



Policies and Procedures

11/12/2013

Zero Tolerance Policy for Consumer Abuse or Neglect

1. Background

The California Legislature has adopted various laws to protect all children, dependent adults, and elder adults from various types of abuse and neglect. These laws also apply to consumers. This policy concerns the application of such laws to consumers of the Eastern Los Angeles Regional Center (ELARC).

2. Purpose

The purpose of this policy is to protect the interests of ELARC Consumers and their families by:

- Educating all mandated reporters about their legal obligation to report adult and child abuse.
- Requiring mandated reporters to fully comply with the adult and child reporting laws.
- Providing information to assist mandated reporters in reporting consumer abuse to the proper authorities.
- Describing the consequences resulting from a mandated reporter's failure to comply with the reporting laws and this policy. The implementation of this policy will assist in ensuring a safe and healthful environment to all individuals with a developmental disability who are provided services or supports by a service provider or a long-term health care facility.

3. Scope

Pursuant to the requirements in Article 1, Section 17 of ELARC's Master Contract with the State of California, the ELARC Board of Directors hereby adopts the following Zero Tolerance Policy for Consumer Abuse or Neglect. This policy applies to:

- All of ELARC's vendored service providers that provide direct services and supports (as defined by Welfare & Institutions Code (WIC) section 4512(b)) to individuals with developmental disabilities.
- All long-term health care facilities serving ELARC's consumers.

- ELARC Employees, if any, who are considered “mandated reporters” under either of the reporting laws;

***The Adult Reporting Law** -California WIC sections 15600-15675, known as the Elder Abuse and Dependent Adult Civil Protection Act (adult reporting law) provides that any person who has assumed responsibility for the care or custody of an adult consumer, including administrators, supervisors, and any licensed staff of a facility that provide care or services for adult consumers, is a mandated reporter. Under the adult reporting law, any mandated reporter who experiences any of the following shall report the abuse to the applicable governmental authorities (subject to certain limited exceptions described in the adult reporting law):*

- *Has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect of an adult consumer.*
- *Is told by an adult consumer that he or she has experienced abuse.*
- *Reasonably suspects the existence of adult abuse.*

***The Child Reporting Law** -California Penal Code sections 11164 – 11174.3., known as the Child Abuse and Neglect Reporting Act (child reporting law) provides that various categories of persons who interact with a consumer under the age of 18 are mandated reporters.*

Under Penal Code section 11166, any mandated reporter who has knowledge of or observes a person under 18 whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect (child abuse), shall report the abuse to the applicable government authorities (subject to certain limited exceptions described in the child reporting law). It is important to note that the list of mandated reporters who are obligated to report child abuse is different than the list of mandated reporters obligated to report adult abuse.

4. Definition

Abuse includes physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment which results in

physical harm, pain or mental suffering; or deprivation, by a person providing care and supervision, of goods and services which are necessary to avoid physical harm or mental suffering.

Physical Abuse: means the use or attempt to use force on the person of another, unreasonable physical constraint or prolonged or continual deprivation of food, water, or sexual abuse. It also means the use of isolation, physical or chemical restraint, or psychotropic medication without medical authorization for punishment.

Mental Suffering: is defined as fear, agitation, confusion, severe depression or other forms of emotional distress that is brought about by threats, harassment or other forms of intimidating behavior.

Neglect: is defined as the negligent failure of a person(s) having care or custody of a consumer to exercise a reasonable degree of care including, but not limited to, a failure to assist in personal hygiene and the provision of food, clothing, and shelter, or failure to provide medical care or protect the consumer from health and safety hazards.

5. Policy

Consumer abuse committed by employees of service providers or long term care facilities will not be tolerated. All such abuse or allegations of such abuse will be thoroughly investigated. Any abuse found to have been committed by a service provider or long term care facility employee will be referred to the appropriate authorities. ELARC will utilize all remedies available in statute and regulations to protect the health and safety of the consumer.

All ELARC Employees who are “mandated reporters” pursuant to the California Penal Code and all employees of service providers and long-term health care facilities who are mandated reporters shall strictly comply with the reporting laws at all times. A mandated reporter must (unless exempt under law) report all consumer abuse to the applicable governmental authorities immediately or as soon as possible after his or her discovery or reasonable belief that consumer abuse has occurred.

ELARC, Service Providers and long term health care facilities serving ELARC Consumers shall ensure their employees are fully informed upon hire and annually thereafter regarding ELARC’s Zero Tolerance Policy on Consumer Abuse and Neglect and the mandatory abuse and neglect reporting laws. Each employee must be knowledgeable of their responsibility to protect consumers from abuse and neglect, the signs of abuse and neglect, the process for reporting suspected abuse or neglect, and the consequences of failing to follow the law and enforce this policy.

If an ELARC employee, ELARC Service Provider or long-term health care facility becomes aware of consumer abuse or neglect, they shall take immediate action, to the extent permitted by law, to ensure the health and safety of the involved consumer and all other consumers receiving services and supports from ELARC. This obligation is in addition to those

obligations required of mandated reporters to report consumer abuse and neglect under the applicable reporting laws.