



## TITLE: ABUSE OR NEGLECT

### POLICY 2.0

Rev. September 2017

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#### PURPOSE AND SCOPE

This policy outlines Kokua's expectations for respectful treatment of clients and defines abuse, neglect or exploitation of a vulnerable adult. WAC 388-101-3330, DDA Policy 6.12

#### A. RESPECTFUL TREATMENT

Persons receiving support from Kokua shall be treated with kindness, respect, care and consideration at all times. Abuse, neglect, exploitation are prohibited by law and must be reported per the directives given in Kokua Policy 2.1. Discourteous or disrespectful treatment of people receiving support is not permitted under any circumstances. Any employee who treats a client in a disrespectful manner will be subject to disciplinary action, up to or including termination.

B. ABUSE is defined as the willful action or inaction that inflicts injury, unreasonable confinement, intimidation or punishment on a vulnerable adult. When a vulnerable adult is unable to express or demonstrate physical harm, pain or mental anguish, the abuse is presumed to cause physical harm, pain or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse and exploitation, which are presumed to have the following meanings:

C. PHYSICAL ABUSE means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to striking with or without an object, slapping, pinching, choking, shoving, hair pulling, ear pulling, kicking, dragging or any other action that may cause physical pain or harm to the client. It also includes the use of chemical or physical restraints, unless the restraints are consistent with licensing requirements, and includes permitted restraints that are otherwise being used inappropriately.

D. MENTAL ABUSE means any willful action or inaction of mental or verbal abuse, which causes mental injury or emotional distress to the client. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends or regular activity, and verbal assault that includes ridiculing, intimidating, yelling or swearing.

E. SEXUAL ABUSE means any form of nonconsensual sexual contact including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing and sexual harassment. Sexual abuse includes any sexual contact between a staff person and a client, or a staff person of a program authorized under Chapter 71A.12RCW, and a client living in that facility or receiving service from a program authorized under Chapter 71A.12RCW, whether or not it is consensual.

F. EXPLOITATION means an act of forcing, compelling, or exerting undue influence over a client, causing the client to act in a way that is inconsistent with relevant past behavior, or causing the client to perform services for the benefit of another.

- G. NEGLECT or ABANDONMENT means: (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a client, or that fails to avoid or prevent physical or mental harm or pain to a client; or (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the client's health, welfare, or safety, including, but not limited to, conduct prohibited under RCW 9A.42.100.
- H. FINANCIAL EXPLOITATION means the illegal or improper use of, control over, or withholding of the property, income, resources, or trust funds of a client by another person or entity for any person's or entity's profit or advantage other than the vulnerable adult's profit or advantage. Financial exploitation includes, but is not limited to:
1. The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult.
  2. The breach of a fiduciary duty, including, but not limited to, the misuse of power of attorney, trust, or guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of property or income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult: or
  3. Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity that knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or the use of his or her property, income, resources or trust funds.
- I. INJURY OF UNKNOWN ORIGIN means an injury that was not observed directly by the staff person, cannot be explained by the client and the injury is determined to not be reasonably related to the client's condition, diagnosis, known and predictable interaction with surroundings, or related to a known sequence of prior events.
- J. ASSAULT OF STAFF BY A CLIENT  
An employee of a community residential agency assaulted by an adult client, so that life or limb is in jeopardy, may protect him/herself; however, the employee should summon assistance so that the client may be more easily controlled and the element of personal struggle removed from the situation. A staff person may not retaliate in any way following a physical attack by a client, including the use of harsh language or the use of excessive force to restrain a client. Retaliation by a staff person is considered to be abuse per DDA Policy 6.12, Attachment B.
- K. TERMINATION DUE TO ABUSE OF A CLIENT  
An employee of Kokua who, after an investigation, is considered to be guilty of abuse, neglect or mistreatment shall be subject to immediate dismissal and prosecution pursuant to the law.
- L. EMPLOYEE TRAINING ON ABUSE, NEGLECT, ABANDONMENT AND EXPLOITATION  
All new employees, volunteers, interns or work study students will receive training in mandatory reporting and identification of abuse, neglect, abandonment and exploitation of vulnerable adults and children. All new employees, volunteers, interns and work study students must read and understand Kokua Policies 2.0 and 2.1 prior to working with clients. All such individuals must also sign Attachment B prior to working with clients. All employees must sign a copy of the attachment whenever it is updated.

