



DEPARTMENT: Participant Services	POLICY AND PROCEDURE DESCRIPTION: Participant Abuse
PAGE: 1 of 8	REPLACES POLICY DATED: N/A
DATE: 6/21/2024	RETIRED: N/A
APPROVED: 7/3/2024	REFERENCE NUMBER: N/A
EFF. DATE: 7/3/2024	LAST REVISED/REVIEWED DATE: N/A

<p>SCOPE: All George G. Glenner Alzheimer’s Family Centers, Inc.®</p>
<p>PURPOSE: To ensure that each Adult Day Program (ADP) and/or Adult Day Health Care Center (ADHC) has an established Participant Abuse Policy in place for the safety of all participants.</p> <p>It is the policy and purpose of each ADP and ADHC to:</p> <ul style="list-style-type: none"> ▪ Ensure each participant is free from any type of abuse or harm by staff, volunteers, visitors, and/or other participants, including unnecessary physical restraint or isolation, excessive medication, physical or mental abuse or neglect. The Glenner Centers have a zero-tolerance policy for abuse. ▪ Ensure misappropriation of participants’ personal property does not occur. ▪ Provide a means of reporting and investigating any alleged abuse or harm of a participant. ▪ Comply with participants’ rights and the law. ▪ Ensure participants protection from further abuse or harm. ▪ Provide orientation and training to staff on the importance of abuse and harm prevention, identification, investigation, reporting, and participants protection.
<p>POLICY:</p> <ul style="list-style-type: none"> ▪ Each participant and/or family member/caregiver has the right to express his/her concern and be assured of a full, equitable investigation in the event of suspected or actual participant abuse or harm. ▪ Any employee, participant, volunteer, or visitor accused of abuse or harm has the right to a thorough and fair investigation. ▪ Employees who abuse or harm a participant will receive appropriate disciplinary action up to and including termination of employment. For those employees who hold a certification or a license, a report will also be made to the State Abuse Registry or State Licensing Board (all staff members should be reported to the State Abuse Registry in the event they apply for a certification or license in the future). ▪ Any employee who witnesses, becomes aware of, or suspects abuse or harm to a Participant, shall report the information immediately to the Program Director and follow specific State guidelines in reporting the abuse or harm



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allegations. Failure to report to the Program Director and/or the State is cause for disciplinary action up to and including termination of employment.

- The Program Director and/or Chief Executive Officer (CEO) will conduct a thorough and confidential investigation. The Program Director and/or CEO will immediately contact the appropriate Law Enforcement Agency(ies), the Office of the State Long-Term Care Ombudsman, and State Licensing Agency when suspected or observed abuse, harm, or neglect occurs. If required by the State, Adult Protective Services will also be notified.
- This policy shall be reviewed with staff during orientation, as well as annually as part of the employee performance evaluation process and/or as part of a scheduled Quarterly Staff Training session.

PROCEDURE: As determined by the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA), individuals who are “in direct contact with and elder or those who care for them, including those who perform medical care, assist or handle finances, or otherwise care for an elder” (“How to Report Elder Abuse in California”, 2024) are considered Mandated Reporters and are therefore required to report any known or suspected instances of elder or dependent adult abuse. The act requires a mandated reporter and authorizes ANY person who is not a mandated reporter, to report the abuse to the local ombudsman and local law enforcement agency. Under EADACPA, failure to report abuse of an elder or dependent adult is a misdemeanor.

- All complaints of a suspected or witnessed act of abuse or harm must immediately be reported to the Program Director, or immediate Supervisor if the Program Director is unavailable.
- The Program Director will report his/her findings to the Chief Executive Officer and Director of Clinical Services (if the situation deems appropriate) as soon as possible.
- The Program Director, and the individual that suspects or witnesses the abuse or neglect, will contact the appropriate Law Enforcement Agency(ies), the office of the local Long-Term Care (LTC) Ombudsman, and State Licensing Agency as determined by the timeline indicated below. If required by the State, Adult Protective Services will also be notified.



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Reporting Requirements:

Upon witnessing, suspecting, receiving a complaint (written or verbal), or having knowledge of an act of abuse or neglect, the staff member will immediately report it to the Program Director, or immediate supervisor if the Program Director is unavailable and follow state specific reporting requirements.

