Abuse, Neglect, & Exploitation?

**Physical Abuse** is the use of physical force that may result in bodily injury, physical pain, or impairment. It includes the use of drugs and physical restraints, force-feeding, and physical punishment of any kind.

**Sexual Abuse** is non-consensual sexual contact of any kind with a vulnerable adult. This includes sexual contact with any person incapable of giving consent.

**Emotional or Psychological Abuse** is the infliction of anguish, pain, or distress through verbal or nonverbal acts. This includes insults, threats, intimidation, humiliation, and harassment; treating the person like an infant; isolating the person from their family, friends, or regular activities.

**Neglect** is the refusal or failure to fulfill any art of a person’s obligations or duties to a vulnerable adult. It includes failure to pay for life necessities (heat, electric, prescriptions, food, water, or medical treatment).

**Abandonment** is the desertion of a vulnerable adult by an individual who has assumed the responsibility of providing care for a vulnerable adult – or by a person with physical custody of a vulnerable adult.

**Financial or Material Exploitation** is the illegal or improper use of a vulnerable adult’s funds, property, or assets. This includes cashing a vulnerable adult’s checks without authorization or permission, forgoing their signature, coercing or deceiving them into signing any document, and the improper use of conservatorship, guardianship or power of attorney.

**Self Neglect** is the behavior of a vulnerable adult that threatens their own health or safety. This is generally seen when the vulnerable adult fails to provide themselves with adequate food, water, clothing, shelter, personal hygiene, medication (as prescribed), and safety precautions. This includes living conditions that are unsanitary or unclean (animal or insect infestation, non-functioning toilet); hazardous or unsafe living conditions (lack of indoor plumbing, heat, or running water); malnutrition or dehydration, inappropriate or inadequate clothing, grossly inadequate housing or homelessness.

Warning signs of elder abuse:

- Bruises, pressure marks, broken bones, abrasions and burns may indicate physical abuse, neglect or mistreatment
• Unexplained withdrawal from normal activities, a sudden change in alertness, and unusual depression may indicate emotional abuse
• Bruises around the breast or genital area may indicate sexual abuse
• Sudden changes in financial situation may be a sign of exploitation
• Bedsores, unattended medical needs, poor hygiene, and unusual weight loss may indicate possible neglect
• Behavior such as belittling, threats, and other uses of power and control by caregivers are indicators of verbal or emotional abuse

BE ALERT! If you suspect someone you care about is being abused, neglected or exploited, you can help! Most victims are ashamed or afraid and suffer in silence. Don’t hesitate to ask about what is happening.

CENTRALIZED INTAKE FOR ABUSE AND NEGLECT

(855) 444-3911
E-MAIL: DHS-CPS-CIGroup@michigan.gov
POLICY
It is the policy of Woodland Hospice to protect each client from abuse and neglect whenever possible, and to insure that any incidents are reported to the proper authorities for investigation, prosecution, and resolution.
All Woodland Hospice employees and volunteers must immediately report any witnessed or suspected reportable event to the proper authorities. Woodland Hospice, it’s employees and volunteers will fully comply with any requests during an investigation. Woodland Hospice employees and volunteers must never engage in any activity that may result in a client’s abuse or neglect.

Types of Reportable Events:
Adult abuse and neglect
A. VULNERABLE ADULT: Someone 18 years of age & older who, because of their age or physical or mental impairment, requires supervision, assistance or lacks the skills to live independently.
B. ABUSE: Client abuse is harm or threatened harm to an adult’s welfare caused by another person. This includes:
   1. Physical abuse: Inflicting or threatening to inflict physical pain or injury on a vulnerable adult, or depriving them of a basic need.
   2. Emotional abuse: Inflicting mental pain, anguish, or distress on an adult person through verbal or nonverbal acts.
   3. Sexual Abuse: Non-consensual sexual acts of any kind
C. NEGLECT: Harm to an adult’s health or welfare caused by the inability of the adult to respond to a harmful situation (self-neglect) or the negligent conduct of a person who assumes responsibility for a significant aspect of the adult’s health or welfare. (example: Failure to seek necessary medical treatment)
D. ABANDONMENT: The desertion of a vulnerable adult by anyone who has assumed the responsibility for care or custody of that person.
E. EXPLOITATION: The misuse of an adult’s funds, property, or personal dignity by another person.
Child abuse and neglect:
A. ABUSE: Harm or threatened harm to a child's health or welfare that occurs through non-accidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, by a parent, a legal guardian, or any other person responsible for the child's health or welfare.
B. NEGLECT: Harm or threatened harm to a child's health or welfare by a parent, legal guardian, or any other person responsible for the child's health or welfare that occurs through either of the following:
   1. Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care.
   2. Placing a child at an unreasonable risk to the child's health or welfare by failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk.

