



TITLE: Policy Regarding Client Abuse
DOCUMENT: Policy
DATE REVISED: Approved by the Board of Directors on September 25, 2013

The Regional Center has a “Zero Tolerance” Policy with regard to Client abuse and neglect. This means that every instance of observed, reported or suspected mistreatment of any Client will result in an immediate investigation and action to stop it and keep it from happening again. Anyone who receives a report of or observes actual or suspected mistreatment of any Client must immediately report that to the Regional Center, and to the Office of Adult Protective Services for adults, to the Department of Children and Family Services for minors, and to the Long Term Care Ombudsman for those Clients in long-term care facilities, or to law enforcement.

Observed or suspected or reported mistreatment of any Client means the following or anything like the following:

- Hitting, slapping, pinching, pushing, pulling, biting or anything that causes fear, pain or discomfort to a Client. This includes Client to Client interaction.
- Unreasonable physical constraint. (Reasonable actions taken to protect a Client or others from a Client’s behaviors, taken in compliance with recognized and accepted behavior protocols, are not considered abuse, but they can become abusive if the intervention is more than is required to protect the Client and those around him or her.)
- Sexual abuse, which includes sexual touching of any kind and inappropriate, suggestive and/or offensive sexual talk to or around a Client.
- Name calling, demeaning, tormenting, threatening, mean teasing, yelling, harassing, or any other similar treatment.
- Disciplining by withholding food, water or preferred activities or causing pain, discomfort or trauma, even if in a purported behavior modification plan.
- Failure to exercise a reasonable degree of care, including but not limited to, a failure to assist in personal hygiene and the provision of food, water, clothing, or shelter, or failure to provide medical care for physical and/or mental health needs, or to protect the Client from health and safety hazards.

- Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
 - (1) For punishment.
 - (2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the Client at the time the instructions are given.
 - (3) For any purpose not authorized by the physician and surgeon.
- Failure to exercise the degree of care that a reasonable person would exercise in the position of having the care and custody of an elder or dependent adult or child.
- Wrongfully taking anything from a Client, including, but not limited to possessions, money, or anticipated income.
- Denying Client rights, except in accordance with the requirements of section 50530 – 50540 of Title 17 of the California Code of Regulations.

This policy applies to:

1. Regional Center employees
2. Employees of Regional Center service providers
3. Employees of long-term care facilities
4. Anyone who has assumed full or intermittent responsibility for the care or custody of a Client, whether or not he or she receives compensation, including administrators, supervisors, or any licensed staff of a public or private facility that provides care or services for Clients, or any elder or dependent adult care custodian, health practitioner, or clergy member.

If you observe or suspect Client abuse, or if it is reported to you, you must:

- Immediately do what is reasonable and necessary to stop it and to protect the health and safety of all Clients and others who could be harmed by it.
- Immediately report it to the Regional Center by phone and in writing within 24 hours.
- Immediately report it to Adult Protective Services, Department of Children and Family Services or the Long Term Care Ombudsman, or,
- Immediately report it to law enforcement.
- Report it to your supervisor and/or the perpetrator's supervisor, as appropriate.

The laws relating to reporting are complex and demanding. Failure to properly report can result in both fine and imprisonment. This policy does not purport to contain all of the reporting requirements. The reader is referred to Welfare and Institutions Code section 15630 (Mandated reporters; known or suspected abuse; telephone or Internet reports; failure to report; impeding or inhibiting report; penalties; and 15633 and 15633.5 for confidentiality) for adults, Welfare and Institutions Code section 15658 (written abuse form; confidential Internet reporting tool; contents; timing) for adults in long term care facilities, and Penal Code 11166 (Report of child abuse or neglect; mandatory reporters; reasonable suspicion defined; form of

report; criminal liability for failure to report; investigation; other reporters; joint reports; retaliation prohibited; report by county probation or welfare department, or law enforcement agency, to investigatory agency and district attorney) for child abuse. Copies of these and related statutes can be found at <http://leginfo.ca.gov/calaw.html> . For child abuse and neglect issues, you can look up Penal Code §§ 11164-11174.3 – The Child Abuse and Neglect Reporting Act (“CANRA”) at <http://leginfo.ca.gov/calaw.html>, checking the box by “Penal Code” and click on “Search”. For adult abuse and neglect issues, check the box for “Welfare and Institutions Code” and click on “Search” and look for the sections including and around 15630, 15633 and 15633.5.

The California Department of Social Services has training modules and a wealth of information on child abuse and neglect reporting at <http://mandatedreporterca.com/>.

Additional adult reporting information and resources can be found at the website for the California Office of the Attorney General (“OAG”) (oag.ca.gov/), which has two videos and a training document entitled “Your Legal Duty . . . Reporting Elder and Dependent Adult Abuse, at http://oag.ca.gov/sites/all/files/pdfs/bmfea/yld_text.pdf. OAG has also published two training videos at <http://oag.ca.gov/bmfea> and published a “Citizen’s Guide for Preventing and Reporting Elder Abuse” at <http://oag.ca.gov/sites/all/files/agweb/pdfs/bmfea/citizensguide.pdf>. This Guide contains contact information for reporting entities throughout the State of California. You can find an Ombudsman directory at (800) 231-4024 and online at www.aging.ca.gov/programs/ombudsman_contacts.asp.

The Regional Center will use all remedies available to it in statute and regulation to protect the health and safety of Clients, including, but not limited to preventing any Client interaction by any individual accused of and being investigated for alleged Client abuse or neglect of any kind, until such time as investigation clears that individual for further work with Clients.

The Regional Center may notify other regional centers of incidents involving Client health and safety issues or issues that may impact a provider’s ability to provide services, in order to prevent further such incidents.

The Regional Center shall ensure that all of its agents and employees are fully informed upon hire and annually thereafter regarding this Zero Tolerance Policy and mandatory abuse and neglect reporting laws. Each employee and agent must be knowledgeable of his or her responsibility to protect Clients from abuse and neglect, the signs of abuse and neglect, the process for reporting suspected abuse or neglect, and the consequences of failing to follow the law and failing to enforce the Zero Tolerance Policy.

This policy is now a part of every agreement with every Regional Center service provider. Each service provider must have its own Zero Tolerance Policy and ensure that all of its agents and employees are fully informed upon hire and annually thereafter about its Zero Tolerance Policy and mandatory abuse and neglect reporting laws. Each provider employee and agent must be

knowledgeable of his or her responsibility to protect Clients from abuse and neglect, the signs of abuse and neglect, the process for reporting suspected abuse or neglect, and the consequences of failing to follow the law and enforce the Zero Tolerance Policy.

I HAVE READ THIS ZERO TOLERANCE OF ABUSE OR NEGLECT POLICY AND AGREE TO FOLLOW IT.

Date: _____

Name: _____