

# *Independent Haven*

## Maltreatment of Vulnerable Adult Reporting and Investigation

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**Accountability:** All Staff

**Document No.:** 730.00

**Reference:** 245A.66

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### **Policy:**

It is the policy of Independent Haven to protect the clients served who are vulnerable to maltreatment and to require the reporting of suspected maltreatment of vulnerable adults.

### **Procedure:**

#### **Immediate steps that must be taken when there is a witnessed incident/allegation of maltreatment:**

1. If a staff person witnesses any maltreatment of a client, the staff person will intervene to stop the maltreatment while it is occurring if possible without the staff person endangering him or herself. The staff person shall take appropriate steps to get the vulnerable adult(s) to a place of safety.
2. Call 911 immediately, if the situation appears violent or is escalating and likely to become violent or if a crime is occurring or is suspected. If the alleged perpetrator will not leave the building, police will be called.
3. If the victim has been injured, staff will provide first aid and/or call 911 as appropriate.
4. If a staff person is an alleged perpetrator of maltreatment of a client, the staff person will be directed to leave the building immediately and will be put on administrative leave of absence until further notice.
5. If a crime has occurred or is suspected, staff will take steps to preserve any evidence that may be needed in a police investigation.
6. Staff is required to report to the MAARC when a client has sustained a physical injury which is not reasonably explained. Such physical injuries may include, but are not limited to, unexplained bruises, skin tears, lacerations, or fractures. The RN or Residential Supervisor will be notified of such unexplained injuries and will work with the RN Manager and/or Program Manager to conduct an internal investigation, as described below, to determine whether a report to the MAARC is required.

### **Mandated Reporting:**

- All staff are mandated reporters. As a mandated reporter, if you know or suspect that a vulnerable adult has been maltreated, you must report it immediately. Immediately means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.
- **Minnesota Adult Abuse Reporting Center (MAARC)** is the state-wide common entry point for accepting reports of suspected maltreatment of vulnerable adults.
  - 1-844-880-1574
- **Internal Reporting Process:** Any staff person who witnesses or suspects any form of maltreatment to a client as defined in law; including self-neglect or client-to-client abuse must complete an Incident Report . Notification must be made immediately by staff to the

# *Independent Haven*

## Maltreatment of Vulnerable Adult Reporting and Investigation

---

Residential Supervisor or the on-call Residential Supervisor. Staff may always choose to report any incident directly to MAARC in addition to reporting to the Residential Supervisor.

### **Internal Investigation Process:**

1. When an incident report is received, the Residential Supervisor is responsible for deciding if a report to the MAARC is required. If that person is involved in the suspected maltreatment, the Program Manager or RN Manager will assume responsibility for deciding if the report must be forwarded to MAARC.
2. The report to the MAARC must be as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.
3. If staff has reported internally, they must receive, within two working days, a written notice that tells them whether or not the report has been forwarded to the MAARC. The written notice must be given to staff in a manner that protects their confidentiality as a reporter. If staff is not satisfied with the action taken by Independent Haven on whether to report the incident to the MAARC, staff may still make an external report to the MAARC. The written notice must also inform staff that they are protected against retaliation by Independent Haven if a good faith report is made to the MAARC (see below).
4. When Independent Haven has reason to know that a report to MAARC has been made by staff of alleged or suspected maltreatment, Independent Haven must complete an internal review and take corrective action, if necessary, to protect the health and safety of clients.
5. The internal review must include an evaluation of whether:
  - a. Related policies and procedures were followed
  - b. The related policies and procedures were adequate
  - c. There is a need for additional staff training
  - d. The reported event is similar to past events with the client(s)
  - e. There is a need for corrective action by Independent Haven to protect the health and safety of the client(s)

### **External Reporting Process:**

- **Immediate Report to MAARC Required:** Upon hearing the witness' description of the incident, if the incident appears to be suspected abuse, neglect or financial exploitation, the Residential Supervisor shall immediately make a report to the MAARC. "Immediately" means as soon as possible, but no longer than 24 hours from the time the Residential Supervisor received initial knowledge that the incident has occurred.
- **Contact Police if a Crime Has Been Committed:** Upon hearing the witness' description of the incident, if it appears that a crime has been committed, the Residential Supervisor will immediately contact the police if the witness has not already done so.
- **Report to MAARC if Unsure Whether Maltreatment Has Occurred:** If it is unclear based on the witness' account of the incident whether maltreatment has occurred, the Residential Supervisor, in possible coordination with the RN and the Program Manager or RN Manager, will immediately begin investigating the incident. If within the 24 hours following the initial incident report, the Residential Supervisor is still unsure whether reportable maltreatment has occurred, the Residential Supervisor will make a report to the MAARC.

# *Independent Haven*

## Maltreatment of Vulnerable Adult Reporting and Investigation

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- **Information to include in Report to MAARC:** When making an initial report to the MAARC, the Residential Supervisor should provide as much of the following information, as possible. What to report should include the following:
  - The reporter's name, address and telephone number
  - Identity of the client
  - The nature and extent of suspected maltreatment
  - Time, date and location of the incident
  - The names of all persons involved, including but not limited to persons suspected of maltreatment, alleged victims and witnesses
  - Any evidence of previous maltreatment
  - Any other information that might be helpful in the investigation, such as information already gathered during the internal investigation and other information that is being sought in the internal investigation
  - Medical records, if necessary to comply with the reporting requirement, may be submitted.
  - MAARC may require the Residential Supervisor to submit a written report

### **Retaliation Prohibited:**

Independent Haven and our staff will not retaliate against any person who reports suspected maltreatment in good faith and will not retaliate against a client about whom a maltreatment report is made. Retaliation that is prohibited includes, but is not limited to the following:

- Termination of services provided or termination of the lease
- Discharge from or termination of employment
- Demotion or reduction in salary/compensation
- Restriction or prohibition of access to the building or its clients
- Any restriction of the client's rights as spelled out in the home care bill of rights or service recipient rights.

### **Education of Staff:**

Independent Haven will ensure that each new mandated reporter receives an orientation within 72 hours of first providing direct contact services to a vulnerable adult and annual thereafter. The orientation and annual review will inform the mandated reporter of the reporting requirements and definitions under Minnesota Statutes, the requirements of the statutes, and all internal policies and procedures related to the prevention and reporting of maltreatment of Independent Haven's client.

### **Orientation for clients:**

1. Independent Haven will provide an orientation to the internal and external reporting procedures to all clients. The orientation will include the telephone number for MAARC. A client's legal guardian must be notified of the orientation
2. Independent Haven will provide this orientation for each new client within 24 hours of admission, or for clients who would benefit more from a later orientation; the orientation may take place within 72 hours of admission.