Criminal abuse and neglect falls into four categories:
A. Harmful neglect: A client may be suffering from harmful neglect if they experience:
   1. Suspicious and questionable injuries or death
   2. Unexplained weight loss or dehydration
   3. Unexplained skin breakdown or wounds
B. Assault and Battery: Woodland Hospice employee or employee of a facility where the client resides
   1. Threatens or strikes a resident
   2. Uses unauthorized and unnecessary physical and/or chemical restraints
C. Criminal Sexual Conduct: A Woodland Hospice employee or an employee of the facility where the client resides engages in unlawful sexual conduct with a client.
D. Embezzlement/Theft: A Woodland Hospice employee or an employee of a facility where the client resides
   1. Wrongfully removes funds from the client’s account
   2. Improperly obtains a loan or gift from a client
   3. Uses privileged personal information about the client to illegally obtain credit cards, etc., resulting in identity theft

Anti-Retaliation:
Woodland Hospice prohibits retaliation against any person who reports a good faith complaint of abuse or neglect or who participates in an investigation. Making false accusations of
abuse/neglect in bad faith can have serious consequences for those who are wrongly accused. Woodland Hospice prohibits making false and/or malicious allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination.

PROCEDURE

A. Woodland Hospice will not condone abuse or neglect by any of its employees or volunteers.

B. All Woodland Hospice employees and volunteers will receive annual training on abuse reporting and prevention. At annual training, they will sign the Receipt and Understanding of Sexual Abuse Policy that they received this training and received a copy of the policy.

C. All employees and volunteers at Woodland Hospice shall not knowingly:
   1. Attempt, with or without threats or promises of benefit, to induce another to fail to report an incident or suspected incident of abuse.
   2. Fail to report an incident or suspected incident of abuse.
   3. Alter, change, destroy, or render unavailable (without proper authorization) a report made by another
   4. Screen reports or withhold information to reporting agencies

D. An employee or volunteer who witnesses’ abuse or neglect must first secure client’s immediate safety and provide or arrange for medical and/or psychosocial care as needed. They must assess the client’s injury and document the description in the medical record.
   1. For residents of Woodland Hospice House, alleged perpetrator will not be allowed to be alone with victim until investigation is complete.

E. All employees or volunteers who witness or suspect an incident of abuse or neglect as defined above will immediately (within 24 hours) report to:
   1. Centralized Intake (State of Michigan DHS)
      5321 – 28th Street Court SE
      Grand Rapids, MI 49546
      (855) 444-3911 Toll Free Number
      DHS-CPS-CIGroup@michigan.gov
      i. The employee or volunteer who made the report to CPS must also complete a DHS 3200 form and fax it to Centralized Intake at (616) 977-1154 or (616) 977-1158
   2. If the victim is neither a child nor a vulnerable adult, the person who witnesses or suspected the abuse may talk to the victim and offer to assist the victim in placing a call to the local police to report the abuse.
   3. For residents of the Woodland Hospice House, the employee or volunteer who witnessed or suspects abuse or neglect must report it to the Nursing
Home Administrator. The Nursing Home Administrator must report all reports of witnessed or suspected abuse or neglect to MDCH:

i. Complete the BHS-OPS-362 online submission form found on the BHS website: [http://www.michigan.gov/mdch/0,1607,7-132-27417_27657_27962-130441--00.html](http://www.michigan.gov/mdch/0,1607,7-132-27417_27657_27962-130441--00.html)

ii. OR fax the BHS-OPS-362 form to (517) 241-0093

iii. OR call BHS at 1-800-882-6006 to report followed by a fax of the completed BHS-OPS-362 to (517) 241-0093

E. Document on a progress note the phone contact and retain a copy of any paperwork completed.

F. Record the contact on the Requests and Disclosures of Health Information located in the client’s chart.

G. Complete an incident report and follow Incident Report Procedure for investigation and follow up. Per Incident Report Procedure, investigation will be completed within 5 days. Woodland Hospice may use the results of the investigation completed by Adult Protective Services and/or MDCH rather than completing an independent investigation.

