



Shared Living Program: Abuse, Neglect, Mistreatment, Injury of Unknown Origin Reporting and Investigating Policy & Procedure

Date of Origin: 12/13/2021

Modification Date(s):

Date of Last Review: 12/10/24

I. Purpose

The residents of United Cerebral Palsy of Maine Shared Living Program have the right to be treated in a courteous, considerate and humane manner. It is the policy of UCP of Maine to protect and ensure this.

II. Policy

Each employee, volunteer or contractor has a responsibility to guard against client abuse, neglect and mistreatment. As mandatory reporters, all staff, volunteers or contractors of UCP must promptly report all possible cases of resident abuse, neglect or mistreatment or injuries of unknown origin to their supervisors. All allegations must then be reported to State officials in accordance with State and Federal Laws and regulations. Allegations must be investigated with clear documentation recorded.

III. Definitions

ABUSE:

Is the willful infliction of injury, unreasonable confinement, intimidation or punishment with the resulting physical harm, pain or personal anguish.

Physical Abuse:

Refers to any action intended to cause physical harm or pain, trauma or bodily harm (e.g. hitting, slapping, punching, kicking, pinching, etc.) It includes the use of corporal punishment as well as the use of any restrictive, intrusive procedure to control inappropriate behavior for purposes of punishment.

Verbal Abuse:

Refers to any use of insulting, demeaning, disrespectful, oral, written or gestured language directed towards and in the presence of the client.

Psychological Abuse:

Includes, but is not limited to, humiliation, harassment, and threats of punishment or deprivation, sexual coercion and intimidation (e.g. living in fear in one's home)

Sexual Abuse:

Includes any incident where a client is coerced or manipulated to participate in any form of sexual activity for which the client did not give affirmative permission (or gave permission without the attendant understanding required to give permission) or sexual assault against a client who is unable to defend him/herself.

Neglect:

A failure to provide goods and services necessary to avoid physical harm, mental anguish or mental illness. Please note: Staff failure to intervene to prevent self-injurious behavior may constitute neglect. Staff failure to implement safeguards once client-to-client aggression is identified, may constitute neglect.

Mistreatment:

For the purposes of this guideline, includes behavior or facility practices that result in any type of client exploitation such as financial, physical, sexual, or criminal mistreatment.

Inappropriate Conduct:

Improper interaction between staff and clients that does not rise to the level of abuse, neglect or mistreatment.

Confidentiality:

The act of ensuring that all medical administrative records, reports and facts contained in them are not disclosed by any person without proper authorization.

Injury of Unknown Origin: Any physical injury that was not witnessed and cannot be explained by the individual's medical condition, medication, or known behaviors for which a program is in place or otherwise noted in the individual's care plan.

Allegation of mistreatment:

Is just that – an allegation; there is no presumption of wrongdoing on the part of the staff member. The only effective way to deal with any allegation is by a prompt and thorough investigation, which results in the revelation of the facts in each case. Substantiated charges of resident mistreatment will result in disciplinary action.

IV: Reporting

All allegations of abuse, neglect, mistreatment, resident injury, and injury of unknown origin (child or adult) will be reported to the Division of Licensing and Regulatory Services (DLRS) Department of Health and Human Services immediately, either by phone 1-800-383-2441 or in writing via fax (207) 287-9307.

Abuse, Neglect and Mistreatment:

All staff, whether paid or volunteer, including directors, supervisors, and the Chief Executive Officer are required to report any case of neglect, abuse or exploitation or suspected neglect, abuse or exploitation to DHHS per 22 M.R.S.A. §3477. The supervisor receiving the report will *immediately* notify the Program Director, DLRS, the DHHS Adult Protective Service 1-800-624-8404 and the client's parent and/or guardian,

if appropriate, of the allegation. The Program Manager has the authority to act in the Director's absence and take immediate corrective actions necessary to assure a client's safety.

