

DEVELOPMENTAL DISABILITIES ADMINISTRATION  
Olympia, Washington

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TITLE: INCIDENT MANAGEMENT AND POLICY 6.12  
REPORTING REQUIREMENTS FOR  
RESIDENTIAL SERVICES PROVIDERS

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Authority: [Chapter 71A RCW](#) *Developmental Disabilities*  
[Chapter 26.44 RCW](#) *Abuse of Children*  
[Chapter 74.34 RCW](#) *Abuse of Vulnerable Adults*  
[Chapter 388-101 WAC](#) *Certified Community Residential Services and  
Supports*  
[Chapter 388-101D WAC](#) *Requirements for Providers of Residential Services  
and Supports*  
[Chapter 388-825 WAC](#) *Developmental Disabilities Services*  
[Chapter 388-826 WAC](#) *Voluntary Placement Services*  
[Chapter 388-145 WAC](#) *Licensing Requirements for Group Care Facilities  
and Services*

## **PURPOSE**

This policy establishes uniform reporting requirements and procedures for community residential services 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 the following DDA community residential services providers, their employees, contractors, and volunteers:

### For adults:

- Supported Living (SL)
- Group Homes (GH)
- Group Training Homes (GTH)
- Alternative Living (AL)
- Companion Homes (CH)
- State Operated Living Alternatives (SOLA)

- Community Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID)
- Diversion Bed Programs
- Overnight Planned Respite Services for Adults

For children:

- Licensed Staffed Residential (LSR)
- State Operated Living Alternatives (SOLA)
- Community Crisis Stabilization Service (CCSS)
- Children's Enhanced Respite Beds
- Licensed Group Care Facilities
- Licensed Child Foster Homes

## **DEFINITIONS**

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

## **POLICY**

- A. Service provider administrators, owners, employees, contractors, and volunteers who have reasonable cause to believe there has been abuse, improper use of restraint, neglect, personal or financial exploitation, abandonment or mistreatment 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 also be reported according to this policy.
- D. Mandated reporters do not have to witness or have proof that an incident occurred. As long as there is reasonable cause to believe or 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 service provider's contract. Furthermore, failure to report is a gross misdemeanor under Washington State law ([RCW 74.34.053](#)). Any service provider employee, contractor, or volunteer found to have knowingly failed to report in their

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capacity as a mandated reporter will be reported to the appropriate law enforcement agency and may be prosecuted.

- F. If a service provider, an employee, contractor, or volunteer of a service provider is being investigated by Adult Protective Services (APS), Child Protective Services (CPS), Division of Licensed Resources (DLR), Residential Care Services (RCS) Division, or law enforcement, the service 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. Agencies must have a designated person responsible for communication in each DSHS region in which they hold a contract. Agencies must cooperate with DDA staff regarding inquiries about incidents, incident follow up, and closure.
- H. Residential services providers shall develop a system that provides for administrative review of reportable incidents to implement proper safeguards for all persons supported by the service provider as well as employees of the service provider. Refer to Procedures Section C.3 for more details. See Attachment C, *Incident Reporting Timelines*, for a list of reportable incidents.

## **PROCEDURES**

### **A. Mandatory Reporting of Abuse, Improper use of Restraint, Neglect, Self-Neglect, Personal or Financial Exploitation, Abandonment**

If incidents are suspected, they must be reported. Incidents do not need to be witnessed to be reported. The service provider, employee, contractor or volunteer who witnessed or suspected the incident must make a report themselves.

1. Report to APS, CPS, or the Complaint Resolution Unit (CRU) if there is reasonable cause to believe:
  - a. Abuse, improper use of restraint, neglect, self-neglect, personal or financial exploitation, or abandonment has occurred;
  - b. Any physical or sexual assault has occurred;
  - c. Physical or sexual abuse, neglect, or exploitation of a child has occurred;  
or
  - d. An act has caused fear of imminent harm.