## **Policy 2.0 Abuse or Neglect - Attachment A**

**CLARIFYING EXAMPLES OF ABUSE, NEGLECT, AND FINANCIAL EXPLOITATION** The following examples, which are not all-inclusive, are provided to assist staff in identifying suspected or actual abuse, neglect, and exploitation. **While many examples are straightforward, others may be less obvious and need to be considered in a larger context.**

### **A. Physical Abuse:**

- Biting
- Choking
- Kicking
- Pinching
- Pushing
- Shaking (especially a child under three years of age)
- Shoving
- Slapping
- Striking with or without an object
- Twisting limbs (joint torsion)
- Causing or willfully allowing the person to do bodily harm to themselves or
- Causing or willfully allowing another client to physically harm them
- Controlling a person through corporal punishment
- Not allowing the client to eat, drink, or care for physical needs such as elimination
- Retaliation following a physical attack, verbal abuse or other unwelcome action by a client
- Using excessive force when restraining an agitated client

### **B. Sexual Abuse:**

- Any sexual contact between staff or volunteer of a facility and a client whether or not it is consensual, inappropriate or unwanted sexual touching
- Intercourse
- Oral sex
- Rape
- Sexual coercion
- Sexual harassment
- Sexually explicit photographing, filming, or videotaping
- Showing, selling, or otherwise distributing pornographic materials
- Sodomy

### **C. Mental Abuse:**

- Coercion
- Harassment
- Inappropriately isolating a vulnerable adult from family, friends, or regular activity
- Making derogatory or disparaging remarks about a person and his/her family in front of the person or within hearing distance of any client
- Oral, written or gestural language threatening harm or intended to frighten clients
- Verbal assault such as ridicule, intimidation, yelling, or swearing .

**D. Neglect:**

Abandoning a client in situations where other persons, objects or the environment may injure the client

Allowing the physical environment to deteriorate to the point that a client is subject to hazardous situations, such as electrical, water, and structural hazards

Failure to provide care within acceptable standards

Failure to promptly respond to medical emergencies or requests for medical treatment

Failure to follow prescribed treatments or programs

Failure to attend to clients in hostile or dangerous situations

Failure to supervise which results in a client wandering, missing or running away

Willful failure to protect the client from physical abuse by another client or staff

Willful failure to protect a child from sexual contact with another child

**E. Exploitation:**

Using clients to perform work that should be done by paid employees

Using client financial resources for personal gain or for activities not related to client care



**ATTACHMENT B TO KOKUA POLICY 2.0**  
Effective 2017

**MANDATORY REPORTING OF ABANDONMENT, ABUSE, NEGLECT,  
EXPLOITATION, OR FINANCIAL EXPLOITATION OF A CHILD OR  
VULNERABLE ADULT**

All staff must read and sign this form prior to working with clients.

All administrators, employees, contractors, interns and volunteers of any existing or proposed contracted community residential services agency must abide by Washington State Law. This law prohibits abandonment, abuse, neglect, exploitation and financial exploitation of a child or vulnerable adult, and any related reporting procedures published by the Department of Social and Health Services.

Clients must be treated with kindness, respect, care, and consideration at all times. Abandonment, abuse, neglect, exploitation and financial exploitation are not permitted under any circumstances.

I have read the Kokua Policies 2.0 and 2.1 regarding the abuse, neglect, abandonment or exploitation of vulnerable adults and I understand the mandatory reporting requirements in its entirety. I also understand:

- The definitions of abandonment, abuse, neglect, exploitation and financial exploitation;
- My legal requirement as a mandatory reporter to report abandonment, abuse, neglect, exploitation and financial exploitation of a client;
- How to report abandonment, abuse, neglect, exploitation and financial exploitation of a client, including incident reporting procedures;
- Failure to report such incidents can result in a disciplinary action, including termination, and is a gross misdemeanor under Washington State Law and may be prosecuted; and
- My responsibilities to protect clients and other vulnerable adults and children from abandonment, abuse, neglect, exploitation and financial exploitation.
- I also acknowledge that I have had an opportunity to ask questions of my supervisor regarding this policy and have had those questions answered.

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PRINT LEGAL NAME

\_\_\_\_\_  
VOLUNTEER SIGNATURE

\_\_\_\_\_  
DATE

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WITNESS LEGAL NAME

\_\_\_\_\_  
WITNESS SIGNATURE

\_\_\_\_\_  
DATE