

SECTION 7A: EMERGENCY MANAGEMENT & ENVIRONMENTAL SAFETY	POLICY: 7A.13
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PURPOSE:

- To provide a consistent process for identifying, assessing, and reporting victims of alleged or suspected abuse, neglect, or exploitation in compliance with applicable laws and regulations.
- To protect and uphold patients’ rights to be free from neglect or exploitation; and verbal, mental, physical, and sexual abuse while receiving care, treatment and/or services from the organization.

POLICY:

- The Agency and its representatives are committed to making all reasonable efforts to recognize and prevent neglect, exploitation, and abuse of patients while they are receiving care, treatment and/or services from the Agency.
- The Agency recognizes that there can be no guarantee of the patient’s protection from neglect, exploitation, or abuse because abuse is generally intermittent and Agency services account for a minimal amount of time and interaction between Agency staff and family in the home environment.
- Agency staff must report the abuse, neglect, or exploitation of patients, where the staff member knows or suspects that such abuse, neglect, or exploitation has occurred.
- Healthcare professionals are not liable for either civil damages or criminal prosecution because of making such a report unless it is proven they made a false report with malice.
- All nursing staff, receive training for abuse prevention and recognition strategies during orientation and annually thereafter.

PROCEDURE:

- Training program content shall include, but is not limited to:
 - Adult / Child: Neglect, exploitation, and abuse:
 - Definitions, Types & Descriptions
 - Risk factors
 - Signs and symptoms
 - Reporting requirements - Agency policy and procedure; State law



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- On admission, and as necessary while receiving services from the Agency, the nurse shall assess and document the patient’s level of risk for neglect, exploitation and/or abuse.
- Any potential or actual incidents of neglect, exploitation or abuse are reported to the Clinical Supervisor, Director of Nursing, or Agency Director and documented with the clinical visit. Documentation in the patient record should include a description of the abusive situation, that the call was placed and to whom.
- The incident is reported to the appropriate authorities as required by law. The Clinical Supervisor, Director of Nursing, or Agency Director is responsible for ensuring that all allegations, observations, and suspected cases are reported to the appropriate state authority.
 - **Kentucky:** 877-597-2331 (adult/child)
 - **Indiana:** 800-800-5556 (child), 800-992-6978 (adult)
 - **North Carolina:** Report to [local Social Services](#) and 1-800-4-A-CHILD
 - **South Carolina:** 800-645-9789 (child), 803-898-7601 (adult)
 - **Virginia:** 800-552-7096 (child), 888-832-3858 (adult)

LIABILITY:

- It is a crime to fail to report suspected abuse, neglect, or exploitation of a child to the appropriate authorities.
- A person mandated to report, who fails to report an instance of child abuse, neglect, or exploitation which he or she knows to exist or reasonably should know to exist, is guilty of a misdemeanor and is punishable by law.
- Failure to report suspected child abuse, neglect or exploitation could also result in civil liability. A person who is mandated to report suspected abuse, neglect, or exploitation, but does not do so, could be held responsible for the cost of any damage to the child.
- Persons mandated to report: childcare custodians, medical practitioners and nonmedical practitioners are protected from civil and criminal liability. This means that these persons may

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not be prosecuted or held personally liable, even if subsequent investigation determines that the reported abuse, neglect, or exploitation did not occur.

- Immunity from liability also extends to the taking of photographs and dissemination of these photographs with required reports.
- Persons not mandated to report: persons not mandated to report are nevertheless encouraged to report suspected child abuse, neglect or exploitation and neglect. Such persons who do report are protected from civil and criminal liability. However, making a false report, constitutes a misdemeanor.

