

ABUSE AND NEGLECT

INTRODUCTION/DEFINITIONS:

We are committed to protecting individuals from abuse and neglect as well as from any exploitation including, but not limited to, misuse of their funds or property. We are also dedicated to ensuring that all staff are trained and knowledgeable regarding the expectations for identifying and reporting abuse and neglect.

This section prescribes procedures for reporting, investigating, processing reports and following up on complaints about abuse, neglect, , and misuse of individuals' funds/property which affect an individual receiving any support service from the Department of Mental Health.

In addition, this section provides some basic overview information about key substantive issues involving abuse, neglect and misuse of funds/property, as well as some core regulatory and provider standards and expectations. This section is not designed to make a Support Coordinator fully informed about all abuse, neglect and exploitation issues, which are many and sometimes complex. If you ever have any questions or concerns about a situation you suspect is inappropriate, please contact your supervisor.

**DEFINITIONS OF ABUSE/NEGLECT AND MISUSE OF FUNDS/PROPERTY:** Below is an overview of the abuse and neglect definitions which can be found in [9 CSR 10-5.200](#) (page 7) Reports of Complaints of Abuse, Neglect and Misuse of Funds/Property.

- **Neglect:** failure of an employee to provide reasonable or necessary services to maintain the physical and mental health of any individual when that failure presents either imminent danger to the health, safety or welfare of an individual, or a substantial probability that death or physical injury would result. This would include, but is not limited to, failure to provide adequate supervision during an event in which one individual causes serious injury to another.
- **Misuse of Funds/Property:** The misappropriation or conversion for any purpose of an individual's funds or property by an employee or employees with or without the consent of the individual, or the purchase of property or services from an individual in which the purchase price substantially varies from the market value.
- **Physical Abuse:**
  1. An employee purposefully beating, striking, wounding or injuring any individual;
  2. In any manner whatsoever, an employee mistreating or maltreating an individual in a brutal or inhumane manner; or
  3. An employee handling an individual with any more force than is reasonable for an individual's proper control, treatment or management.

- **Sexual Abuse:** any touching, directly or through clothing, of an individual by an employee for sexual purpose or in a sexual manner. This includes but is not limited to:
  1. Kissing;
  2. Touching the genitals, buttocks or breasts;
  3. Causing an individual to touch the employee for sexual purposes;
  4. Promoting or observing for sexual purpose any activity or performance involving individuals including any play, motion picture, photography, dance, or other visual or written representation;
  5. Failing to intervene or attempting to stop inappropriate sexual activity or performance between individuals; and/or
  6. Encouraging inappropriate sexual activity or performance between individuals.
  
- **Verbal Abuse:** An employee making a threat of physical violence to an individual, when such threats are made directly to an individual or about an individual in the presence of an individual

### SUPPORT COORDINATOR RESPONSIBILITY

Department Operating Regulation (DOR) 2.205 & DOR 2.210 requires all Department employees to **immediately** report any complaints they receive. It also requires Department employees to make a complaint themselves if they know, through direct or indirect means, that abuse or neglect has occurred, or if they even suspect that such activity has occurred. Employees who fail to report complaints of known or suspected incidents of abuse, neglect or any other misconduct are subject to discipline, criminal prosecution or both.

DOR 2.205 <http://dmh.mo.gov/docs/diroffice/dors/dor2-205-abuse-neglectdefinitions-investigationprocedures-penalties-stateoperatedfacilities.pdf>

DOR 2.210 <http://dmh.mo.gov/docs/diroffice/dors/dor2-210-abuseandneglectdefinitionsandprocedures-communityproviderfacilities.pdf>

Abuse, neglect, or misuse of funds/property may be discovered through:

- Support monitoring
- Verbal or written complaints
- Observations in the community
- Reviewing documentation i.e. event reports, observation notes, staff logs, provider agency monthly reports, etc.

When the Support Coordinator receives or discovers any information suggesting abuse, neglect or misuse of funds/property, the Support Coordinator will do the following IMMEDIATELY:

- Contact the provider and ensure the safety and well-being of the consumer(s).
- Ensure a DD Event Report Form is thoroughly and accurately completed by whoever has the most knowledge of the event. DD Event Report form should contain a detailed

account of any actions or statements made surrounding the allegation, and a list all potential witnesses. Refer to section “J” (QE Section) in the Support Coordinator Manual for instructions on completing the DD Event Report Form.

- Forward the DD Event Report Form to the District Administrator, Regional Office Director or other Department designee immediately for entry into the EMT database.

Upon receiving a complaint, the District Administrator’s office, Regional Director or other Department designee follow up in accordance to [DOR 2.205](#) or [DOR 2.210](#).

### **Revised Statutes of Missouri:**

RsMO 630.110-Patient’s

<http://www.moga.mo.gov/mostatutes/stathtml/63000001101.HTML>

RsMO 630.115-Patient’s Entitlements

<http://www.moga.mo.gov/mostatutes/stathtml/63000001151.html>

RsMO 630.165-Suspected Abuse of Patient

<http://www.moga.mo.gov/mostatutes/stathtml/63000001652.html>

RsMO 630.167-Investigation of Report

<http://www.moga.mo.gov/mostatutes/stathtml/63000001671.html>

RsMO 630.170-Disqualification for Employment

<http://www.moga.mo.gov/mostatutes/stathtml/63000001701.html>

### **Forms:**

EMT CIMOR Community Event Report Form (Event Report Form, Med Error Form, Addendum)

<http://dmh.mo.gov/dd/calendar.html>

Death Report

<http://dmh.mo.gov/dd/directives/docs/deathnotificationform.docx>