



PROCEDURE FOR REPORTING AND INVESTIGATING ABUSE, MISTREATMENT, NEGLIGENCE AND EXPLOITATION

THE IMAGINE! MONITORING OF SERVICE AGENCY INVESTIGATIONS OF ABUSE, NEGLIGENCE, MISTREATMENT OR EXPLOITATION

Imagine!, as the Case Management Agency, has the responsibility to monitor the health and safety of people with developmental disabilities receiving services in Boulder County. As part of that responsibility, the Imagine! Case Management Department will monitor the process and outcomes of all abuse, neglect, mistreatment or exploitation investigations conducted by Service Agencies in Boulder County.

Each Service Agency will have procedures for investigating allegations of abuse, neglect, mistreatment or exploitation that are in compliance with the Rules and Regulations of the Department of Human Services. These procedures must include a provision that the Imagine! Case Management department must be notified, at least verbally, of the allegation within 24 hours of the time the Director of the Service Agency receives the report of the allegation. A completed incident report must be sent to the Case Manager no later than 72 hours after the initial report of the incident.

Each Service Agency will follow its internal procedures for investigating allegations of abuse, neglect, mistreatment or exploitation, ensuring also that reports are made as appropriate and required to BCDSS, local law enforcement and the State Health Department. Reporting the incident to the Case Management Department does not absolve the responsibility of the Service Agency to report to the previously listed entities as required.

The final report of the internal investigation will be forwarded to the Imagine! Case Management Director, or designee, for review and referral to the Human Rights Committee. The Imagine! Case Management Department and the Human Rights Committee may wish to provide suggestions for and/or conduct additional investigations.

At any time during the internal investigation, the Service Agency may request the assistance of the Imagine! Case Management Department directly, or in consultation, with the investigation.

In general, the final report of the investigation should contain written documentation of the following items:

- Interview with victim(s) of alleged abuse, neglect, exploitation or mistreatment,*
- Interview with person(s) making allegations,*
- Interview with alleged perpetrator(s),*
- Interviews with witnesses to alleged incident (may include other consumers, staff family members, etc.),*
- Other interviews pertinent to incident,*

*Documentation of any physical evidence pertinent to the investigation,
Results of investigations of any external agencies that may be available,
A Summary of findings and actions taken by the Service Agency.*

IMAGINE! PROCEDURES FOR REPORTING AND INVESTIGATING ALLEGATIONS OF ABUSE, NEGLECT, MISTREATMENT OR EXPLOITATION

It is expressly prohibited to abuse, neglect, exploit or mistreat in any form, any person receiving services through Imagine!. Mistreatment, neglect, exploitation or abuse is defined as, but not necessarily limited to:

Physical Abuse which includes but is not limited to such actions as striking, pulling, pushing, twisting body parts, or inflicting any physical injury to a consumer by any means. Physical abuse includes directing one consumer to physically abuse another consumer.

Sexual Abuse which includes but is not limited to sexual assault, rape, fondling, sexual exploitation or any sexual interaction between staff and consumers.

Mental Abuse which includes any action which creates mental anguish for the consumer. These actions include but are not limited to discriminatory remarks, belittlement, derogatory name calling, teasing, unreasonable exclusion from conversation or activities and verbal abuse.

Neglect which includes the denial of meals, medication, habilitation and other necessities.

Exploitation includes any illegal or improper action affecting a person or use of the person's resources for another person's profit or advantage.

STAFF TRAINING

All new employees of the company will receive, as part of their orientation to Imagine!, training in identifying and reporting suspected mistreatment, neglect, exploitation and abuse. All employees of Imagine! will receive periodic updating of their initial training in the area of abuse, neglect, exploitation and mistreatment.

Staff members who have reason to assist consumers with daily physical care/hygiene activities will be alert to evidence of physical abuse, especially for individuals who have been determined to be at risk for such abuse.

Staff members who are in frequent contact with consumers will be alert to consistent signs of neglect or mistreatment such as lack of proper clothing for weather conditions, lack of appropriate medical care for illness/injuries, inadequate nutrition, sudden changes in behavior, etc.

REPORTING PROCEDURES - Children

All Imagine! employees who serve children are required by law to report incidents of suspected abuse and/or neglect to the Boulder County Department of Social Services (BCDSS) and/or to the

1400 Dixon Avenue, Lafayette, Colorado 80026-2790
Phone: 303-665-7789 Fax: 303-665-2648
www.imaginecolorado.org

appropriate local law enforcement agency.

When a staff person has reason to believe that an incident of abuse and/or neglect has occurred, regardless of the suspected source, an immediate verbal report will be made to the designated case manager for the child receiving services. In the absence of the case manager, a report will be made to the Children' Programs Director and as quickly as possible thereafter, to the case manager and to the Executive Director.

