High Island Creek Residence Policy and Procedure on Reporting and Review of Maltreatment of Vulnerable Adults

I. PURPOSE

The purpose of this policy is to establish guidelines for the internal and external reporting and the internal review of maltreatment of vulnerable adults.

II. POLICY

Employees who are mandated reporters must report all of the information they know regarding an incident of known or suspected maltreatment, either internally or externally, in order to meet their reporting requirements under law. All employees of the company who encounter maltreatment of a vulnerable adult will take immediate action to ensure the safety of the person(s) served. Employees will define maltreatment of vulnerable adults as abuse, neglect, or financial exploitation and will refer to the definitions from Minnesota Statutes, section 626.5572 in the definition section of the policy manual. Employees are to conduct themselves in a supportive and respectful manner which does not maltreat Vulnerable Adults.

III. REPORTING PROCEDURE

1. Subd. 16.**Mandated reporter. "**Mandated reporter" means a professional or professional's delegate while engaged in: (1) social services; (2) law enforcement; (3) education; (4) the care of vulnerable adults; (5) any of the occupations referred to in section 214.01, subdivision 2; (6) an employee of a rehabilitation facility certified by the commissioner of jobs and training for vocational rehabilitation; (7) an employee or person providing services in a facility as defined in subdivision 6; or (8) a person that performs the duties of the medical examiner or coroner.
2. Legislature declares that the public policy of this state is to protect adults who, because of physical or mental disability or dependency on institutional services, are particularly vulnerable to maltreatment; to assist in providing safe environments for vulnerable adults; and to provide safe institutional or residential services, community-based services, or living environments for vulnerable adults who have been maltreated. In addition, it is the policy of this state to require the reporting of suspected maltreatment of vulnerable adults, to provide for the voluntary reporting of maltreatment of vulnerable adults, to require the investigation of the reports, and to provide protective and counseling services in appropriate cases.
3. HICR employees are all mandated reporters. Background studies are completed for all employees and volunteers. HICR will report any knowledge of actions by a court of law against an employee which would indicate unfitness for service.
4. Employees of the company who encounter maltreatment of a vulnerable adult, age 18 or older, will take immediate action to ensure the safety of the person or persons as well as the safekeeping of their funds and property. If an employee knows or suspects that a vulnerable adult is in immediate danger, they will call "911."
5. Reporting Suspicion of a Crime:

a) In the event of suspicion of a crime in this facility – the employee should report it immediately to the Director. If the Director is involved the next level to report to is the Regional Director of Disability Services. It is the Director's responsibility to make an initial report to the Arlington Police Department. Any Employees can make a direct report if they feel it is necessary.
b) If the event that causes suspicion of a crime causes serious bodily injury (injury that causes extreme pain, substantial risk of death, loss of body member, organ, or mental faculty, or requiring medical intervention such as surgery, hospitalization, or physical rehabilitation), the individual shall report the suspicion immediately, but not later than 2 hours after forming the suspicion.
c) If the events that cause suspicion of a crime do not result in serious bodily injury, the individual shall report the suspicion not later than 24 hours after forming the suspicion.
d) The facility will not retaliate against an employee that makes a report of suspicion of a crime to law enforcement independently.

6. If an employee knows or suspects that maltreatment of a vulnerable adult has occurred, they must make a report immediately either internally to the Director or externally to the Minnesota Adult Abuse Reporting Center. A mandated reporter must report all incidents when there is a case of maltreatment, suspicions of maltreatment, or knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained. Should the employees choose to make a report directly to an external agency, they must make the report by notifying the Minnesota Adult Abuse Reporting Center.
7. To make a report internally, the employee must make a verbal report immediately **(call cell phone if not in the building)** to the Director. The Director is the primary individual responsible for receiving internal reports on maltreatment and for forwarding internal reports to the Minnesota Adult Abuse Reporting Center. If there are reasons to believe that the Director is involved in the alleged or suspected maltreatment, the Regional Director of Disability Services is the secondary individual responsible for receiving internal reports of maltreatment and for forwarding internal reports to the Minnesota Adult Abuse Reporting Center. If the Director is not present or available, a management designee (i.e. Nurse, Director of Human Resources, Regional Director of Disability Services) will be assigned by the Director. Phone numbers to the Director, Nurse, Human Resource Director, Regional Director of Disability Services are posted. These management designees have the authority to take whatever corrective action is necessary to ensure the resident's health and safety (which may include suspension of an employee).
8. To the extent possible, reporters should be prepared to document and identify the vulnerable adult, the perpetrator, witnesses, nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, location of the incident and other information that the reporter believes might be helpful in investigating the suspected maltreatment on *Maltreatment Incident Report Form*.

