

STILLWATER HOSPICE

ABUSE AND NEGLECT POLICY & THE ELDER JUSTICE ACT

POLICY: Stillwater Hospice prohibits and does not tolerate sexual abuse and molestation; verbal, mental, or physical abuse; mistreatment; injuries of unknown source; misappropriation of patient property; or neglect in the workplace or in any organization related activity. Stillwater Hospice provides procedures for employees, volunteers, family members, board members, patients, victims of sexual abuse, or others to report abuse, mistreatment, and injuries of unknown source, misappropriation of patient property or neglect and disciplinary penalties for those who commit such acts. No employee, volunteer, patient or third party, no matter his or her title or position has the authority to commit or allow abuse or neglect.

Stillwater Hospice has a Zero-Tolerance policy for any sexual abuse committed by an employee, volunteer, board member or third party. Upon completion of the investigation, disciplinary action up to and including termination of employment and criminal prosecution may ensue.

1. Sexual abuse is inappropriate sexual contact of criminal nature or interaction for gratification of the adult who is a caregiver and responsible for the patient or child's care. Sexual abuse includes sexual molestation, sexual assault, sexual exploitation, or sexual injury, but does not include sexual harassment.

Physical and behavioral evidence or signs that someone is being sexually abused are listed below:

Physical evidence of sexual abuse:

- Difficulty in walking
- Torn, stained or bloody underwear
- Pain or itching in genital area
- Bruises or bleeding of the external genitalia
- Sexually transmitted diseases

Behavior signs of sexual abuse:

- Reluctance to be left alone with a particular person
 - Wearing lots of clothing especially in bed
 - Fear of touch
 - Nightmares or fear of night
 - Apprehension when sex is brought up
2. Verbal abuse includes the use of oral, written, or gestured language that willfully includes disparaging and derogatory terms to patients or their families, or within their hearing distance, regardless of their age, ability to comprehend, or disability.
 3. Mental abuse includes, but is not limited to, humiliation, harassment, and threats of punishment or deprivation.

4. Physical abuse includes, but is not limited to, hitting, slapping, pinching, kicking, and other unwanted physical contact.
5. Injuries of unknown source occur when both of the following conditions are met.
 - a. The source of the injury was not observed by any person, or the source of the injury could not be explained by the patient; and
 - b. The injury is suspicious because of the extent of the injury or the location of the injury or the number of injuries observed at one point in time or the incidence of injuries over time.
6. Misappropriation of patient property means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a patient's belongings or money without the patient's consent.
7. Neglect means the failure to provide goods and services necessary to avoid physical harm or mental anguish.

INVESTIGATION AND FOLLOW-UP

Stillwater Hospice will take all allegations of abuse seriously and will promptly report any incident to the appropriate authorities who will conduct an investigation. For an adult residing in Adams, Allen, DeKalb, Huntington, Noble, Wells or Whitley County call Adult Protective Services (Unit 3) at 260-449-7989. For an adult residing in Wabash County call Adult Protective Services (Unit 5) at 574-753-5808. The statewide hotline for Indiana Adult Protective Services is 1-800-992-6978. Contact the statewide Indiana Child Abuse and Neglect hotline to report any incident concerning a child at 1-800-800-5556. This includes Allen County. They will conduct the investigation.

Stillwater Hospice will cooperate fully with any investigation conducted by law enforcement or other regulatory agencies. It is the organization's objective to conduct a fair and impartial investigation. Stillwater Hospice provides notice that they have the option of placing the accused on a leave of absence or on a reassignment to non-patient contact.

Stillwater Hospice will make every reasonable effort to keep the matters involved in the allegation as confidential as possible while still allowing for a prompt and thorough investigation.