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2. 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
    - 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:
      - 1) Injuries, such as bruises or scratches, that appear on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal areas;
      - 2) Fractures;
      - 3) Choking attempts;
      - 4) Patterns of physical assault between the same vulnerable adults or involving the same vulnerable adults; or
      - 5) Any client-to-client assault, regardless of injury, if requested by the client, the client's legal representative, or family member.
  3. Report to the coroner or medical examiner if there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect, or abandonment. See [RCW 74.34.035\(5\)](#).
  4. Report to the Department of Health if an individual with a certification or license through DOH is the alleged perpetrator in an incident involving suspected abuse, neglect, exploitation, or other issue relating to their license or certification.

#### **B. Incident Reporting Timelines**

1. Incidents must be reported to DDA within the required timelines.
2. One-hour protocol incidents must be reported to the client's DDA Case Resource Manager (CRM) or social worker by phone within one hour, 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

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emergency contact protocol. (The region shares the protocol annually, or more frequently if there are changes.) One-hour protocol incidents include:

- a. Death of any client when suspicious or unusual. In addition, submit the [DSHS 10-331](#), *DDA Mortality Review Provider Report* form, a copy of the client's Individual Instruction and Support Plan (IISP), and any other required documentation as identified on the Mortality Review Provider Report, within 14 calendar days of the client's death.
- b. Death of a client served by the SOLA program.
- c. Conditions threatening the operation of the program. This may include a natural disaster.
- d. A missing client. A client is considered "missing" if:
  - 1) The client receives 40 or more Instruction and Support Services (ISS) hours per month and the client misses a scheduled appointment and cannot be contacted for two hours, unless the client's service plan indicates a different time period;
  - 2) The client receives 24/7 supervision and support and the client is out of contact with staff for more than two hours without prior arrangement, unless the client's service plan indicates a different time period;
  - 3) Law enforcement was contacted about the client or law enforcement independently finds and returns the client, regardless of the length of time the client was missing; or
  - 4) A community member or person not associated with the client independently locates a client, regardless of the length of time the client was missing.

Note: A client without good survival skills may be in immediate jeopardy if he or she is missing for any period of time based upon the client's personal history and regardless of the hours of service the client typically receives. This includes clients with identified community protection issues.
- e. Injuries resulting from abuse or neglect of unknown origin requiring hospital admission.

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- f. Any event involving known media interest or litigation.
  - g. Alleged or suspected sexual abuse of a client.
  - h. Client is arrested with charges or pending charges for a violent crime as defined in RCW 9.94A 030.
  - i. Life-threatening, medically-emergent condition.
3. One-day protocol incidents require an incident report within one business day. One-day protocol incidents include:
- a. Death of any client not reported under One-Hour Protocol Incidents procedure. In addition, the provider must submit the [DSHS 10-331, DDA Mortality Review Provider Report](#) form, a copy of their IISP, and any other required documentation as identified on the Mortality Review Provider Report within 14 calendar days of the client's death.
  - b. Alleged or suspected abuse, improper use of restraint, neglect, self-neglect, personal or financial exploitation, or abandonment of a client.
  - c. Alleged or suspected criminal activity perpetrated against a client.
  - d. Alleged or suspected criminal activity by a client resulting in a case number being assigned by law enforcement, being taken into custody by law enforcement or, for juveniles, detainment in a juvenile correctional facility.
  - e. Mental health crisis resulting in inpatient admission to a community or state-operated psychiatric facility.
  - f. All injuries to a client resulting from the use of restrictive procedures or physical intervention techniques.
  - g. Serious injuries of known cause, not otherwise defined, that require medical treatment beyond first aid.
  - h. Hospital or nursing facility admission not otherwise defined.
  - i. Client-to-client abuse as defined in RCW 74.34.035:

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- 1) 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;
  - 2) Fractures;
  - 3) Choking attempts;
  - 4) Patterns of physical assault between the same vulnerable adults or involving the same vulnerable adults; or
  - 5) If there is reasonable cause to believe that an act has caused fear of imminent harm.
- j. Property damage for clients receiving Supported Living services, including:
- 1) Non-accidental property damage over \$100 by a client; and
  - 2) Any type of property damage that may result in a Residential Allowance Request.
- 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](#), [DDA Policy 5.17, Physical Intervention Techniques](#), [DDA Policy 5.19, Positive Behavior Support for Children and Youth](#), and [DDA Policy 5.20, Restrictive Procedures and Physical Interventions for Children and Youth](#).
- l. Medication or nurse delegation errors which causes, or is likely to cause, injury or harm as assessed by a pharmacist, or medical or nursing professional.
- m. Serious treatment or court order violations including:
- 1) Court-ordered conditions of release; and
  - 2) Community Protection Program treatment violations.
- n. Suicide threats or attempts with the intent to take one's own life by someone with the capacity to do so.
- o. Injuries of unknown origin when the injury raises suspicions of possible abuse or neglect due to:

- 1) The extent of the injury;
  - 2) The location of the injury (e.g., the injury is located in an area not generally vulnerable to trauma);
  - 3) The number of injuries observed at one particular point in time;
  - 4) Repeated incidents of unknown injuries over time; or
  - 5) The client's condition.
- p. Awareness that a client or the client's legal representative are contemplating permanent sterilization procedures.

**C. Documenting Initial Actions and Follow Up to the Incident**

1. The residential services provider must document the initial actions taken, including specific actions intended to promote client health and welfare.
2. Documentation must include actions taken by the residential services provider, the client, the client's legal representative, and family to promote the health and welfare of the client. Actions may include a proposal to reconfigure the household, request for additional staffing, implementation of a new supervision plan, referral to payee services, crisis diversion services, etc.
3. The residential services provider review of the incident must include the following steps:
  - a. Interviews with clients, staff, and other relevant parties, as necessary;
  - b. Review of related documentation such as service plans;
  - c. Collaboration with outside agencies or entities, as needed;
  - d. Identification of relevant regulations, procedures, and service provider practices; and
  - e. Completion of a written report of the incident review. The report should be sent to the assigned Case Resource Manager (CRM) or Social Worker (SW).



**D. Requirements to Protect Clients Following an Allegation**

1. Service providers must:
  - a. Support client health and welfare at all times; and
  - b. Take steps to ensure that an accused staff member does not work unsupervised with clients until an investigation has been completed.
2. In some instances, DDA may restrict the accused staff member's access to any client.
  - a. The DDA Resource Manager Administrator or Children's Residential Services (CRS) Program Manager must make this request in writing. The service provider must respond in writing to DDA to verify that the accused staff will not have any access to clients under the service provider's contract.
  - b. If the service provider has completed an internal investigation, a report of the findings from the internal investigation must be sent to the DDA Regional Administrator (RA) or designee.
  - c. The prohibition on access to clients is in effect until DDA communicates otherwise to the residential provider in writing.
  - d. If DDA is aware of a substantiated finding by the department against a staff member, DDA will work with the DSHS Background Check Central Unit (BCCU) to determine if any other DSHS service providers have run background checks on the person. Other residential agencies must not allow this staff member to work with any DDA client.

**E. Service Provider Policies**

1. The service provider must have written policies and procedures for:
  - a. Protecting clients in an emergency;
  - b. Addressing the agency's actions when a staff person is accused of suspected abuse, improper use of restraint, neglect, personal or financial exploitation, or abandonment of a DDA client. These procedures must adhere to current laws, rules, and policies pertaining to abuse and neglect reporting;

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- c. Reporting incidents within defined reporting timelines to:
    - 1) Persons within the provider's agency;
    - 2) The client's legal representative; and
    - 3) Authorities such as law enforcement, Adult Protective Services, Child Protective Services, Residential Care Services Division's Complaint Resolution Unit, Division of Licensed Resources, and the Department of Health.
  - d. Notifying emergency services;
  - e. Protecting evidence when necessary;
  - f. Initiating an external review or investigation; and
  - g. A blank copy of [DSHS 10-403](#), *DDA Residential Services Providers: Mandatory Reporting of Abandonment, Abuse, Neglect, Exploitation or Financial Exploitation of a Child or Vulnerable Adult*.