**NOTE:** This policy replaces the following policies: 3.4.7.3 Neglect and Abuse Assessment; 3.4.7.4 Adult Protective Services Referral; 3.4.7.5 Child Protective Services Referral; 3.7.13 Sexual Abuse; 7.4.2 Sexual Abuse; Patient Abuse; Patient Abuse, Mistreatment or Neglect
PURPOSE
This policy serves to establish policies and procedures prohibiting sexual harassment.

APPLICATION
The policies and procedures apply to all employees, students, volunteers and applicants for employment with Woodland Hospice.

REFERENCES AND LEGAL AUTHORITY
3. Department of Mental Health: Administrative Manual, Chapter 05, Section 010, Subject 004.
5. Bundy v. Jackson, U.S. Court of Appeals (421:621)
8. Radtke v. Everett and Clarke, Michigan Supreme Court, Number 92581, (1993)

DEFINITIONS
1. Sexual Harassment is defined as any unwelcome conduct of a sexual nature that adversely affects another person’s conditions of employment and/or employment environment. Such harassment includes but is not limited to:
   A. Sexual relations, sexual conduct, or the threat of or coercion for the purpose of sexual relations or sexual contact, that is not freely and mutually agreeable to both parties.
   B. Continual or repeated verbal abuse of a sexual nature, including but not limited to, graphic commentaries regarding the individual’s body, offensive jokes, sexually degrading words used to describe the individual, propositions of a sexual nature.
There are two basic types of sexual harassment: quid pro quo harassment and hostile (abusive) work environment.

2. Quid Pro Quo Harassment
   The threat of or insinuation that granting or denying sexual favors will affect the individual’s employment, wages, advancement, assigned duties, performance appraisal rating, or other conditions that affect the individual’s livelihood.

3. Hostile (Abusive) Environment
   Verbal, non-verbal, or physical behavior by the manager, other employees, or non-employee visitors such as outside vendors that focuses on the sexuality of another person or occurs because of the person’s gender, is unwanted or unwelcome, and has the purpose or effect of unreasonably interfering with a person’s job performance or has the purpose or effect of creating an intimidating or offensive work environment.

4. Unwelcome Conduct
   Any conduct or communication that a reasonable person in a similar circumstance would clearly consider unwelcome. The individual does not solicit or incite the conduct and considers the conduct undesirable or offensive.

5. Reasonable Person
   A gender-neutral perspective of a common person’s reaction to a similar environment under similar or like circumstances in which the alleged harassment took place with consideration to the victim’s perspective and not stereotyped notions of acceptable behavior or hypersensitive reactions.

POLICY
1. All employees, applicants for employment and non-employee visitors shall observe high standards of professional conduct in their relationships with others.
2. Sexual harassment of or by employees, persons seeking employment with Woodland Hospice and non-employee visitors is strictly prohibited, will not be tolerated under any circumstances and may result in disciplinary action up to and including termination.
3. The creation of a hostile work environment may be grounds for a sexual harassment complaint. Sexual harassment can be determined to have occurred even though there have been no consequences for not consenting to sexual advances.
4. Any manager must intervene in an incident of sexual harassment.
5. Employees who witness sexual harassment and do not intervene on the victim’s behalf or report the conduct may be subject to disciplinary action.

PROCEDURE
1. All agency programs shall conduct their activities in a way that ensures all individuals are treated in a fair and impartial manner.
2. Managers shall be responsible for ensuring ongoing training that promotes knowledge and understanding of the Woodland Hospice sexual harassment policy and procedures by all employees.
3. Employees may report incidents of sexual harassment to a manager or directly to the Executive Director. If a manager receives a formal or informal sexual harassment complaint, the manager shall forward that complaint to the Executive Director. If an employee has cause to complain of sexual harassment by the Executive Director, that employee’s manager may receive the complaint and refer it directly to the President of the Board of Directors who will then be responsible for the investigation and subsequent disciplinary action, if necessary.
4. Once a complaint is received, the Executive Director shall undertake an investigation to determine if the complaint has merit. The burden of proof lies with the complainant.
5. The Executive Director shall inform the complainant that in order to properly and objectively investigate a complaint of sexual harassment it may be necessary to disclose the identity of the complainant to the accused person and to other witnesses. If the complainant does not want his or her name to be disclosed, all steps possible will be taken to assure confidentiality.
6. Upon completion of an investigation, the Executive Director shall implement disciplinary action, if necessary, with a written determination for inclusion in the appropriate file.
7. Following are actions an employee, a group of employees, or an applicant for employment may take when they think sexual harassment has occurred:
   A. Seek confidential advice directly from the employee’s manager and/or Executive Director;
   B. Request that the Executive Director investigate the complaint and initiate actions to appropriately resolve the issue;
C. Employees may file a formal grievance according to Woodland Hospice policy;
D. Employment applicants may appeal directly to the Executive Director;
E. File a formal complaint with the State of Michigan or with the Federal Civil Rights Regulatory Agency.