If the initial (*immediate*) notification is made by phone, the allegation must be followed up in writing within twenty-four (24) hours after the initial phone report of the incident. The Director or his/her designee will complete a Reportable Events Form for all residents involved and submit the form to DHHS per protocol.

Client Injury and Injury of Unknown Origin:

All client injuries witnessed or un-witnessed will be recorded on an "Incident Report" and submitted to the Program Manager.

All injuries of unknown origin will be recorded on an "Incident Report" and reported immediately to the Program Manager (or designee). If the injury is the possible result of abuse, neglect or mistreatment, the individual's guardian, if the individual has one, will be notified and the reporting and investigation procedures for abuse, neglect or mistreatment will be followed.

Injuries are considered to be of unknown origin when both conditions are met:

1. Source of injury was not witnessed by any person **and** the source of injury could not be explained by the client; **and**
2. Injury is suspicious because of the extent of the injury **or** the location of the injury.

Any employee, volunteer, or contractor found to be in violation of this reporting procedure may be subject to disciplinary action.

V. Investigation:

Abuse, Neglect and Mistreatment:

- When an allegation of client abuse, neglect, or mistreatment is made, the Program Manager or designee will ensure that the parent, guardian or correspondent of the client(s) involved has been notified.
- All staff with knowledge of the incident or who have been interviewed as part of the facility investigation must keep confidential all knowledge of the incident and investigation. Staff is to refrain from discussion so as not to impede or prejudice any investigation. The Director or designee will give written notice to the employee(s) involved regarding the nature of the alleged resident mistreatment. A copy will be sent to the employee's supervisor.
- The individual alleged to have perpetrated the abuse, neglect or mistreatment will be prohibited from providing direct services to any client during the preliminary investigation. The Director or designee may place any employee on administrative leave or temporary reassignment pending the outcome of an investigation if it is determined that client or employee welfare should warrant such action or to ensure that there will be an equitable investigation. Administrative leave pending investigation will not prejudice subsequent disposition of the case.

- The facility will conduct an investigation of the alleged abuse, neglect, or mistreatment. The investigation shall include at a minimum, where appropriate, the client's description of the incident, the collection of all interviews, statements, physical evidence and any pertinent maps, pictures or diagrams, review of all the gathered information, resolution of any discrepancies, summary of conclusions and recommendations for action both to safeguard all the clients during the investigation and after the completion of the report. Should it become apparent to the investigator(s) that a witness may become subject to disciplinary action resulting from the investigation for not reporting, he/she will be informed in writing. (See Personnel Policy: Grievance Policy)
- The completed Investigative report will contain a summary of all pertinent evidence, supporting written statements of witnesses, and a determination of whether or not the alleged resident mistreatment is substantiated or not substantiated.
- If substantiated, the report will contain a recommendation for employee discipline as well as recommendations for steps to prevent recurrence. The results of all investigations will be reported to the program Director, DLRS, and UCP's Chief Operations Officer within five (5) working days of the incident. If substantiated, the report will contain a recommendation for employee discipline as well as recommendations for steps to prevent recurrence.

- A. notify the employee(s) if the alleged resident mistreatment is found to be unsubstantiated or;
- B. if the client mistreatment is substantiated, the Director will direct the employee's supervisor to discipline the employee(s);

VI. Injury of Unknown Origin

1. All client injuries of unknown origin will be investigated by the program.
2. The investigator will immediately report to the Program Director if it is believed that the injury of unknown origin may constitute Abuse, Neglect or Mistreatment. In addition, procedures for Investigating Abuse, Neglect or Mistreatment will be implemented.
3. The outcome of all investigations into injuries of unknown origin shall be reported, in writing, to the program Director within five (5) working days.
4. The final investigation report will be forwarded to the Division of Licensing and Regulatory Services within five (5) working days.

A copy of this policy is to be signed and dated by the employee annually and signed and dated by a witness. A copy of this policy will be maintained in the employee's personnel file.



 Scott Tash, CEO



 Date