ELDER JUSTICE ACT

The Elder Justice Act is designed to provide federal resources to prevent, detect, treat, understand, intervene in and, where appropriate, prosecute elder abuse, neglect, and exploitation. The Elder Justice Act is a comprehensive elder abuse prevention law which was enacted as part of the Patient Protection and Affordable Care Act on March 23, 2010. Before The Elder Justice Act was enacted, federal funding for programs and justice regulations was not available. Now, education, awareness programs, training and other services are available to millions of seniors across the U.S.

Elder abuse refers to the actions or lack of actions that harm an older adult or place them at risk of harm or within harm's way. The harm may be physical, mental, emotional and/or financial. True prevalence is unknown primarily due to lack of consensus regarding definition. Clinicians caring for older adults are integral and crucial to the prevention, intervention, and treatment of elder abuse.

The Elder Justice Act provisions apply to the following long-term care providers that received at least \$10,000 in federal funds during the previous year:

- Nursing facilities
- Skilled nursing facilities
- Inpatient hospice units
- Intermediate care facilities for mentally disabled
- Assisted living facilities are not included under this statute

The act describes the responsibilities of the long-term care providers. The overall responsibilities fall into the following four categories:

1. Notify covered individuals—annually notify each covered individual of their reporting obligations
2. Post notice—in an accessible and appropriate location, a notice for employees specifying their rights, including the right to file a complaint under the statute with the state survey agency
3. Refrain from retaliation—providers may not retaliate against an individual who lawfully reports a reasonable suspicion of crime
4. Employment—providers may not employ or contract with an individual that has violated the Elder Justice Act reporting requirements

What must be reported? Any “reasonable suspicion” of crimes against a resident or person receiving care at the types of facilities listed above. “Reasonable suspicion” is not defined within the act. According to the statutes of the act, “crime” is defined by the laws of the applicable city, county, state, township, or village where the long-term care facility is located. Failure to comply with reporting requirements could mean a civil monetary penalty of up to \$300,000 and exclusion from participation in any federal health care program.

Reports must be made to the state survey agency and to one or more local law enforcement entities. There are two reporting timeframes depending on whether the resident suffers serious bodily injury. Serious bodily injury is defined as an injury involving extreme physical pain; involving substantial risk of death; involving protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or requiring medical intervention such as surgery, hospitalization, or physical rehabilitation. If the resident suffers serious bodily injury, it must be reported within two hours of the event. If there is no serious bodily injury, then a report must be filed within 24 hours of the event.

The Elder Justice Act imposes additional mandatory individual reporting requirements; broadens the scope of who is required to report; and requires affirmative obligations on facilities to provide annual training to covered individuals, to post a conspicuous notice, as well as develop internal policies.

REPORTING PROCEDURE

Any employee aware of or suspect abuse taking place, must immediately report it to the Chief Program Officer, or the Director of Human Resources. If the suspected abuse is to an adult, it will be reported immediately to Adult Protective Services. For an adult residing in Adams, Allen, DeKalb, Huntington, Noble, Wells or Whitley County call Adult Protective Services (Unit 3) at 260-449-7989. For an adult residing in Wabash County call Adult Protective Services (Unit 5) at 574-753-5808. The Indiana State Adult Protective Service Hotline at 1-800-992-6978.

If it is a child who is the victim, it will be reported to Indiana Child Abuse and Neglect Hotline at 1-800-800-5556. Any employee can also call the Childhelp National Child Abuse Hotline, 1-800-422-4453. Appropriate family members should be notified of alleged instances of abuse or neglect.

Stillwater Hospice will report the alleged abuse incident to our insurance agent.

Stillwater Hospice will report verified violations of abuse, mistreatment, or neglect to State and Local jurisdictions within 5 working days of becoming aware of the violation.

ANTI-RETALIATION

Stillwater Hospice prohibits retaliation made against any employee, volunteer, board member or patient who reports in good faith complaint of abuse or who participates in any related investigation. Making false accusations of abuse in bad faith can have serious consequences for those who are wrongly accused. Stillwater Hospice prohibits making false and/or malicious abuse allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination.