

Morgan Support Services

Abuse/Neglect/Exploitation (ANE) Training

What is Abuse?

Abuse is defined as:

- knowingly, intentionally, and without justifiable cause inflicting physical pain, injury or mental anguish.
- the intentional deprivation by a caretaker or other person of services necessary to maintain the mental and physical health of a person; or
- sexual abuse, including criminal sexual contact, incest and criminal sexual penetration.

Abuse can be **physical (as described above)**: inflicting pain, injury, and/or mental anguish. It can also be sexual or verbal:

Sexual Abuse is defined as the inappropriate touching of a person we support for sexual purpose or in a sexual manner, and includes kissing, touching the genitals, buttocks, or breasts, causing the person to touch another for sexual purpose, or promoting or observing for sexual purpose any activity or performance involving play, photography, filming, or depiction of acts considered pornographic. Sexual conduct engaged in by an employee with a person for whom they are providing services is sexual abuse per se.

Verbal Abuse is defined as profane, threatening, derogatory, or demeaning language, spoken or conveyed with the intent to cause mental anguish. Knowingly saying something that is upsetting to a person even if it isn't upsetting to most can be considered to be verbal abuse.

Mental Anguish is defined as a relatively high degree of mental pain and distress that is more than mere disappointment, anger, resentment, or embarrassment, although it may include all of these, and is objectively manifested by the person we support by significant behavioral or emotional changes or physical symptoms.

What is Neglect?

Neglect is defined as the failure of staff to provide basic needs of a person, such as clothing, food, shelter, supervision, and care for the physical and mental health of that person. Neglect causes, or is likely to cause, harm to a person. Failing to learn enough about the person to understand his or her specific needs and preferences can also be considered to be neglect.

If a person's services include a specified level of supervision, that means it has been determined that the specified level of supervision is required to avoid the likelihood that harm will come to the person. That means, for instance, that if you are hired to work 1:1 with a person and do not provide that level of supervision, you are guilty of neglect. You are not allowed to make an independent determination of the level of supervision that a person you support requires at any given time based on your assessment of the risk to that person. If you feel that the person does not require the level of supervision dictated by his/her services, you should bring that matter up to the Clinical Director. A change in level of services requires a change in the person's Individual Support plan, which includes having a team meeting, the care coordinator rewriting the plan, getting guardian signature on the revised plan, submitting the plan to the Utilization Management department of the MCO, and obtaining a written authorization when a specified date in which the change takes place. Your assessment that the person will be fine on his/her own for a while is not sufficient to override that process.

What is Exploitation?

Exploitation is defined as an unjust or improper use of a person's money or property for another person's profit or advantage, financial or otherwise.

You can borrow money or items from your friends, and you can buy items from him/her and sell items to him/her. You can't do that with the people we support. It doesn't matter if you are sure that the person understands the value of the exchange or if it would make the person really happy to loan something to you. If you borrow or buy anything from the person or sell anything to the person, you are guilty of exploitation.

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How can I tell if someone is being abused, neglected, or exploited?

Here are just a few examples and potential signs of abuse, neglect, and exploitation:

Physical Abuse Examples:

- Infliction of injury: bruising, lacerations, welts, burns, fractures or dislocations
- Hitting, slapping, biting, shaking or kicking
- Pulling arms, hair or ears
- Bending back fingers or bending an arm up behind the back
- Placing hot substances or non-food items in the mouth for swearing
- Physically restraining a person without approved reason or doing so without training/certification
- Actions that result in bodily harm
- Use of medication as a chemical restraint
- Depriving a person of services such as medical, therapeutic, or behavioral services that they need to remain healthy.

Verbal Abuse Examples:

- Intimidating gestures (such as shaking a fist, aggressive posturing, and others)
- Use of racial slurs
- Criticizing
- Name calling
- Yelling or screaming
- Using ridicule or demeaning language
- Using threats
- Speaking in a way or about a topic known to cause the person to be upset

Sexual Abuse Examples:

- Engaging in any sexual contact
- Exposure to pornographic materials
- Making sexual advances
- Harassment of a sexual nature that demeans, humiliates or embarrasses
- Inappropriate touching
- Sexual innuendo

Possible Signs of Abuse:

- Typical response by the person changes without explanation
- The person exhibits unusual fear or anxiety
- The person has sudden unexplained changes in his/her behavior
- The person is injured or bleeding from around his/her genitals
- The person flinches/cowers in presence of staff or another trusted person
- Injuries sustained by the person that cannot be explained, or the explanation does not match the injury
- Signs of pain experienced by the person are unexplained
- There are unexplained changes in the person's sleeping patterns, appetite, or actions
- The person has an increased need to seek approval or comfort
- The person does not seem to be him or herself and there is no apparent cause for the change

Neglect Examples:

- Not supervising a person as required to keep him/her safe
- Allowing the person to spend long periods of time in own feces or urine
- Allowing the person to have untreated medical conditions

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- The provider has assigned insufficient staff to meet the needs of the persons they support
- Failing to follow-up on health/medical symptoms
- Has unhealed sores or untreated injuries
- Medication is administered by untrained staff
- G-tube protocols are not followed as prescribed
- Failing to follow a positive behavior support plan or crisis plan
- Unsafe living conditions
- Providers not providing person-specific training
- Leaving someone in a hot car, unattended
- Failing to seek medical attention in a timely manner
- Failing to follow expected procedures outlined in emergency response plans, health care plans, therapy plans, mealtime plans, etc.
- Medication error that results in the need for medical treatment
- A prescribed medication is delivered to the wrong person
- There are unexplained changes in the person's sleeping patterns and appetite

Possible Signs of Neglect:

- The person has a foul odor of urine or feces
- The person is malnourished or dehydrated
- The person has experienced significant weight loss without dieting or medical reasons
- The person is not dressed appropriate for weather conditions
- The person has poor dental hygiene
- The person has illness or injuries that are not being treated
- The person is left alone when they are supposed to be supervised
- The person has frequent constipation episodes
- The person has frequent trips to the emergency room
- The person's food, medication or personal care is withheld
- The person exhibits a failure to thrive (not linked to diagnosis)
- The person has multiple small bruises
- The person's adaptive equipment is not individualized or in working condition.

Examples of Exploitation:

- Use of the person's funds to meet staff's needs
- Taking person's cash.
- Taking person's clothing or other belongings
- Borrowing person's possessions, for example, DVDs, watches, and others
- Staff's use of person's transportation for his/her own purposes
- Forcing to sell or give away property or possessions
- Staff's use of the person's food stamps to purchase food for him/herself
- Borrowing money, even if offered by the person and/or reimbursed to the person
- Providers charging business expenses to the person

Possible Signs of Exploitation:

- The person is regularly denied outings and activities due to a lack of funds
- The person has insufficient money to meet normal budgetary expenses
- The person's cost of living expenses are not fairly divided between housemates
- The person's money is not accounted for

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- The person's personal funds accounting records indicate unusual or inappropriate purchases
- The person's personal funds are used to pay for household items they do not use tank or internet service
- The person does not have access to personal funds
- The person's money, household goods or personal property (television, iPad, computer, clothing, etc.) disappear
- The person's personal funds are not adequately overseen
- The person's funds are used to supplement another person's needs

What do I do if I think or know that someone has been abused, neglected, or exploited?

You are required to report any suspected abuse, neglect, or exploitation. MSS Policy 2.1 Human Rights includes the following information:

Any employee of a facility who witnesses or has knowledge of a violation of abuse/neglect/exploitation or of an accidental injury to a program participant shall report the violation/injury to authorized personnel. Violation of this rule is a Class 3 misdemeanor punishable only by a fine.

