

Eastern Oregon Support Services Brokerage and policy requirements for Provider organizations, independent providers, and volunteer and general business providers.

## POLICY ON ABUSE REPORTING

EOSSB will provide training for mandatory abuse reporters 309-041-1750 (1) (a)-(b). Any employee of EOSSB or Provider Organization is required to report incidents of abuse when the employee comes in contact with and has reasonable cause to believe that an individual has suffered abuse or that any person with whom the employee comes in contact, while acting in an official capacity, has abused the individual. Notification of Mandatory reporting status shall be made at least annually to all employees. All employees shall be provided with a Department produced card regarding abuse reporting status and abuse reporting. Adequate disciplinary action policies are addressed in the personnel policies.

Adult as defined in OAR 309-041-1760 (4)

Abuse OAR 309-041-1760 (1) (a) – (d)

1. Any death caused by other than accidental or natural means, or in unusual circumstances;
2. Any physical injury caused by other than accidental means, or that appears to be at variance with the explanation given of the injury;
3. Willful infliction of physical pain or injury;
4. Sexual harassment or exploitation, including but not limited to any sexual contact between an employee of a community facility or community program, or service provider, or other staff and the adult. Sexual exploitation also includes failure of staff to discourage sexual advances toward staff by individuals served. For situations other than those involving an employee, service provider, or other and an adult, sexual harassment or exploitation means unwelcome verbal or physical sexual contact including requests for sexual favors and other verbal or physical sexual contact including requests for sexual favors and other verbal or physical conduct directed towards the adult;
5. A. **Neglect** / failure to act that leads to or is in imminent danger of causing physical injury, through negligent omission, treatment, or maltreatment of an adult, including but not limited to the failure by a service provider or staff to provide an adult with adequate food, clothing,

shelter, medical care, supervision, or thought condoning or permitting abuse of an adult by any other person. However, no person shall be deemed neglected or abused for the sole reason that he/she voluntarily relies on treatment through prater alone in lieu of medical treatment;

B. **Verbal mistreatment** by subjecting an adult to the use of derogatory names, phrases, profanity, ridicule, harassment, coercion or intimidation and threatening injury or withholding of services or supports, including implied or direct threat of termination of services. However, it is not considered verbal mistreatment in situations where the consequences of noncompliance may result in termination, if agreed upon by the ISP; or

C. **Financial** exploitation which may include, but is not limited to: unauthorized rate increase; staff borrowing from or loaning money to individuals; witnessing wills in which the program is beneficiary; and/or adding the program's name to the individual's bank account(s) or other personal property without approval of the individual or his/her legal guardian and notification of the Case Manager.

Independent Providers, Provider Organization and General Business Provider agreements and responsibilities.

When support service funds are used to purchase care, training, supervision, or other personal assistance for individuals, EOSSB shall require and document that providers are informed of mandatory responsibilities to report suspected abuse as defined in 309-041-1760 (1) (a) – (d).

Incident reporting must be followed.

Employee acknowledgment of mandatory abuse reporting notice will be kept in personnel files and updated yearly.

## **ABUSE REPORTING PROCEDURE**

Any employee of EOSSB or provider Organization is required to report incidents of abuse.

1. You must immediately notify CMHDDP if you have reasonable cause to believe that an individual has suffered abuse or that any person with whom the employee comes in contact, while acting in an official capacity has abused the individual.
2. Upon reporting, discuss with CMHDDP, whether the local law enforcement agency needs to be called and if so, designate a person to call.
3. Complete a written Incident Report that describes the following;
  - A. Conditions prior to or leading to incident;
  - B. A description of the incident;
  - C. Staff response at the time; and
  - D. Administrative review and follow-up to be taken to prevent recurrence of the injury, accident, physical aggression, or unusual incident.
4. Unusual Incident Reports shall be sent to CMHDDP support specialist within five working days of the incident.
5. Immediate notification of allegations of abuse and abuse investigations. EOSSB shall notify the CMHDDP and the Provider Organization shall notify both the Brokerage and the CMHDDP, immediately of an incident or allegation of abuse falling within the scope of 309-041-1760 (1) (a)-(d).
6. When an abuse investigation has been initiated, the CMHDDP shall ensure that either the Support Specialist or EOSSB shall also immediately notify the individuals, legal guardian, or conservator.
7. Parent, next of kin, or significant person may also be notified unless the individual request the parent, next of kin, or other significant person not be notified about the abuse investigation or protective services, or unless notification has been specifically prohibited by law.

## NON-RETALIATION POLICY

EOSSB and any of its staff shall not purposely or knowingly retaliate or discriminate against any person (individual, staff, or other) who makes a good faith abuse report to state or county authorities or participates in an abuse investigation or proceeding.

A community program or service provider shall not retaliate against any staff that reports in good faith suspected abuse or retaliate against the adult with respect to any report. An alleged perpetrator cannot self-report solely for the purpose of claiming retaliation.

Any adverse action is evidence of retaliation if taken within 90 days of a report of abuse. For purposed of this subsection, "adverse action" means any action taken by a community facility, community program or person involved in a report against the person making the report or against the adult because of the report and includes but is not limited to:

- Discharge or transfer from the community program, except for clinical reasons;
- Discharge from or termination of employment;
- Demotion or reduction in remuneration for services; or
- Restriction or prohibition of access to community program or the individuals served by the program.