

LAKE COUNTY BOARD OF DD/DEEPWOOD

BOARD POLICY

Reviewed and Adopted by the Board:
Date: October 19, 2015

Signature on File

Elfriede Roman, Superintendent

I. SUBJECT: INDIVIDUAL ABUSE/NEGLECT/MISTREATMENT

II. PURPOSE:

To set forth the Agency's policy concerning identification and strict prohibition of individual abuse/neglect/mistreatment.

III. REFERENCES:

- A. ORC 5123.52 Abuser Registry
ORC 5123.61 MUI Law
ORC 5123.62 Rights and 2901.015
- B. ICF Guidelines CFR 428.420
- C. OAC 5123:2-17-02 MUI Rules
OAC 5123:2-1-02 County Board Rules
OAC 5123:2-3-25 Licensure Rules
- D. Board Policies
LCBDD/Deepwood A-10, Reporting & Handling of Major Unusual Incidents/Unusual Incidents
LCBDD/Deepwood A-27, Rights of Persons with DD
LCBDD/Deepwood A-21, Positive Intervention Policy & Procedures: A-30, Therapeutic Intervention Techniques

IV. POLICY:

It is the policy of the Lake County Board of Developmental Disabilities/Deepwood that individuals will be treated with dignity and respect, in accordance with their individual rights, and that abuse/neglect/mistreatment will not be tolerated in any form. To that extent, the Board affirms its commitment to aggressively investigate allegations of abuse/neglect/mistreatment of individuals with developmental disabilities. During an investigation of Abuse/Neglect/Mistreatment, the employee shall be placed on non-direct client contact (NDC) until such time as it has been sufficiently determined through

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internal and Investigative Unit investigations that such removal is no longer necessary. In the event the investigations substantiates allegations of abuse/neglect/mistreatment, the Board shall seek all available and appropriate remedies, including but not limited to Agency administrative action, state administrative action, criminal prosecution or other judicial action in the state and federal courts. The Board further affirms its commitment to the safety of the individual by instituting and supporting the following services in relation to the prevention and identification of abuse and/or neglect: staff education, formal in-service training and community outreach/ education. Any Board employee that retaliates against another employee who reports individual abuse/neglect/mistreatment will be subject to agency discipline.

Any allegations of abuse/neglect/mistreatment shall be reported in a manner consistent with Policy A-10, Reporting and Handling of Major Unusual Incidents/Unusual Incidents.

Examples of Abuse/Neglect and/or Mistreatment Include, But Are Not Limited To:

- a) Physical Abuse
Examples: hair pulling, hitting, kicking, pushing, sexual assault, slapping, striking with an object, prone restraints.
- b) Verbal Abuse
Examples: Directed (at an individual) or non-directed verbal assault of an individual, excessive teasing, harassment, intimidation, name-calling, profanity, sexual exploitation, talking about an individual in a negative way to another staff person in the presence of the individual or through other communicative means.
- c) Violation of an Individual's Rights - Depriving an individual of real or personal property by fraudulent or illegal means. Any improper act of using an individual for labor not in compliance with exercising and protecting the human and legal rights of individuals. Undue restriction: any unreasonable denial of privileges, activities, or rights of an individual for the express purpose of affording convenience to employee(s) of the Board.
Examples: bribing an individual, paying an individual to perform chores assigned to staff members, stealing an individual's personal funds, clothing, radios, etc., withholding an individual's meal(s) without doctor's orders and/or an approved behavioral program.
- d) Unauthorized Use of Medication -Any use of medications which has not been authorized by a physician or inappropriate use of medications.
Examples: administration of medication by a non-trained person, not properly reporting and recording a medication error, omission of prescribed medication, unauthorized adjustment of correct dosage.
- e) Unauthorized Use of Restraint
Examples: unauthorized use of seclusion, unauthorized use of time-out procedures, unauthorized use of mechanical devices, using restraints as punishment, for the convenience of staff or as a substitute for activities or treatment, prohibited use of prone restraints.

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- f) Unauthorized Behavior Support Methods -Using aversive interventions without an approved individual behavior program, except as provided for in Board Policy A-30, "In an emergency situation where an unanticipated behavior requires immediate protection of the individual or others, the technique chosen must be the least restrictive appropriate technique possible. If an emergency measure is employed, the IP team must convene within five calendar days."
- g) Failure to report - Any withholding of knowledge concerning an incident of alleged abuse/neglect/mistreatment and/or aggravation of said abuse shall be considered abuse/neglect of duty/insubordination and shall be subject to disciplinary action. Employees must fully cooperate with investigations, including interviews and completion of incident reports and other written information required by DODD rule.
Examples: failure to report a suspected act of abuse, failure to complete a thorough incident report.

V. DISTRIBUTION:

Board Members
All Management Staff
All Staff (via Department Managers)
LEADD President

VI. REVIEWED:

10/15, 10/13, 10/11, 10/09, 10/07, 11/05, 9/03, 9/01, 4/99, 5/94

VII. APRC REVIEW:

10/14