

Policy #			
<b>POLICY:</b>	Abuse and Neglect Prevention and Reporting		
<b>CATEGORY:</b>	Health Services Yearly Mandatory		
<b>APPROVAL:</b>	Bird In The Hand Owner-R Simpson, RN		
<b>ORIGINAL EFFECTIVE DATE:</b>	<b>REVIEWED DATE:</b>	<b>REVISED DATE:</b>	<b>DEPARTMENT – SPECIFIC:</b>
	01/02/2015	03/27/2017	Health Services
			483.13(b)(c) F223,F224,F226
<b>CHECK ALL THAT APPLY:</b>			
		<input checked="" type="checkbox"/> Staff Agency Bird In The Hand	<input checked="" type="checkbox"/> Home Nursing and Home Services Bird In The Hand

### Policy Statement

All residents have the right to be free from abuse, neglect, misappropriation of resident property, and exploitation. This includes freedom from corporal punishment, involuntary seclusion, and any physical or chemical restraint not required to treat the resident's medical symptoms.

### Policy Implementation and Interpretation

1. This Agency will not condone resident abuse, neglect, misappropriation of resident property, or exploitation by any of its employees, other residents, consultants or volunteers, staff of other agencies serving the resident, family members or legal guardians, friends or other individuals.
2. This Agency ensures that the resident is free from physical or chemical restraints imposed for purposes of discipline or convenience and that are not required to treat the resident's medical symptoms. When the use of restraints is indicated, this Agency uses the least restrictive alternative for the least amount of time and documents ongoing re-evaluation of the need for restraints.
3. **Definitions:**
  - a. **Abuse** is defined as the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Abuse also includes the deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain or mental anguish. It includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or enabled through the use of technology, i.e. pictures or video on cell phones, tablets, cameras, etc. *Willful*, as used in this definition of abuse, means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm.

- b. Verbal abuse is defined as the use of oral, written, or gestured language that willfully includes disparaging and derogatory terms to residents or about residents to their families, or within the hearing distance of the residents, regardless of their age, ability to comprehend, or disability. Examples of verbal abuse include, but are not limited to: threats of harm; saying things to frighten a resident, such as telling a resident that he/she will never be able to see his/her family again.
- c. Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation
- d. Sexual abuse is non-consensual sexual contact of any type with a resident and includes, but is not limited to, sexual harassment, sexual coercion, or sexual assault
- e. Physical abuse includes hitting, slapping, pinching, and kicking. It also includes controlling behavior through corporal punishment.
- f. Involuntary seclusion is defined as separation of a resident from other residents or from his/her room or confinement to his/her room against the resident's will, or the will of the residents' legal representative.
- g. Neglect is the failure of the facility, its employees or service providers to provide goods and services to a resident that are necessary to avoid physical harm, pain, mental anguish, or emotional distress.
- h. Misappropriation of resident property is the deliberate misplacement, exploitation, or wrongful, temporary, or permanent use of a resident's belongings or money without the resident's consent.
- i. Exploitation means taking advantage of a resident for personal gain through the use of manipulation, intimidation, threats, or coercion.

#### Reporting and Investigation:

1. All employees of BITHS must immediately report any incident or suspected incident of resident abuse, neglect, misappropriation of resident property, or exploitation to their immediate supervisor or department head and to the administrator. The supervisor shall then notify the Director of Nursing or their designee.
  - a. All allegations must be reported, regardless of whether the employee believes the allegation is justified or true.
  - b. Knowledge or reason to believe that a resident has been a victim of abuse may come from direct observation by the staff member, verbal reports by the resident and/or family or legal representative or observation of suspicious bruising.



- c. When a resident has an occurrence, and the occurrence involves a staff member, such as a fall, skin tear during transfer, improper transfer, etc., the nurse will notify the Administrator and Director of Nursing immediately. The Administrator will initiate the investigation into the occurrence. If the occurrence is a result of not following the resident care plan, this will then trigger an investigation of potential abuse/neglect and the facility abuse policy will be followed.
2. An employee of BITHS shall not knowingly:
  - a. Attempt, with or without threats or promises of benefit, to induce another to fail to report an incident or suspected incident of abuse;
  - b. Fail to report an incident or suspected incident of abuse;
  - c. Alter, change, destroy, or render unavailable (without proper authorization) a report made by another; and/or
  - d. Screen reports or withhold information to reporting agencies.
  - e. Should any of the above occur, disciplinary action may occur, up to and including termination of employment.
3. The following information should be reported to the Administrator and the Director of Nursing or their designee:
  - a. The name of the resident(s) involved;
  - b. The date and time that the incident occurred;
  - c. Where the incident took place;
  - d. The name(s) of the person(s) committing, or suspected of committing, the incident, if known;
  - e. The nature of the abuse, neglect, misappropriation of resident property, or exploitation (e.g., verbal, physical, sexual, neglect, etc.);
  - f. In the event of suspicious bruising, the nursing staff is responsible for reporting the appearance of bruises, lacerations, or other abnormalities as they occur. The DON or Unit Coordinator is responsible for determining the source of these abnormalities.
  - g. All details known about the incident (e.g., what was seen, heard or observed);
  - h. Other information that may be requested by the Administrator and/or Director of Nursing or their designee.
4. The Administrator and Director of Nursing or their designee will initiate a thorough investigation immediately.
5. The investigation process will include but is not limited to:
  - a. Resident interviews/statements;
  - b. Resident assessment;
  - c. Medical Record reviews;
  - d. Co-worker interviews/statements;
  - e. Any potential witness interview/statements
6. The facility's residents must be protected from harm during the investigation.