9. To make a report externally to the Minnesota Adult Abuse Reporting Center staff can call **844-880-1574** or report at **mn.gov/dhs/reportadultabuse/**.
10. When reporting the alleged or suspected maltreatment, either internally or externally, staff will include as much information as known and will cooperate with any subsequent investigation.
11. For internal reports of suspected or alleged maltreatment, the person who received the report will:
    1. Contact the Minnesota Adult Abuse Reporting Center if the report is determined to be suspected or alleged maltreatment.
    2. Ensure an *Incident Report* has been completed.
    3. Inform the case manager within 24 hours of reporting maltreatment, unless there is reason to believe that the case manager is involved in the suspected maltreatment. The person who received the report will disclose to the case manager the:
        a. Nature of the activity or occurrence reported
        b. The agency that received the report
12. Investigation by the facility:
    a) When the company has knowledge that an internal or external report of alleged or suspected maltreatment has been made, an internal review will be completed. The Director is the primary individual responsible for ensuring that internal reviews are completed for reports of maltreatment. If there are reasons to believe that the Director is involved in the alleged or suspected maltreatment, the Regional Director of Disability Services is the secondary individual responsible for ensuring that internal reviews are completed.
    b) The Director may convene an investigation committee, which may include various disciplines as they deem appropriate such as the Nurse, Regional Director of Disability Services and Human Resource Director. If the investigation committee does take action, they will conduct an internal investigation within those 24 hours or after reporting to comply with providing a safe environment for all residents and also to correct problems if accusations of maltreatment are substantiated.
    c) Complete and mail the *Notification to an Internal Reporter* to the home address of the employee who reported the maltreatment within two working days in a manner that protects the reporter's confidentiality. The notification must indicate whether or not the company reported externally to the Minnesota Adult Abuse Reporting Center. The notice must also inform the employee that if the company did not report externally and they are not satisfied with that decision, they may still make the external report to the Minnesota Adult Abuse Reporting Center themselves. It will also inform the employee that they are protected against any retaliation if they decide to make a good faith report to the Minnesota Adult Abuse Reporting Center on their own.
13. The *Internal Review* will be completed within 30 calendar days. The person completing it will:
    1. Ensure an *Incident Report* has been completed.

2. Contact the lead investigative agency if additional information has been gathered.
3. Coordinate any investigative efforts with the lead investigative agency by serving as the company contact, ensuring that employee cooperate, and that all records are available.
4. Complete an *Internal Review* which will include the following evaluations of whether:
    a) Related policies and procedures were followed.
    b) The policies and procedures were adequate.
    c) There is a need for additional employee training.
    d) The reported event is similar to past events with the vulnerable adults or the services involved.
    e) There is a need for corrective action by the license holder to protect the health and safety of the vulnerable adult(s).
5. Complete the *Alleged Maltreatment Review Checklist* and compile together all documents regarding the report of maltreatment.

14. Based upon the results of the internal review, the company will develop, document, and implement a corrective action plan designed to correct current lapses and prevent future lapses in performance by employee or the company, if any.
15. Internal reviews must be made accessible to the commissioner immediately upon the commissioner's request for internal reviews regarding maltreatment.
16. Records regarding the mandated reporter reports, record of the investigation, record of the time the report was called in to the Common Entry Point/Minnesota Adult Abuse Reporting Center or completed on the website will be maintained.
17. HICR will keep the current policy and procedure on reporting and review of maltreatment of vulnerable adults in the policy manual and the number to the Common Entry Point/Minnesota Adult Abuse Reporting Center and website is posted in the kitchen by the telephone.
18. The company will provide an orientation to the internal and external reporting procedures to all persons served and/or legal representatives. This orientation will include the telephone number and website for the Minnesota Adult Abuse Reporting Center. This orientation for each new person to be served will occur within 24 hours of admission, or for persons who would benefit more from a later orientation, the orientation may take place within 72 hours.
19. Employees will receive training on this policy, MN Statutes, section 245A.65 and sections 626.557 and 626.5572 and their responsibilities related to protecting persons served from maltreatment and reporting maltreatment. This training must be provided within 72 hours of first providing direct contact services and annually thereafter.