

Please allow approximately 1 hour to view the training and take the test.

ABUSE AND NEGLECT

Training
Revised 12-2-10



**** This training is intended for DMH-DDD Community-based Providers and should not be used exclusively to train the detection, prevention and reporting of Abuse and Neglect.**

ABUSE & NEGLECT Training

This training is targeted for Missouri Department of Mental Health, Division of Developmental Disability contracted community based providers.

9 CSR 10-5.200



ABUSE AND NEGLECT TRAINING OUTCOMES

- ▶ To learn what is considered Abuse/Neglect
- ▶ To be able to identify signs of possible Abuse/Neglect
- ▶ To learn how to prevent Abuse/Neglect
- ▶ To learn appropriate responses when abuse/neglect is suspected or observed
- ▶ To learn Reporting Regulations and Procedures



DEFINING ABUSE AND NEGLECT

Types of abuse and neglect as defined by the Missouri Department of Mental Health are as follows:

- ▶ Neglect
- ▶ Misuse of Funds/Property
- ▶ Physical Abuse
- ▶ Sexual Abuse
- ▶ Verbal Abuse



Neglect

Failure of an employee to provide reasonable or necessary services to maintain the physical and mental health of any consumer when that failure presents either imminent danger to the health, safety or welfare of a consumer, or a substantial probability that death or serious physical injury would result. This would include, but is not limited to, failure to provide adequate supervision during an event in which one consumer causes serious injury to another consumer.



Examples of Neglect

- ▶ Leaving someone unattended in bathtub or pool who cannot swim or has a seizure disorder or is incapable of regulating the water temperature
- ▶ Not seeking medical attention for injuries/illness after the incident occurs which results in the person dying or leaves the person with a serious physical injury Example: breaks a hip during a fall, person was checked by staff and medical attention was not immediately sought and a blood clot develops and person dies.



Examples of Neglect (cont)

- ▶ Staff administers Phenobarbital but does not mark the MAR. Another staff sees that it is not marked as administered and gives the consumer another dose, which resulted in consumer having to be hospitalized and being in a coma.
- ▶ Individual has a physical therapy program. Staff fail to implement the therapy for an extended period of time, which causes the person's physical condition to have deteriorated to the point it cannot be restored.



Misuse of Funds / Property

- ▶ The misappropriation or conversion for any purpose of a consumer's funds or property by an employee or employees with or without the consent of the consumer, or the purchase of property or services from a consumer in which the purchase price substantially varies from the market value.



Examples of Misuse of Funds / Property

- ▶ Staff member agreed to buy a game system from a consumer at a fair price. Staff removes the game system from the consumer's residence and takes possession of the game system. Two months pass and the consumer has not been paid by the staff. When confronted, the staff returns the game system.
- ▶ Staff takes a pack of cigarettes from a consumer.
- ▶ Accepting gifts including money or property from a consumer if not approved by the planning team.



Examples of Misuse of Funds/Property Cont.

- ▶ Staff didn't bring enough money with her to buy her lunch after taking the consumer to the doctor. Staff borrowed money from consumer to pay for her lunch saying she would pay the consumer back.
- ▶ Staff takes the consumer's money to purchase a video game for the consumer. Upon returning, staff tells the consumer the video game cost \$20 when it only cost \$15. The staff pockets the difference of \$5.



Physical Abuse

- ▶ An employee purposefully beating, striking, wounding or injuring any consumer;
- ▶ In any manner whatsoever, an employee mistreating or maltreating a consumer in a brutal or inhumane manner;
- ▶ An employee handling a consumer with any more force than is reasonable for a consumer's proper control, treatment or management.



Examples of Physical Abuse

- ▶ Slapping consumer's hands
- ▶ While combing hair, consumer does not want to sit still. Staff become frustrated and yanks the comb, pulling out some of the consumer's hair
- ▶ Staff used an unauthorized restraint on a consumer, was told to stop but continued to restrain.
- ▶ Staff put Tabasco sauce on consumer's tongue to try to teach the consumer to quit cussing.



Sexual Abuse

Any touching, directly or through clothing, of a consumer by an employee for sexual purpose or in a sexual manner. This includes but is not limited to:

- ▶ Kissing
- ▶ Touching of the genitals, buttocks or breasts;
- ▶ Causing a consumer to touch the employee for sexual purposes;
- ▶ Promoting or observing for sexual purpose any sexual activity or performance involving consumers including any play, motion picture, photography, dance, or other visual or written representation
- ▶ Failing to intervene or attempting to stop inappropriate sexual activity or performance between consumers and/or
- ▶ Encouraging inappropriate sexual activity or performance between consumers.



Examples of Sexual Abuse

- ▶ While on evening shift, staff encouraged two consumers to have sexual contact with each other, while staff watched.
- ▶ Night shift staff brought a pornographic movie to work and asked consumer to stay up and watch it with staff after everyone else went to bed.
- ▶ Staff touching consumer's genitals for own sexual gratification rather than to support a personal care or hygiene need.



Verbal Abuse

- ▶ An employee making a threat of physical violence to a consumer, when such threats are made directly to a consumer or about a consumer in the presence of a consumer.



Verbal Abuse

Examples of Verbal Abuse:

- ▶ Consumer picked up staff's soda cup. Staff said "If you ever do that again I am going to cut your hand off and make you wish you had never picked my cup up!"
- ▶ Consumer is in the front room while staff are talking. One staff stated that she was going to slap the consumer's mouth if she didn't stop talking obsessively.



Scenario Exercises



Scenario #1

- ▶ Jonathon had an outcome to purchase a laptop computer. He was able to save up enough money and purchased a Dell Laptop. Several months later, his new Service Coordinator visited Jonathon in his home and found that he had an older Dell monitor and tower (not a laptop).



Scenario #2

- ▶ Arthur, a direct care staff, needed assistance helping Michael to his bed using a Hoyer lift. Another support staff, Monica, was heard to instruct Arthur to “wait for her to help.” Arthur responded twice by telling Monica to “shut up, I know what I’m doing.” Arthur then proceeded to lift him and Michael fell from the lift and broke his leg.



Scenario #3

- ▶ Staff is providing supports for a consumer. They were watching television together when staff put in a pornographic video called “Wet and Wild” and during the watching of the video staff touched the consumer for sexual purposes.



In Review

- ▶ Neglect
- ▶ Misuse of Funds/Property
- ▶ Physical Abuse
- ▶ Sexual Abuse
- ▶ Verbal Abuse



DETECTING



Person-Centered Plans

(Getting to Know the Person)

- ▶ Staff need to be trained and consistently updated on individual's person centered plans.
- ▶ Staff spending time with the individuals they support and getting to know the person.
- ▶ Staff being involved with the planning and evaluation of supports.



Possible Signs of Neglect

- *Dirt, fecal/urine smell or other overall health and safety hazards in the person's living environment.*
- *Rashes, sores, lice on the person.*
- *Malnourishment or dehydration with sudden weight loss.*
- *Untreated medical condition.*



Possible signs of Physical Abuse

- *Cuts, lacerations, punctures, wounds.*
- *Bruises, welts, discolorations, grip marks.*
- *Burns (possibly caused by cigarettes).*
- *Unreasonable physical restraint (using too much force or unapproved technique).*



Possible Signs of Sexual Abuse

- *Bleeding, bruising, infection, scarring or irritation to a person's genitals, rectum, mouth or breasts.*
- *Sexually transmitted diseases.*
- *Torn, stained or bloody underclothing.*
- *Difficulty walking or sitting.*
- *Depression, withdrawal or excessive crying spells.*



Possible Signs of Sexual Abuse Continued

- *Sudden avoidance or fear of specific people, specific genders or situations.*
- *Sexually inappropriate behaviors, compulsive masturbation, promiscuity.*
- *Hints about sexual activity and a new or detailed understanding of sexual behavior.*
- *Urinating or defecating in clothing.*



Possible Signs of Verbal Abuse

- *Emotionally upset or agitated.*
- *Extremely withdrawn and non-communicative.*
- *Unusual behavior (sucking, biting, rocking).*
- *Humiliating, insulting, frightening, threatening or ignoring behavior towards family and friends.*
- *Wanting to be isolated from other people.*



Contributing Factors to Abuse/Neglect

- ▶ Staff Situations
- ▶ Individual Vulnerabilities
- ▶ Societal Beliefs
- ▶ Workplace Culture



FACTORS THAT PUT CONSUMERS AT RISK OF ABUSE/NEGLECT BY STAFF

Abuse and Neglect may occur by staff for the following reasons:

- ▶ Alcohol or drug use by the staff
- ▶ Lack of staff training 🔊
- ▶ Over-worked staff
- ▶ Lack of communication
- ▶ Financial worries of staff



Individual Vulnerabilities That Contribute to Abuse/Neglect

- ▶ Learned Obedience
- ▶ Isolation
- ▶ Dependence upon a caregiver



Societal Beliefs That Contribute to Abuse/Neglect

- Individuals with disabilities are seen as having no sexuality, don't feel pain and suffering, or experience any physical sensations.
- Individuals with disabilities are seen as lower class citizens or devalued, not needing or deserving protection.
- People with disabilities are not capable of making decisions for themselves and need others to manage their lives.



Workplace Culture that Contribute to Abusive Care Giving

- ▶ “Abuse doesn’t happen here.” “Our employees really care about the people and would never let anyone be hurt.”
- ▶ “People tell me that if you report, BAD things happen to you, maybe even lose your job.”
- ▶ “We felt that he/she was abusive, but we had no proof.”
- ▶ “We could see he/she was losing control, but what could we do?” “Getting the person into trouble wasn’t the answer.”