- ***If you don't report an incident of possible abuse, neglect, or exploitation, you are committing a misdemeanor.***

No employee making a report may be threatened or harassed by any other employee or volunteer because they made a report.

- You won't get in trouble for making a report of possible abuse, neglect, or exploitation.

The identity of an individual who makes a report or who cooperates in an ensuing investigation may not be disclosed without his/her consent, except to persons authorized by the facility or by state/federal law to investigate them, or in a grievance or personnel hearing or civil/criminal action in which a reporting individual is testifying or when disclosure is legally compelled.

- You can remain anonymous when you make a report of possible abuse, neglect, or exploitation for the most part.

*Any employee who makes a report **in good faith** is immune from civil liability.*

- So long as you really feel like you are reporting a possible case of abuse, neglect, or exploitation, you will be okay.

MSS will investigate or take provisions for the investigation of all allegations of abuse, neglect, and/or exploitation.

- We will investigate every single report of possible abuse, neglect, or exploitation that we receive.

All instances of alleged or suspected abuse, neglect or exploitation of a person receiving services shall be reported to the County Department of Social Services. The report will include:

1. *Name and address of the person*
 2. *Age of the person*
 3. *Nature and extent of the injury or condition resulting from abuse or neglect*
 4. *Any other pertinent information regarding the person*
 5. *Name, address and telephone number of the staff member filing the report*
- This is one of the steps that the agency takes when we receive a report of possible abuse, neglect, or exploitation.

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Allegations against MSS staff will be reported as required to the Healthcare Registry and an investigation completed, all within the guidelines and time frames required.

- This is a step we take if the allegations of abuse, neglect, or exploitation are against one of our own staff.

What if we hear a person we support talk about having been abused, neglected, or exploited?

Any staff person who observes or overhears a person who receives service making any mention of having been the recipient of physical abuse, verbal abuse, neglect, or exploitation by a staff person with MSS, a staff person with another agency, a natural support, a peer, or any other person is required to report that information within 30 minutes using the internal incident reporting system. Any language at all suggestive of a physical or other encounter that might in any way be interpreted to be related to abuse, neglect, or exploitation of any kind is to be reported. The reporting requirement exists for each and every person who is present to observe or overhear the information, even if each staff person has identical information to report.

What if we're pretty sure the person is lying for attention or to get someone else in trouble?

See paragraph above.

What if we know the person says stuff like that all the time even though there is no evidence of abuse, neglect, or exploitation?

Any exceptions to this reporting policy will be made in writing and approved by the person's guardian, the care coordinator, and MSS' human rights committee. The exceptions will be reviewed on at least a quarterly basis by the Clinical Director with documented team input and at least annually by MSS' human rights committee. This exception is intended only to apply in situations in which it is well documented that the person makes statements regarding abuse without intent to report actual abuse.

Anything else I need to know?

You are required to report abuse, neglect, or exploitation any time you see it – not just when you are working for us and not just regarding the people we support. If you work somewhere else with different people, the same requirement applies. If you're out eating dinner at a restaurant and observe something at another table involving any person you know to be receiving services, you are required to report. If someone we support makes a statement that someone else in his/her home is being abused, neglected, or exploited, you are required to report.

Regardless of where you encounter the information that you need to report or who it may involve, you can report it through our system or by reporting it directly to a member of management. If, however, you feel that the matter was not or could not be addressed through our agency – if it involves a member of our management, for instance – you can report it directly to NC Adult Protective Services.

- Guilford County DSS, Ms. Sharon Barlow, Director. 336/641-4967; 1203 Maple Street, Greensboro, NC 27405
- Forsyth County DSS, Ms. Christine M. Dowdell, Director. 336/703-3401; 741 North Highland Avenue, Winston-Salem, NC 27101
- Alamance County DSS, Ms. Sharon Scott, Director. 336/570-6532; 319 North Graham Hopedale Road, Suite C, Burlington, NC 27217