- In California, mandated reporters are required to report suspected abuse or neglect by phone as soon as possible and follow up with a completed written report within two days.

Serious Bodily Injury - an injury involving extreme physical pain, substantial risk of death, or prolonged loss or impairment of function of a bodily member, organ, or mental faculty, or requiring medical intervention, including, but not limited to, hospitalization, surgery, or physical rehabilitation.

- **NOTIFY IMMEDIATELY** - LOCAL LAW ENFORCEMENT
- **NOTIFY WITHIN 2 HOURS** - LOCAL LTC OMBUDSMAN, WRITTEN REPORT SOC 341 TO STATE LICENSING AGENCY

No Serious Bodily Injury - physical abuse that does not meet the definition of Serious Bodily Injury is considered abuse with No Serious Bodily Injury.

- **NOTIFY WITHIN 24 HOURS** - LOCAL LAW ENFORCEMENT
- **NOTIFY WITHIN 24 HOURS** - LOCAL LTC OMBUDSMAN, WRITTEN REPORT SOC 341 TO STATE LICENSING AGENCY

Physical Abuse with No Serious Bodily Injury Caused by a Participant with a Physician Documented Diagnosis of Dementia:

- **NOTIFY IMMEDIATELY, or as soon as practically possible** - LOCAL LAW ENFORCEMENT **OR** LOCAL LTC OMBUDSMAN
- **WITHIN 24 HOURS** - WRITTEN REPORT SOC 341 TO LICENSING AGENCY AND LOCAL LTC OMBUDSMAN.



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The Program Director or assigned designee will obtain the following:

- Name of the alleged victim.
- Nature of the abuse (e.g. physical, sexual, neglect).
- Nature of all injuries sustained.
- Details of the incident(s): date(s), time(s), location(s), etc.
- Name(s), position(s), or description(s) of the alleged perpetrator(s).
- Name(s), or description(s) of other witnesses.

The Program Director or assigned designee will:

- Investigate by obtaining written statements from the alleged victim, the alleged perpetrator, the person or persons reporting the abuse and all witnesses and the immediate supervisor if the alleged perpetrator is a staff member. Ask all individuals involved to sign the written document. If the complainant is reluctant to sign, do not pressure him/her and make a note of refusal or reluctance to sign. *If the alleged victim is unable to complete his/her own written statement due to a physical or mental deficit, this information must be noted with documented evidence of the physical or mental deficit.
- Advise the complainant, or his/her responsible party, of the method of processing the complaint, his/her rights which includes the right to seek legal remedies/action under the EADACPA, and/or details of the steps taken to assure the complainant's safety and confidentiality.
- Provide any necessary medical attention to the participant as soon as possible after the incident, either within the center or at a hospital, as appropriate.



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- Ensure the following principles apply during the investigation:
 - Full and fair treatment shall be provided to all parties concerned in the matter.
 - Staff shall be permitted legal representation where applicable.
 - The alleged victim(s) shall be permitted to have anyone of their choosing present during the investigation.
 - An advocate for the alleged victim(s) may be appointed if this is deemed to be in the best interest of the Participant(s).
 - The process shall be completed in as short a time as possible.
 - A witness or recorder for any interviews conducted during the investigation will be appointed.

- Take steps to ensure that:
 - The alleged perpetrator(s) shall not have unnecessary and unsupervised contact with the alleged victim(s) **and**
 - There is no possibility of the alleged perpetrator(s) committing similar or other offenses against other residents.

- This may be accomplished by:
 - Immediate suspension (with or without pay) of the alleged perpetrator (if a staff member) pending results of the investigation with the involvement of the Program Director, immediate Supervisor, CEO, or other designated staff member (Support Staff, Human Resources, etc.).
 - If the perpetrator is a participant, immediate removal of the participant from the center is warranted. The participant is to be placed on a mandatory hold until the investigation is completed, and the next appropriate steps are determined. Contact the participant's responsible party immediately to arrange for the participant to be picked up from the center. Contact all mutual care providers to report the incident and provide information regarding all the appropriate steps taken at the center.

- Report back to CEO, and Director of Clinical Services (if deemed appropriate), upon completion of the investigation. This report shall contain:
 - A statement of the facts (i.e., verbatim statements, supporting evidence).
 - Conclusions regarding the veracity of the abuse.
 - Recommendations for action (disciplinary/termination).



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- Maintain a confidential file of the report of the investigation including all statements and other documentation related to or generated by the investigation, and all Progress Notes documented in XCITE!™ related to the suspected or witnessed abuse.
- If the abuse was confirmed, the Program Director will, under the direction of the CEO:
 - Notify the accused of the results of the investigation.
 - Carry out recommendations of action that will consist of dismissal or removal of the perpetrator(s).
 - Place a summary of the complaint and investigation in the participant's file.
 - Document in a Progress Note in XCITE!™, the factual circumstances known of the incident as related by the resident (if able to do so), as related by other witnesses, and any injuries suffered by the participant and/or other parties involved.

Responsible Party: Upon completion of the investigation, the Program Director shall notify the family member/responsible party, guardian, committee custodian or public trustee, as appropriate, of the conclusions and outcomes of the investigation.

State Licensing Body: Following the investigation, if reasonable grounds exist to believe that a professional staff member has abused a participant and/or has acted unethically, the Program Director shall notify in writing, the staff member's professional association or licensing body (if applicable).

The Program Director, and CEO (if deemed appropriate) will:

- Convene a meeting, as soon as possible, with the appropriate staff members.
- Develop a plan of action.
- Minimize the possibility of a repeat of the incident.



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General Provisions:

The reporting and investigation of alleged participant abuse by staff can be difficult. Often the rights, safety and well-being of a number of parties are endangered. Staff conducting the investigation of alleged abuse must, therefore, make difficult decisions weighing not only the possible benefits or harm of their actions to individuals, but also, they must balance the rights of participants versus the rights and reputation of staff.

To guide the actions of staff with respect to alleged participant abuse, the following principles shall apply:

- The safety, well-being, reputation, and rights (including that of confidentiality) of participants **must be** considered prior to those of any other individuals or any institutions.
- The rights and reputation of staff who are accused of participant abuse shall be respected and fully safeguarded to the highest degree possible; however, when in conflict with those of the alleged victim, the rights and reputation of the alleged victim shall supersede those of the accused.
- If a complaint of abuse, reported against a staff member, is found to be erroneous, the Program Director shall take all necessary steps to ensure that the reputation of that staff member is restored to the fullest degree.
- If a complaint against a staff member is clearly distressing, the Program Director shall fully co-operate in any reasonable remedy the staff member may seek.
- Everything possible shall be done to reduce the impact of any abuse. This may include, but is not limited to:
 - Medical treatment of injuries
 - Diagnostic tests (i.e., for STD in the case of sexual assault)
 - Psychotherapy
 - Assistance with remedy of issues



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REFERENCES:

- <https://bermanlawyers.com/resource-center/california-elder-abuse-act/#:~:text=This%20law%20details%20your%20rights,the%20elder%20could%20seek%20out.>
- https://bermanlawyers.com/resource-center/how-to-report-elder-abuse-in-california/#What_to_Do_if_You_Suspect_Elder_Abuse_How_to_Protect_Your_Loved_One
- <https://bermanlawyers.com/resource-center/california-elder-abuse-penal-code-368/>
- [https://www.cdss.ca.gov/inforesources/cdss-programs/adult-protective-services/information-for-mandated-reporters#:~:text=Mandated%20reporters%20are%20required%20to,for%20for m\)%20within%20two%20days.](https://www.cdss.ca.gov/inforesources/cdss-programs/adult-protective-services/information-for-mandated-reporters#:~:text=Mandated%20reporters%20are%20required%20to,for%20for m)%20within%20two%20days.)
- <https://gokallaw.com/five-types-elder-abuse-california/>
- <https://www.lawgarcia.com/blog/what-is-californias-elder-abuse-and-dependent-adult-civil-protection-act/>
- <https://www.nia.nih.gov/health/elder-abuse/elder-abuse#types>