The case manager will ensure that the incident is reported appropriately to the Department of Social Services and/or appropriate law enforcement agency

If the child/family has an on-going caseworker through the Department of Social Services, the report will be made to that caseworker or, in their absence, to the caseworker's supervisor. If neither party is available, a report will be made to the Intake Unit of BCDSS.

If the child/family in question has had no previous, on-going involvement with BCDSS, the report will be made to the Intake Unit of BCDSS.

In the absence of the case manager, the individual to whom the incident was originally reported will ensure that the appropriate reporting procedure is followed.

The case manager and/or supervisor/administrator will ensure that an incident report is completed by the staff person(s) who originally suspected abuse, neglect, exploitation or mistreatment within 24 hours of the initial verbal report. The incident report will include all items specified under "**Imagine! Procedure for Incident Reporting**".

The case manager, in consultation with the BCDSS case worker to whom the abuse and/or neglect report is made will determine at what point the child's parents/guardian will be informed of the report. When the allegation is against the parents/guardian, they will not be informed until legal reporting requirements have been completed.

If the allegation of abuse, neglect, exploitation or mistreatment is against a Imagine! staff person or other party, the parents/guardian of the child will be informed of the incident and of the steps being taken by Imagine! to investigate the allegation.

REPORTING PROCEDURES -Adults

A staff person who has reason to suspect abuse, neglect, exploitation or mistreatment of an adult receiving services through Imagine! will make a report immediately upon discovery to a supervisor and/or the designated case manager for the consumer, regardless of the suspected source of abuse, neglect, exploitation or mistreatment.

The supervisor and/or case manager will ensure that the incident is documented according to Imagine! incident reporting policies and **Imagine! Procedure for Incident Reporting**" and that a verbal report of the incident is made as quickly as possible to the Adult Services, Supported Living or Community Living Director, the Case Manager, if not initially involved and to the Imagine! Executive Director. **The incident report will be completed no more than 24 hours after the incident.**

Depending on the severity and/or nature of the suspected abuse, neglect, exploitation or mistreatment, the information that the consumer is able to provide and the suspected source of the abuse, neglect, exploitation or mistreatment, a report will be made to the local law enforcement agency and/or the Adult Protection Services caseworker at BCDSS. It may be necessary for the Case Manager to obtain written authorization from the consumer and/or guardian to obtain the results of any investigation conducted by BCDSS Adult Protection

When the allegation of abuse, neglect, exploitation or mistreatment is against an Imagine! staff member, or a party other than a family member and/or guardian of the consumer, the parent/guardian will be informed of the incident and of the steps being taken to investigate the incident.

INVESTIGATION OF ABUSE, NEGLECT, EXPLOITATION OR MISTREATMENT OF PEOPLE RECEIVING SERVICES, BY IMAGINE! EMPLOYEES

When it has been alleged that an Imagine! employee has abused, neglected, exploited or mistreated a person receiving services, the Imagine! Executive Director, immediately upon being apprised of the incident, will appoint a committee of at least three individuals to investigate the allegation. The committee will report directly to the Executive Director and will be drawn from the following positions:

*The Director of Case Management Services or another
Imagine! Case Manager who will coordinate the investigation.
Imagine! Program Director or designees.
Imagine! R.N.*

Preliminary results of the Imagine! internal investigation will be reported within 24 hours of the original report of the incident. A full investigation of the incident must be completed within 10 working days of the initial report.

The coordinator of the internal investigation will be responsible for ensuring that a complete written record of the investigation, findings, and actions taken is made, and is available within 10 working days of the completion of the full investigation. The coordinator will assure that a referral of the incident is made to the Human Rights Committee for review and referrals were made to other agencies such as BCDSS or law enforcement as appropriate.

All investigation proceedings will honor the right to confidentiality of the staff person against whom allegations have been made.

In Medicaid funded group residential programs, the State Health Department will also be notified of the incident within 24 hours of its reporting to the Executive Director.

SANCTIONS TOWARD EMPLOYEES DURING INVESTIGATION OF ABUSE, NEGLECT OR MISTREATMENT

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All results of the Imagine! internal investigation, a Human Rights Committee investigation and other approved/required investigations by BCDSS and/or local law enforcement agency will be recorded, with the employee's knowledge, in the employee's personnel file.

The Director of the department will suspend the employee against whom allegations have been made, with or without pay, for the duration of the investigation.

Upon completion of all relevant and authorized or required investigations into the alleged incident, the Imagine! Executive Director, based upon the information in and recommendations of the various investigations, will determine the continued appropriateness and fitness for employment of the employee against whom allegations were made, and determine any special conditions of employment if appropriate.

The Imagine! Executive Director will inform the Board of Directors of the results of the investigation and actions taken, as appropriate.

The Imagine! Executive Director or designee will inform the parents/guardian /authorized representative of the consumer of the results of the investigation and actions taken, if appropriate.

The Imagine! Executive Director or designee will inform the chairperson of the Human Rights Committee of the results of the investigation and of any actions taken.