8. In the event that a sexual harassment complaint is substantiated by the Executive Director, the report shall become a part of the personnel file of the accused. Depending upon the pervasiveness and/or severity of the behavior, further sanctions may also occur up to and including termination. Based upon the recommendations of the Executive Director, sanctions shall be determined by the Executive Director.

9. In the event that an employee does not agree with the substantiation of a sexual harassment complaint against them, the employee has the option of using the Woodland Hospice Employee Grievance Policy.

Note: This policy replaces Sexual Harassment 7.4
Woodland Hospice provides a safe workplace for all employees. To ensure a safe workplace, and to reduce the risk of violence, all employees review and understand all provisions of this workplace violence policy.

**Prohibited Conduct**
1. Woodland Hospice does not tolerate any type of workplace violence committed by or against employees, patients, families, visitors, and/or vendors. Employees are prohibited from making threats or engaging in violent activities.
2. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:
   a. Intimidation, harassment, assault, batter, stalking, or conduct that causes a person to believe that he or she is under a threat of death or serious bodily harm
   b. Inflicting or threatening injury or damage to another person’s life, health, well-being, family or property
   c. Possessing a firearm, explosive or other dangerous weapon or using an object as a weapon while on the premises or while on company business
   d. Abusing or damaging employee, volunteer, patient, family, visitor, vendor or organizational property
   e. Raising voices, using obscene or abusive language or gestures in a threatening manner
   f. Joking about any of the above conduct, which is also prohibited.
   g. Committing acts motivated by, or related to sexual harassment or domestic violence
3. Violence policy violations may result in arrest and/or prosecution.

**PROCEDURE**
1. Reporting Procedures
   Any potentially dangerous situations are reported immediately to the Executive Director or a member of the Leadership Team. Any circumstance involving immediate threat of harm to another person’s life, health, well-being, family, or property will be swiftly reported to authorities. Reports can be made anonymously and all reported incidents are investigated. Reports or incidents warranting confidentiality is handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation are counseled, and the results of the investigations will be discussed with them. Woodland Hospice actively intervenes at any indication of a possibly hostile or violent situation.
2. Risk Reduction Measures
A. Hiring: Woodland Hospice takes reasonable measures to conduct background investigations and reduce the risk of hiring individuals with a history of violent behavior.

B. Safety: Woodland Hospice conducts an annual inspection of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Any necessary action is taken to reduce all risks.

C. Individual Situations: While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the Executive director if any employee exhibits behavior that could be a sign of a potentially dangerous situation. Such behaviors include, but are not limited to:
   1. Discussing weapons and/or bringing weapons to the workplace
   2. Displaying overt signs of extreme stress, resentment, hostility, and/or anger
   3. Making threatening remarks
   4. Sudden or significant deterioration of performance
   5. Displaying irrational or inappropriate behavior.

D. Employees at Risk: The Leadership Team identifies and maintains a list of employees who have been determined to be at risk for becoming victims of violence because of the nature of their job or because they are subject to harassment, violence, or threats from a non-employee. Leadership Team, in collaboration with the Executive Director, designs a plan for at-risk employees to prepare for possible emergency situations.

3. Dangerous / Emergency Situations
   Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact, and talk to the individual. If a manager can be safely notified of the need for assistance, without endangering the safety of the employee or others, such notice is given. Otherwise, cooperate and follow the instructions given.

4. Enforcement
   Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts is subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on the employer’s premises are reported to the proper authorities and fully prosecuted.

Note: This procedure replaces 1.9 Workplace Violence