



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: RESIDENTIAL REPORTING REQUIREMENTS POLICY 6.12
INCLUDING ABUSE/NEGLECT REPORTING

Authority: Chapter 71A RCW Developmental Disabilities
Chapter 388-820 WAC Community Residential Services and Supports

PURPOSE

This policy establishes uniform reporting requirements for certified and contracted residential service providers and state operated community residential programs.

SCOPE

This policy applies to all Division of Developmental Disabilities (DDD) certified and contracted residential service providers and State Operated Living Alternatives (SOLA).

DEFINITIONS

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

Abuse means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a client. When a client is unable to express or show that physical harm, pain, or mental anguish have occurred, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation.

Earned Income means salaries, commissions, bonuses, severance pay, and other cash or in-kind payments received from employment, net earnings from self-employment, and earned income tax credits. (For further details, see 20 CFR 416.1110.)

Exploitation means an act of forcing, compelling, or exerting undue influence over a client who then acts in a way that:

- Is inconsistent with relevant past behavior; or
- Causes the client to perform services for the benefit of another.

Financial exploitation means the illegal or improper use of the property, income, resources, or trust funds of a client by another person for profit or advantage.

Mental abuse means any willful action or inaction of mental or verbal abuse. Mental abuse includes coercion, harassment, inappropriate isolation, and verbal assault, such as ridiculing, intimidating, yelling, or swearing.

Neglect means (a) a pattern of conduct or inaction by a person or entity with a duty of care to provide the goods and services that maintain physical or mental health of a client, or that avoids or prevents physical or mental harm or pain to a client, or (b) 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 client's health, welfare, or safety.

Physical abuse means willful action that inflicts bodily injury or physical mistreatment upon a person. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or using chemical restraints. Using physical restraints that fall outside licensing requirements and/or division policy is considered physical abuse.

Resource means cash, other liquid assets, or real or personal property that an individual or spouse owns and could convert to cash. Chapter 388-92 WAC describes resources and exclusions (see also 20 CFR 416, Subpart L, for definition of resources and exclusions).

Sexual abuse means any form of nonconsensual sexual contact, 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 client living in that facility or receiving service from a program authorized under Chapter 71A.12 RCW, whether or not it is consensual.

Serious and emergent incidents means grave situations, events, or actions having occurred resulting in serious physical or emotional harm, or potential harm. These incidents may harm clients, staff, visitors, or other persons; or may result in major property damage. These incidents may violate local, state, and federal law or regulations.

Unearned Income means annuities, pensions, and other periodic payments such as Social Security (SSI) benefits, disability benefits, veterans benefits, and unemployment insurance benefits, alimony and support payments; dividends, interest, and royalties; rents; proceeds of life insurance policy; prizes and awards; gifts and inheritances; and support and maintenance in-kind. (for further details see 20 CFR 416.1121.)

POLICY:

A. Client Incident Reporting

Persons supported by DDD must be treated with kindness, respect, care and consideration at all times. Abandonment, abuse, financial exploitation, and neglect are not permitted under any circumstances.

1. The agency's administrator, employees, and volunteers must report a client's:
 - a) Abuse;
 - b) Exploitation,
 - c) Financial Exploitation;
 - d) Neglect or abandonment; and
 - e) Any injuries of unknown origin.

These incidents may be observed, reported, or suspected. It is not necessary to have witnessed an incident.

2. In addition to A.1. above, the agency must submit to DDD written incident reports of all "serious and emergent incidents" related to clients within 24 hours of the incident. Examples of serious and emergent incidents include, but are not limited to:
 - a) Death;
 - b) Alleged or suspected abuse, neglect or mistreatment of a client or others;
 - c) Alleged or suspected sexual assault of a client or others;
 - d) Physical assault requiring emergency medical care, hospitalization, and/or report to law enforcement agencies;
 - e) Injuries requiring emergency medical treatment or hospitalization associated with suspected abuse, neglect or major injuries of unknown origin;
 - f) Alleged or suspected criminal activity by clients, staff, or others;
 - g) Conditions that present a substantial threat to the operations of DDD facilities, contracted agencies, or the safety of clients. These conditions include, but are not limited to, fire, flood, bomb threat, and environmental hazards;

- h) Serious communicable diseases as defined in Chapter 246-100 WAC;
 - i) Clients missing for two (2) hours or less, at the discretion of the agency administrator or designee; and
 - j) Any other unusual event or situation of special concern to DDD or the department, particularly if it may elicit a request for information from the news media, families, guardians, or interested citizens.
3. The incidents must be reported to:
- a) DDD Regional Administrator (RA) or designee; and
 - b) **Reports Involving Children (under 18 years):**
DSHS Child Protective Services statewide number: 1-800-562-5624

Reports Involving Adults Living In Their Own Homes:
DSHS Adult Protective Services regional Numbers:
Region 1: 1-800-459-0421
Region 2: 1-877-389-3013
Region 3: 1-800-487-0416
Region 4: 1-866-221-4909
Region 5:
Kitsap: 1-888-833-4925
Pierce: 1-800-442-5129
Region 6: 1-877-734-6277

Reports Involving Adults Living In Group Homes:
Complaint Resolution Unit statewide number: 1-800-562-6078.
4. If there is reason to suspect that sexual or physical assault has occurred, it must be immediately reported to the appropriate law enforcement agency and in addition to DSHS (RCW 74.34.035(1)).
5. Failure to report such incidents may result in termination of the service provider's certification and/or contract.
6. The provider must have written policies and procedures for reporting incidents as defined in this policy within twenty-four (24) hours to:
- a) Appropriate persons as designated by the program or organizational unit; and

- b) Outside agencies and/or authorities such as law enforcement, Department of Health-Health Professions Quality Assurance Division, DSHS Child Protective Services (CPS), or DSHS Adult Protective Services (APS).
7. The provider must also have written policies and procedures for:
- a) Protecting clients in an emergency;
 - b) Preserving evidence when necessary. The service provider may contact the local sexual assault center for guidance in preserving evidence; and
 - c) Initiating an outside review/investigation when a report of known or suspected abuse or neglect involves the acts or omissions of the agency administrator and/or supervisor(s).
8. Each agency administrator must develop a DDD approved form related to required reporting procedures. This form must be signed by each service provider employee and volunteer upon hire or whenever the form is revised. This form must be signed and maintained in each individual's personnel record. This form must also be in the agency policy and procedures manual. **A sample form is provided in Attachment A of this policy.**
9. Agency employees may take reasonable action to protect themselves if assaulted by a client. The employee should summon assistance so that the situation can be safely diffused as soon as possible.
10. Agency employees who abandon, abuse, financially exploit, exploit, or neglect a client are subject to immediate dismissal and prosecution under Washington state law.

B. Medical And Social Absences

Residential service providers must report medical and social absences of clients in writing to DDD before the absence, except in cases of emergency. Reports must be accompanied by:

- 1. A payment request for approved social/medical absence for clients residing in a group home and the absence is expected to exceed thirty (30) days; or
- 2. A *Cost of Care Adjustment Request (DDD) (DSHS Form 06-124)* if the client receives supported living (SL) services and the absence is expected to exceed thirty (30) days.

C. Income Reporting For Clients In Group Homes

Group Home providers must submit to DDD each client's income and resource status, using a "Client Monthly Income Report" provided by DDD. These reports must be submitted:

1. At twelve (12) month intervals for clients who are SSI recipients;
2. At six (6) month intervals for clients who are non-SSI recipients receiving unearned income when there is no change in the income amount;
3. Each month for non-SSI recipients who are receiving earned income;
4. Each month for SSI and non-SSI recipients when nonrecurring income is received; and
5. Each month for clients having resources within \$300 of the maximum resource exemption allowed.

SUPERSESSION:

Division Policy 6.12
Issued April 13, 2000

Division Policy 6.12
Issued August 5, 1998

Division Policy 6.12
Issued December 4, 1995

Division Policy Directive 533
Issued September 18, 1985

Approved: /s/ Linda Rolfe
Director, Division of Developmental Disabilities

Date: 1/1/2002

ATTACHMENT A
ABUSE/NEGLECT REPORTING REQUIREMENT INFORMATION
All staff must read and sign this form prior to working with clients.

All administrators, employees, and volunteers of any existing or proposed Division of Developmental Disabilities contracted community residential services agency or State-Operated Living Alternative (SOLA) will read, sign, and abide by the following policy prohibiting abuse, neglect, financial exploitation, and abandonment of residential program clients, also referred to as vulnerable adults.

- A. Abuse of clients means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances 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, and exploitation of a vulnerable adult.
1. **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, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements and/or division policy.
 2. **Sexual abuse** means any form of nonconsensual sexual contact, 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.
 3. **Mental abuse** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.
 4. **Exploitation** means any 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.

- B. **Neglect** means (a) a pattern of conduct or inaction by a person or entity with a duty of care to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that avoids or prevents physical or mental harm or pain to a vulnerable adult, or (b) 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.
- C. **Financial exploitation** means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage.
- D. **Abandonment** means action or inaction by a person or service provider 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.
- E. Clients must be treated with kindness, respect, care and consideration at all times. Abandonment, abuse, financial exploitation, or neglect is not permitted under any circumstances.
- F. An employee of a community residential agency assaulted by an adult client, so that his or her life or limb is in jeopardy, may protect herself/himself; however, the employee should summon assistance so that the client can be more easily controlled and the element of personal struggle removed from the situation.
- G. Employees of the community residential agency guilty of abandonment, abuse, financial exploitation, or neglect of a client are subject to immediate dismissal and prosecution under Washington state law.
- H. It is the mandated responsibility of each community residential program administrator and employee to report any incident involving abandonment, abuse, financial exploitation, or neglect of clients to the DDD Regional Administrator or designee, and to Aging and Adult Services Administration (if person is over 18 years) or Child Protective Services (if person is under 18 years), Department of Social and Health Services (DSHS). If there is reason to suspect that sexual or physical assault has occurred, mandated reporters shall immediately report to the appropriate law enforcement agency and to DSHS. Failure to report such incidents can result in revocation of the community residential agency's certification.

Signature

Date