

# Golden Acres

## Abuse, Neglect, Mistreatment and Mandatory Reporting

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**Policy:** Golden Acres assures that each resident has the right to be free from verbal, sexual, physical or mental abuse, neglect, theft and any other form of exploitation. Golden Acres is committed to the giving of each resident the respect and dignity every individual is entitled to.

### Definitions:

- **Abuse** - the willful infliction of injury, intimidation, exploitation or punishment resulting in physical harm, pain or anxiety. Abuse also includes willfully not providing goods or services that are necessary to maintain physical, mental, and psychosocial well-being. This presumes that physical or mental abuse of any resident, regardless of any mental or physical condition, cause physical harm, pain or mental anguish.
  - 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.
- **Mental Abuse** – includes representing residents in a humiliating way.
- **Sexual Abuse** – sexual contact of any type with a resident.
- **Mistreatment** – inappropriate treatment or exploitation of a resident.
- **Misappropriation** – the deliberate use of a resident’s belongings or money without the resident’s consent.
- **The Facility** – Any particular facility owned by Golden Acres.
- **Willful** – an individual who acts deliberately, even if not intending to inflict harm.
- **Exploitation** – Means the unfair treatment or unethical use of a resident or resident’s belongings – or taking unfair advantage of a resident for personal gain – through manipulation, threats or coercion.
- **Neglect** – the failure of a facility or its employees to provide goods and services to a resident that are necessary to avoid physical harm, pain, mental anguish, or emotional distress.

### Procedure:

When an allegation of abuse, neglect or misappropriation of patient funds is made against an employee, the allegation will be reviewed immediately; the allegation will be reported to APS within 24 hours and conduct an investigation. If the Facility concludes that the allegation has merit, the employee may be terminated for the finding.

#### I. Initiation of Abuse Process

- A. A claim of abuse, neglect or exploitation can be received from any source and will be investigated.
- B. Golden Acres will prevent further potential abuse, neglect or exploitation while the investigation is in progress. Depending on the circumstances, this might be in the form of restriction of behavior while at work, so long as no harm was intended and not likely.

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- C. The resident will be examined for signs of physical or emotional abuse or neglect and interviewed about the incident, and/or questioned about missing property or other forms of exploitation.

## II. Investigation and Employee Status

- A. Report abuse neglect or exploitation including in a licensed facility to the Department of Health and Human Services, Office of Elder Services, Adult Protective Services at:

**1-800-624-8404**

Police must also be notified if there is reasonable suspicion of a crime having been committed.

- B. For **accusations involving harm**, the affected employee is notified and suspension without pay.

- III. If the Facility concludes the allegation was without merit and other circumstances so warrant, the Facility shall conditionally return the employee to duty. The Facility may set conditions for the employee's return to work, as it deems appropriate.

## IV. Staff In-Service and Training:

- A. The Facility shall provide the following training to all staff upon hire and on an annual basis:

- Mandatory Reporting Laws
- Resident Rights
- How to recognize and prevent abuse.

## V. Protecting Residents from Further Abuse.

### **If resident-to-resident abuse is witnessed or suspected:**

- Separate the residents in order to ensure their safety

### **If staff-to-resident abuse is witnessed or positively suspected:**

- The involved staff member will be separated from resident and suspended from employment pending the outcome of an investigation.
- If the employee refuses to leave the facility, call police to remove him/her from the facility
- If the report of abuse is substantiated, involved employee will be terminated from their position and report to the licensing agency made for their review.

### **If a visitor or family member abuse is witnessed or suspected:**

- Visitor or family member will be asked to leave the building immediately.
- If the visitor or family member refuses to leave the facility, call police and call the Administrator in either case.

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- The facility will determine the time and circumstances under which the visitor or family member might return.

## VI. Mandatory Reporting:

1. In the event any employee suspects a resident has been mistreated in any way, or their property tampered with inappropriately, they shall adhere to the State of Maine's **Mandated Reporting Law** by immediately notifying their Supervisor.
2. The Administrator or House Manager, if directed, will immediately investigate the claim or suspicion. The investigation will be kept as confidential as possible.
3. Injuries of unknown origin and resident-to-resident altercations will be reported to Adult Protective (APS) by the House Management on duty.
4. In addition to the initial report to APS, there may be additional required reporting to agencies such as the Board of Nursing, CNA Registry, the Attorney General's Office, etc., as the circumstances warrant. These reports will be filed by the Administrator.

### I understand this policy:

\_\_\_\_\_

**Name**

\_\_\_\_\_

**Date**