



EFFECTIVE DATE: 11/25/2019
SUPERSEDES: v.1 ABUSE, NEGLECT and EXPLOITATION
DEPARTMENT: Corporate - Human Resources
APPROVED BY: Bethany Alsobrook

SUBJECT: ABUSE, NEGLECT, EXPLOITATION AND HUMILIATION
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POLICY: Health and Safety Code §260A.002 and Texas Administrative Code, Title 40, Part 1, Chapter 19, §19.602(a) require any facility staff member who has cause to believe that the physical or mental health or welfare of a resident has been or may be adversely affected by abuse, neglect, exploitation or humiliation caused by another person to report the abuse, neglect, exploitation or humiliation. It is the policy of Moody Neurorehabilitation Institution to uphold these provisions. It is also the policy of this organization to assure that no retaliation occurs to the patient nor employee as a result of reporting an allegation.

PROCEDURE:

- A. Any person, owner, employee, volunteer, or resident/intern of this facility having cause to believe that any one of our patient's physical or mental health or welfare has been or may be affected by abuse, neglect, exploitation or humiliation caused by another person or persons shall report such by abuse, neglect, exploitation or humiliation immediately by completing an Incident Report informing his/her supervisor, and reporting by abuse, neglect, exploitation or humiliation to the licensing agency, Texas Health and Human Services Commission (HHSC), or any local or state law enforcement agency.
- B. It is the responsibility of the supervisor on duty, immediately upon receiving an allegation of abuse, neglect, exploitation or humiliation to take such action as may be required to separate the alleged perpetrator of the abuse, neglect, exploitation or humiliation from the alleged victim until the allegation can be investigated and appropriate action taken. This would include removing the alleged perpetrator from assigned supervision of the patient in question, if such assignment exists, until resolution is achieved on the allegation. The supervisor will immediately begin to investigate any allegation of abuse, neglect, exploitation or humiliation. The supervisor shall assure that no retaliation occurs to the patient or the reporting employee during this process.
 1. "Abuse" means the negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly or disabled person by the person's caretaker, family member, or other individual who has an ongoing relationship with the person; or sexual abuse of an elderly or disabled person, including any involuntary or nonconsensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.
 2. "Exploitation" means the illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with an elderly or disabled person that involves using, or attempting to use, the resources of the elderly or disabled person, including the person's social security number or other identifying information, for monetary or personal benefit, profit, or gain without the informed consent of the elderly or disabled person.



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3. "Neglect" means the failure to provide goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain.
4. "Humiliation" may include treatment in a manner that is demeaning or demoralizing, making fun of a person, or making an example of a person in a disrespectful manner.
5. All employees, volunteers, and residents/interns will be made aware of the abuse, neglect, exploitation or humiliation policy during new employee orientation. This is also a part of annual competencies for all staff.
6. All new employees, volunteers, and residents/interns will be required to sign an abuse, neglect, exploitation or humiliation form upon employment.
7. This form will state "As a condition of my employment I realize my criminal liability for failure to report abuse, neglect or exploitation of a Moody Neuro patient. I recognize that it is unlawful for the owner or an employee of an institution to retaliate against an employee for reporting abuse, neglect, exploitation or Humiliation of a resident. I further recognize that it is unlawful for a person to make bad faith, malicious or reckless report.
8. If after investigating a complaint of abuse, neglect or exploitation, and if the facility determines that there was indeed abuse, neglect, exploitation or humiliation, the employee will be discharged. The facility will report to local law enforcement agency and appropriate professional licensure agency.
9. If investigation does not provide conclusive evidence to substantiate a complaint, appropriate corrective action will be taken, up to and including discharge.
10. Any employee, guest, visitor or patient shall report abuse, neglect, exploitation or humiliation to a supervisor who will contact the Texas Health and Human Services Commission (HHSC), or any local or state law enforcement agency.
11. The responsible party for the patient will be notified of any investigation of abuse, neglect, exploitation or humiliation.



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12. Texas law requires that Moody Neuro immediately reports all allegations or suspected incidents of abuse, neglect, exploitation or humiliation to our licensing agency (HHSC). If the patient involved is a Comprehensive Rehabilitation Services (CRS) consumer, a report to (HHSC) will be made within 1 hour when possible upon receiving an allegation or becoming aware of a suspected incident of abuse, neglect, exploitation or humiliation and the (CRS) counselor and the facility liaison counselor will be notified within one working day. Any allegation made must be reported even if rescinded or known by Moody Neuro to be false.
13. Moody Neuro staff will cooperate fully with local law enforcement as well as investigating agencies including the Texas Department of Health and Human Services/CRS Program.