POLICY: The Division of Mental Health and Developmental Services (MHDS) expressly prohibits the abuse or neglect of any person receiving services. It shall be the policy of MHDS that MHDS agency and contract staff will receive training about abuse and neglect of consumers that will focus on abuse and neglect prevention, identification, and reporting requirements. This policy also requires that immediate steps shall be taken to ensure that consumers are protected. Any MHDS staff or contract staff found to be abusive or negligent of a consumer shall be disciplined up to and including termination.

PURPOSE: The purpose of this policy is to prevent the abuse and/or neglect of consumers receiving Division services and to provide a process for reporting all allegations of abuse and/or neglect by Division or contract staff.

SCOPE: Division wide, including contract providers and their staff

REFERENCES: Nevada Revised Statues (NRS): 433.464; 433.482; 433.484; 433.504; 433.524; 433.554; 443A.360; 433A.460; 435.340;
Division Policy #4.037, Professional Behavior of Division Employees

DEFINITIONS:

❖ Abuse is any willful and unjustified infliction of pain, injury or mental anguish upon a person served by a MHDS or contract staff. Abuse includes, but is not limited to:

- Sexual abuse: Examples of sexual abuse include but are not limited to: rape, sexual assault, sexual exploitation, sexually degrading language or gestures, sexual molestation, attempts to engage a person in sexual conduct, intimate touching or fondling, encouraging a person to sexually touch a staff member, other consumer, or himself, exposing one's sexual parts to a person, encouraging a person to expose his sexual parts to others, encouraging a social or romantic attachment or relationship outside of boundaries, encouraging the consumer to solicit for or engage in prostitution, or encouraging or allowing the viewing or production of pornographic material by minors.

- Physical abuse: Examples of physical abuse include but are not limited to: any act that causes physical pain or injury to the consumer, hitting, slapping, bruising, kicking, hair pulling, shoving, pinching, cutting, burning, or the use of arm bars or other holds to inflict pain. An allegation of physical abuse may be substantiated without an observable injury.

- Verbal abuse: Examples of verbal abuse include but are not limited to: verbal intimidation or coercion of a person without a redeeming purpose, name-calling, cursing, mocking, swearing, ridiculing, yelling, or using words or gestures that frighten, humiliate, intimidate, threaten or insult the person.

- Emotional/Psychological Abuse: Examples include but are not limited to: actions or utterances that cause mental distress such as making obscene gestures to the person, or using other non-verbal gestures that frighten, humiliate, intimidate, threaten or insult the person, harassment, threats of punishment or deprivation, including threats to deny or withdraw services, sexual coercion, intimidation whereby a person would suffer psychological harm or trauma, and social isolation of an individual from family and friends or from normal activities.

- Excessive force: The use of excessive force when placing a consumer in physical restraints or in seclusion.

- Restraint: The use of physical, chemical or mechanical restraints or use of seclusion in violation of state and/or federal law.

- Exploitation: Exploitation is any illegal or improper use of a consumer's funds, property, or assets resulting in monetary, personal, or other benefit, gain, or profit for the perpetrator, or resulting in monetary, personal, or property loss by the consumer. Examples include but are not limited to: borrowing a consumer's money, taking a consumer's medication, accepting or coercing gifts from consumers, a consumer doing work for a staff (i.e. wash car) with or without compensation, consumer paying for items or activities that are for the benefit of staff, improper use of a consumer's Social Security number or funds, improper use of funds belonging to the consumer or diversion of state funds intended for consumer use, and those examples stated in Division Policy #4.037 Professional Behavior of Division Employees.

❖ Neglect is any act or omission to act that causes injury or mental anguish to a consumer or that places the consumer at risk of injury whether due to indifference, carelessness or intention. Neglect includes but is not limited to:

- Failure to establish or carry out an appropriate plan of treatment for which the person has consented, failure to follow the agency policies and procedures, failure to provide for basic needs (adequate nutrition, clothing, personal hygiene, shelter, supervision, education, or appropriate and timely health care including treatment and medication), failure to provide a safe environment, failure to respond to aggression between consumers served or to consumers engaging in self abusive behavior, and failure to act to stop abuse as defined above.