Why Abuse and Neglect Is Not Reported

- Individuals are fearful
- Individuals are physically or mentally unable to report or get help



In Review

▶ When detecting Abuse & Neglect, it is important to know:

- The Person/Consumer
- The Signs
- The Contributing Factors
 - Risk Factors:
 - Consumer Vulnerabilities
 - Beliefs
 - Why it's not reported



PREVENTION



Proactive Measures

- ▶ Individuals having interaction/communication with someone other than direct care staff
- ▶ Educating individuals on a daily basis of their rights
- ▶ Holding regular client rights meetings
- ▶ Educating individuals on the reporting process, and helping them to know who they can speak to (chain of communication) when they have concerns or issues
- ▶ Assisting individuals to have an effective way to communicate their concerns or issues



Proactive Measures

- ▶ Staff supporting each other
- ▶ Scheduling – not working long hours or double shifts
- ▶ Staff knowing their limitations
- ▶ Staff knowing when to ask for help
- ▶ Hiring practices/background checks



Proactive Measures

- ▶ Staff Education
- ▶ Staff Training
- ▶ Employee Background Screening
- ▶ Unannounced visits
- ▶ Support growth of consumer “social circles”
- ▶ Clear Policies and Procedures
- ▶ Management practices and attitudes



Self Check

- ▶ C—Convenience
- ▶ C—Control
- ▶ C—Compliance

Check your motives...if your motive is any one of the above you are most likely in the wrong.

- The #1 leading cause of abuse is attempting to control others by gaining compliance.
- The #2 leading cause of abuse is reacting (without thinking) to a situation.



In Review

- ▶ Proactive Measures:
 - Staff Education & Training
 - Consumer Education & Training
- ▶ Checking your Motives



REPORTING AUTHORITIES

Missouri Code of State Regulations

9 CSR 10 – 5.200 Report of complaints of abuse, neglect and misuse of funds/property



REPORTING AUTHORITIES CONT.

Provider Contract – Part II pg. 3

- ▶ #14. *All staff providing residential or day habilitation, out-of-home respite, or agency-based personal assistance services shall have completed training in preventing, detecting and reporting of abuse/neglect prior to providing direct care, and shall repeat the training every two years.*



Who Is Mandated To Report

- ▶ **Anyone**, whether a director, supervisor or employee of any agency that is licensed, certified, or funded by the Department of Mental Health is considered a Mandated Reporter.



When to Report

- ▶ Any such persons shall immediately file a written complaint if that person has reasonable cause to believe that a consumer has been subjected to any of the following while under the care of an agency:
 - Physical Abuse
 - Sexual Abuse
 - Misuse of funds/property
 - Neglect or
 - Verbal Abuse



How to Report

As an employee, if you **see, hear, or suspect** abuse or neglect, you **MUST**:

1. First attempt to stop the abuse
2. Then report it in accordance with agency policy!



Laws Regarding Reporting

Missouri Revised Statutes/Missouri Code of State Regulations

1. Failure to report

- ▶ Any person required ... to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of an infraction. **RSMo 630.165 and 9 CSR 10-5.200**

2. False Reporting

- ▶ Any person who **knowingly files a false report** of abuse or neglect is guilty of a **class A misdemeanor**.
- ▶ Any person having a **prior conviction of filing false reports** and who subsequently files a false report of abuse or neglect pursuant to this section or section 565.188, RSMo, is guilty of a **class D felony**. **RSMo 630.165**



What Happens After a Report is Made?

- ▶ An Inquiry may be conducted by the Regional Office's appointed staff
- ▶ Other agencies may be involved as well; i.e.: Div. of Family Services, Div. of Health and Senior Services or local police department
- ▶ All staff are required to cooperate fully with the inquiry/investigation



Investigation Process

- Reasonable arrangements are made with respect to the alleged perpetrator to assure the safety of all the facility's consumers
- Collection and presentation of factual information relative to the abuse/neglect allegation
- Determination is made



Due Process Meetings for Substantiated Charges

- Perpetrator has 20 calendar days from the date of the letter to notify the Regional Office Director of request to meet.
- If no request for a meeting is received within 20 calendar days from the date of the letter, a final determination as to whether abuse/neglect/misuse of funds/property took place will be made.
- Perpetrator is notified by regular and certified mail, with a copy of the letter to the agency.
- For further appeals information see 9CSR 10–5.200



Determination Process

- ▶ Unsubstantiated
- ▶ Substantiated
 - Neglect
 - Physical Abuse
 - Misuse of Funds/Property
 - Sexual Abuse
 - Verbal Abuse

The perpetrator shall not be employed by the department, nor be licensed, employed or provide services by contract or agreement at an agency.



“The measure of people’s real character is what they would do if they knew they would never be found out.”

--J.C. Macauley



Summary

You may refer to 9 Code of State Regulation
10–5.200 for additional information

<http://www.sos.mo.gov/adrules/csr/current/9csr/9csr.asp#9-10>