#### F. **Mandatory Reporting Requirements Form**

1. The service provider must have each administrator, owner, operator, employee, contractor, and volunteer read and sign [DSHS 10-403](#), *DDA Residential Services Providers: Mandatory Reporting of Abandonment, Abuse, Neglect, Exploitation or Financial Exploitation of a Child or Vulnerable Adult*, upon hire and annually thereafter.
2. The signed employee, contractor, and volunteer forms must be maintained in each individual's personnel file.
3. The service provider owner or operator and administrator must review, sign and submit to the resource manager [DSHS 10-403](#), *DDA Residential Services Providers: Mandatory Reporting of Abandonment, Abuse, Neglect, Exploitation or Financial Exploitation of a Child or Vulnerable Adult*, with the initial contract and then annually thereafter.
4. The signed administrator and owner or operator's forms must be sent to the DDA Resource Manager for the contract file.

**G. Department Reporting Units****1. Reporting to DDA:**

“Reporting to DDA” is defined as reporting to the assigned Case Manager or Social Worker, unless specifically noted otherwise.

**2. Reports of abuse, neglect, or mistreatment involving children and youth receiving services in a Licensed Staffed Residential program:**

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

**3. Reports involving adults age 18 and over receiving DDA Supported Living, Group Home, and Group Training Home services:**

Residential Care Services (RCS) Complaint Resolution Unit (CRU): 1-800-562-6078; TTY 1-800-737-7931.

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

**4. Reports involving adults living in Companion Homes, receiving Alternative Living Services, or in their own homes without Supported Living services:**

Adult Protective Services:

<b>Region</b>	<b>County</b>	<b>APS Intake Contact</b>
1	Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Yakima	<b>Toll Free:</b> 1-800-459-0421 <b>TTY:</b> 1-509-568-3086 <b>Local:</b> 1-509-568-3717 <b>Fax:</b> 1-509-568-3699 <a href="mailto:R1APSIntake@dshs.wa.gov">R1APSIntake@dshs.wa.gov</a>
2	Island, King, San Juan, Skagit, Snohomish, Whatcom	<b>Toll Free:</b> 1-866-221-4909 <b>TTY:</b> 1-206-626-5710 <b>Local:</b> 1-206-341-7660 <b>Fax:</b> 1-206-626-5705 <a href="mailto:R2APSIntake@dshs.wa.gov">R2APSIntake@dshs.wa.gov</a>

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REPORTING REQUIREMENTS FOR  
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<b>Region</b>	<b>County</b>	<b>APS Intake Contact</b>
3	Bremerton, Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, Wahkiakum	<b>Toll Free:</b> 1-877-734-6277 <b>TTY:</b> 1-360-664-9469 <b>Local:</b> 1-360-664-9109 <b>Fax:</b> 1-360-664-9103 <a href="mailto:R3APSIntake@dshs.wa.gov">R3APSIntake@dshs.wa.gov</a>

**EXCEPTIONS**

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

**SUPERSESSSION**

DDA Policy 6.12  
Issued July 1, 2015

Approved: /s/ Donald Clintsman  
Deputy Assistant Secretary  
Developmental Disabilities Administration

Date: July 1, 2017

Attachment A - *Definitions*

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

Attachment C - *Incident Reporting Timelines*

## ATTACHMENT A

### DEFINITIONS - GENERAL

**ALTSA** means the Aging and Long-Term Support Administration.

**Adult Protective Services (APS)** means the ALTSA Home and Community Services (HCS) 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 and/or the Social Worker or Social Service Specialist.

**Child Protective Services (CPS)** means the DSHS Children's Administration 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 eighteen (18) years of age.

**Client** means a person eligible for DDA services.

**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 is in Supported Living (SL), Group Home, Group Training Home services or resides in a licensed facility.

**Division of Licensed Resources (DLR)** means the DSHS Children's Administration division 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/or 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 not reasonably determined to be related to the client's condition, diagnosis, known and predictable interaction with surroundings, or related to a known sequence of prior events.

**Instruction and Support Services (ISS)** means long-term care workers of the service provider whose primary job function is the provision of instruction and support services to clients. Instruction and support services staff must also include employees of the service provider whose primary job function is the supervision of instruction and support services staff. In addition, both applicants, prior to initial certification, and administrators, prior to assuming duties, who may provide instruction and support services to clients must be considered instruction and support services staff for the purposes of the applicable training requirements.

**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

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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.

**Reasonable Cause to Believe** means that the reporter, in making the report of abuse/neglect, acts with good faith intent, judged in light of all the circumstances then present.

**Residential Care Services (RCS)** means the AL TSA division responsible for the licensing and oversight of adult family homes, assisted living facilities, nursing facilities, residential habilitation centers, and certified residential programs. RCS conducts provider practice investigations of abandonment, abuse, neglect, exploitation, or financial exploitation.

### **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.

**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.

**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.

### **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 willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult

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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 conduct 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: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) 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 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

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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:

- (a) 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;
- (b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that 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
- (c) 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 his or her property, income, resources, or trust funds.

**Mechanical restraint** means any device attached or adjacent to the vulnerable adult's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) 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 (a) 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** (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, 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 (a) briefly holding without undue force a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her 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.



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

- (a) Is sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself;
- (b) Is found incapacitated under [Chapter 11.88 RCW](#);
- (c) Has a developmental disability as defined under [RCW 71A.10.020](#);
- (d) 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);
- (e) Is receiving services from home health, hospice or home care agencies licensed or required to be licensed under [Chapter 70.127 RCW](#);
- (f) Is receiving services from an individual provider; **or**
- (g) Self-directs his or her 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 (including improper restraint):**

- 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
- Harassment

## ATTACHMENT B

- Inappropriately isolating a vulnerable adult from family, friends, or regular activity
- Making derogatory or disparaging remarks about a person and his/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):**

- 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

### **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

**ATTACHMENT B**

**DDA INCIDENT REPORTING TIMELINES**

**See policy text for complete definitions.**

<p align="center">Phone call to Regional Office within <b>One Hour</b> followed by written Incident Report within <b>One Business Day</b> <b>(A)</b></p>	<p align="center">Written Incident Report within <b>One Business Day</b> <b>(B)</b></p>
<ol style="list-style-type: none"> <li>1. <b>Suspicious or unusual death of a client</b></li> <li>2. <b>Death of a client served by the SOLA program</b></li> <li>3. <b>Natural disaster</b> or other conditions threatening the operations of the program or facility</li> <li>4. <b>Missing Client</b></li> <li>5. <b>Injuries resulting from abuse or neglect</b> or unknown origin resulting in hospital admission</li> <li>6. <b>Known media interest or litigation</b> must be reported to Regional Administrator within 1 hour. If issue also meets other incident reporting criteria, follow with written IR within 1 working day.</li> <li>7. <b>Alleged or suspected sexual abuse of a client</b></li> <li>8. <b>Client arrested</b> with charges or pending charges for a violent crime</li> <li>9. <b>Life-threatening medically emergent condition</b> life-threatening conditions that cannot be classified as injuries and that require treatment by emergency personnel or inpatient admission</li> </ol>	<ol style="list-style-type: none"> <li>1. <b>Death</b> of a client (<u>not</u> suspicious or unusual)</li> <li>2. Alleged or suspected <b>abuse, improper use of restraint, neglect, self-neglect, personal or financial exploitation, and/or abandonment of a client</b></li> <li>3. Alleged or suspected <b>criminal activity perpetrated against a client</b></li> <li>4. Alleged or suspected <b>criminal activity by a client</b></li> <li>5. <b>Inpatient admission to a state or community psychiatric hospital</b></li> <li>6. Injuries to a client resulting from the use of restrictive procedures or physical intervention techniques</li> <li>7. <b>Injuries of known cause</b> (other than abuse) that required medical treatment beyond first aid</li> <li>8. Hospital or nursing facility <b>admission</b></li> <li>9. <b>Client-to-client abuse</b></li> <li>10. Property damage by SL clients</li> <li>11. <b>Restrictive procedures implemented under emergency guidelines</b></li> <li>12. <b>Medication or other nurse delegation errors</b> which causes or is likely to cause injury/harm as assessed by a pharmacist, medical or nursing professional</li> <li>13. <b>Serious treatment violations</b></li> <li>14. <b>Suicide gestures or attempts</b></li> <li>15. Suspicious injury (of unknown origin)</li> <li>16. <b>Awareness that a client or the client’s legal representative is contemplating permanent sterilization procedures</b></li> </ol>