❖ Staff is any Division of MHDS or contract service provider staff, employee, or volunteer, unless stated otherwise.

❖ Supervisor is any Division of MHDS or contract service provider supervisor, unless stated otherwise.

PROCEDURES:

I. **The Division of MHDS strictly prohibits abuse and neglect.**

Any act of abuse or neglect of a consumer by a MHDS or contract provider staff shall result in disciplinary action up to and including termination.

Should the investigation indicate that abuse, as defined in NRS 433.554 has occurred, the agency director shall recommend termination of the employee and shall review all pertinent agency policies, treatment procedures, and staff orientation practices to determine if they need to be revised to reduce the likelihood of recurrence of similar incidents.

II. **MHDS and contractor staff shall receive training about abuse and neglect of consumers.**

A. Each MHDS agency director shall ensure that training is provided to all staff on abuse and neglect prevention, identification, and reporting requirements in accordance with agency policies.

B. Training shall be provided for new staff prior to their working independently with consumers receiving services.

C. Training will be required a minimum of biannually for all staff.

D. MHDS and contract agencies will document training for each staff member and will provide additional training as needed.

III. **All allegations of abuse and/or neglect shall be reported by following the requirements below, which will be repeated in Policy CRR-1.4, Reporting Serious Incidents and Denials of Rights.**

A. Any staff, upon observing, hearing of, or suspecting abuse and/or neglect of a person served by the Division will:

1. Make a verbal report to his supervisor immediately and in all instances within a maximum of one (1) hour from becoming aware of the suspected abuse and/or neglect. The report must be made through person-to-person contact; voice messages **do not** meet the reporting requirements;
2. Complete an Incident Report to their supervisor, or designee, detailing the information as soon as possible following the verbal report, and in all instances by the end of the staff's workday, or if off duty within 16 hours;
3. Make all verbal and written reports to the supervisor's supervisor if the direct supervisor is suspected of abuse or neglect;
4. Notify other applicable entities as appropriate or required (i.e. Child Protective Services, Aging Protective Services, law enforcement) within 24 hours, or discuss with their supervisor if the notification(s) is to be made by the supervisor; and

5. The MHDS or contract agency will ensure the immediate notification by agency staff of the person's parents (if a minor) or guardian (if legally appointed).

B. The supervisor on receiving a report will:

1. Take immediate action to ensure the victim has received appropriate medical treatment and follow-up as applicable, and take prompt action to provide for the person's welfare and safety.;
2. Make a verbal report to the MHDS agency director, or designee, immediately, and in all instances within a maximum of one (1) hour from becoming aware of the suspected abuse and/or neglect.; and
3. Within twenty-four (24) hours of being apprised of suspected abuse and/or neglect, ensure that the written Serious Incident Report is submitted to the MHDS agency director or designee.

C. The MHDS agency director, or designee, on receiving a report of alleged abuse and/or neglect will:

1. Immediately, and in all instances within 24 hours, ensure submission of the written Serious Incident Report to the Division Administrator, or designee;
2. Provide protection of the person, when determined necessary, by restricting access to the person by the alleged perpetrator;
3. If the alleged perpetrator is a staff of a contractor, the MHDS agency director, or designee, will ensure the contractor has taken prompt action to restrict access to the person by the alleged perpetrator.

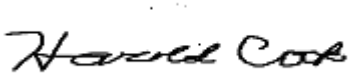
IV. Reporting abuse and/or neglect is absolutely required.

A. A staff that fails to report abuse or neglect shall be subject to disciplinary action, up to and including termination.

B. A staff that reports suspected abuse or neglect shall not be disciplined or receive any retaliation for making such a report, per NRS 433.536.

V. All Division agencies shall implement this policy.

Each Division agency shall develop specific written procedures to implement the provisions of this policy.



ADMINISTRATOR

EFFECTIVE DATE: 07/17/98
REVIEWED / REVISED DATE: 2/04/99; 07/18/01; 03/10/05; 05/09/07; 09/08/10
SUPERSEDES: Policy #2.003 Abuse or Neglect of Clients
APPROVED BY MHDS ADMINISTRATOR: 08/06/10
APPROVED BY MHDS COMMISSION: 09/17/10