- a. Employee as potential perpetrator: If the allegation, based upon credible evidence, is against a Meadows staff member, then that person will be immediately placed on administrative leave pending the investigation. If the allegation is unfounded, the staff person will be re-instated and they will be paid for any missed hours during the course of the investigation. If the allegation is founded, the staff member's employment at Meadows will be terminated immediately and they will not be paid for the time of his/her administrative leave.
  - b. Resident as potential perpetrator: When an investigation of a report of suspected abuse of a resident indicates, based upon credible evidence, that another resident of the facility is the perpetrator of the abuse, that resident's condition shall be immediately evaluated to determine the most suitable therapy and placement for the resident, considering the safety of that resident as well as the safety of other residents and employees of the facility. In the event of a resident to resident altercation, immediately separate the residents, provide distraction techniques, and monitor both closely for any harm, physical, mental, or emotional that may have occurred. Report the incident to the Administrator, Director of Nursing and Supervisor immediately. Pending the results of the investigation, the abuse policy protocols may be enacted and the safety of other residents and staff will be evaluated.
  - c. Other person as potential perpetrator: If the allegation is against someone other than a staff member or resident, then that person will be immediately asked to leave the facility and will not be allowed contact with the residents pending the investigation.
  - d. Institute any other steps necessary to prevent further potential abuse, neglect, exploitation, or mistreatment while the investigation is in progress.
7. The Administrator and Director of Nursing or their designee will make the following reports:
- a. The Preliminary Investigation into an allegation of abuse, neglect, misappropriation of resident property, or exploitation shall be reported via fax to the Illinois Department of Public Health immediately, but not later than 2 hours after the allegation is made, if the events that cause the allegation involve abuse or result in serious bodily injury, or not later than 24 hours if the events that cause the allegation do not involve abuse and do not result in serious bodily injury.
  - b. Abuse or neglect of a resident shall be immediately reported by telephone and in writing to the resident's representative.
  - c. The Final Investigation Report and Findings will be completed and faxed to the Illinois Department of Public Health within five working days of the incident by the Administrator, Director of Nursing or their designee.



8. The Administrator and Director of Nursing or their designee shall retain evidence that all allegations of resident abuse, neglect, misappropriation of resident property, or exploitation were thoroughly investigated.
9. If the alleged violation is verified, appropriate corrective action will be taken.
10. Records of all founded or verified allegations will be filed in the accused employee's personnel file .
11. The facility shall report to the State nurse aide registry or IDPH any knowledge it has of actions by a court of law against an employee, which would indicate unfitness for service as a nurse aide or other facility staff.
12. Any reasonable suspicion of a crime committed against a resident in Meadows will also be reported to the Illinois State Police.
13. Any violation of this policy may result in disciplinary action up to and including termination.
14. Inquiries concerning resident abuse, neglect, misappropriation of resident property, or exploitation should be referred to the Administrator or to the Director of Nursing.

#### Employee Screening:

1. BITHS will not knowingly employ individuals who:
  - a. Have been found guilty of abuse, neglect, exploitation, misappropriation of property, or mistreatment by a court of law;
  - b. Have had a finding entered into the State nurse aide registry concerning abuse, neglect, exploitation, mistreatment of residents or misappropriation of their property; or
  - c. Have a disciplinary action in effect against his or her professional license by a state licensure body as a result of a finding of abuse, neglect, exploitation, mistreatment of residents or misappropriation of resident property.
2. All potential employees of BITHS will have criminal background checks completed and license / certification confirmation completed prior to being employed at Meadows.
3. The Director of Human Resources will check the Illinois Department of Professional Regulation website annually to ensure that there has been no action taken against an employee of Bird In The Hand Staffing

#### Employee Training

All employees will receive training through orientation and in-services throughout the year on abuse prohibition practices including, but not limited to:

1. The rights of the resident and the responsibilities of a facility to properly care for its residents;

2. Activities that constitute abuse, neglect, exploitation, and misappropriation of resident property;
3. Procedures for reporting incidents of abuse, neglect, exploitation, or the misappropriation of resident property, including how staff should report the allegations without fear of reprisal;
4. Dementia management and resident abuse prevention;
5. Appropriate interventions to deal with aggressive and/or catastrophic reactions of residents; and
6. How to recognize signs of burnout, frustration and stress that may lead to abuse.
7. The facility shall annually notify all employees of their obligation to report to IDPH and one or more local law enforcement agencies any reasonable suspicion of a crime against any resident of the facility; and that the report shall be made immediately, but not later than 2 hours after forming the suspicion, if the events that cause the suspicion result in serious bodily injury, or not later than 24 hours if the events that cause the suspicion do not result in serious bodily injury. The facility shall not discriminate or file a complaint against a nurse or other employee with the appropriate State professional disciplinary agency for making a report, causing a report to be made, or for taking steps in furtherance of making a report of a suspected crime against a resident.

**Prevention:**

All employees are essential in the prevention of abuse. Ongoing analysis is important in the prevention of abuse.

1. All investigations under this policy will be available to the facility's Quality assurance and performance improvement (QAPI) program for further review and implementation of systemic changes.
2. BITHS has implemented a "Grievance Policy" and all persons admitted to Home Nursing/Services are provided a copy of this policy which gives direction on how to report any grievance.
3. staff shall identify, correct and intervene in situations in which abuse, neglect, misappropriation of resident property, and/or exploitation is more likely to occur.