distributed by local office/facility annually;

4. Program-specific chain of command names and telephone numbers for reporting purposes;
 5. Program-specific procedures detailing the responsibilities of:
 - a. Reporting staff;
 - b. Direct care staff where applicable;
 - c. Supervisory and/or administrative staff; and
 - d. Witnesses.
 6. Instructions for emergency client protection;
 7. Instructions for evidence preservation (if assistance is needed to develop instructions, local law enforcement agencies should be contacted); and
 8. Program specific paperwork requirements to include background checks.
- E. Procedures for initiating an outside review/investigation when a report of known or suspected abuse or neglect involves the acts or omissions of the administrator and/or supervisor(s).

SUPERSESSSION

Division Policy Directive 5.13
Issued December 1993

Division Policy Directive 103
Issued September 1991

Approved: /s/ Norm Davis
Director, Division of Developmental Disabilities

Date: 1/7/1997