

ABUSE AND NEGLECT

Applicability: This policy applies to all Oak Hill employees.

Oak Hill does not tolerate any physical, verbal or psychological abuse, neglect, corporal punishment or any other mistreatment of program participants, even in the name of discipline and safety.

Any employee who observes or suspects any abusive treatment or neglect of a program participant shall intervene immediately on such individual's behalf and report the matter to an Oak Hill supervisor or administrator as soon as practically possible. Even if an employee does not directly observe the infliction of abuse but suspects that it may be occurring, he/she must still report the situation to an Oak Hill supervisor or administrator.

Employees who directly serve program participants in any capacity at a program location are considered "mandated reporters" under Connecticut state law. All other employees are also expected to report observed or suspected incidents of abuse and neglect. In addition to reporting observed or suspected incidents of abuse or neglect to Oak Hill supervisors, employees must also make a report to the Connecticut Office of Protection and Advocacy for Persons with Disabilities within five calendar days. Suspected abuse or neglect of persons sixty years of age and older must be reported to the Connecticut Department of Social Services. Suspected abuse or neglect of persons under age eighteen must be reported to the Connecticut Department of Children and Families. Under state law, any employee who fails to make such a report may be fined up to \$500. Under most circumstances, any employee who makes a report or who testifies in any legal proceeding arising from such report shall be immune from civil and criminal liability on account of such report.

Consistent with the Elder Justice Law, as set forth in the federal Patient Protection and Affordable Care Act of 2010, every Oak Hill employee, agent, Board member, vendor and volunteer is required to report any reasonable suspicion of a crime against a program participant who is age 60 or older to the Secretary of Health and Human Services and local law enforcement officials. The alleged crime may be in the form of abuse, neglect or financial exploitation. The individual must also report the alleged crime to a Community Programs Administrator. If the suspected criminal activity results in serious bodily harm, the individual is required to report the incident immediately, but no later than 2 hours after forming a suspicion that a crime has occurred. If bodily harm is not evident, the incident must be reported within 24 hours. Failure to make a timely report may result in civil monetary penalties of up to \$200,000; if the lack of a timely report results in exacerbation of harm to the victim, the penalty may be up to \$300,000. In either case, the Secretary has the right to exclude the non-reporting individual, as well as Oak Hill, from participating in federal health care programs.

Upon receiving a report of alleged abuse or neglect of an Oak Hill program participant, Oak Hill administration will ensure that the program participant receives the appropriate and necessary medical treatment and that the appropriate state agencies have been notified. In addition, Oak Hill will conduct a thorough fact-finding or investigation. If appropriate, an Oak Hill program supervisor or administrator will report the matter to the police. If abuse or neglect is substantiated, Oak Hill will take appropriate disciplinary action in accordance with its policies. Any reports of suspected abuse or neglect made by the general public will be handled in the same manner. Oak Hill will not retaliate against any individual who reports alleged abuse or neglect in good faith.

In addition to timely reporting suspected abuse or neglect, employees are also required to fully cooperate in any investigation in a timely manner which includes providing thorough, complete, accurate and truthful information. To this end, employees may not reveal the fact that an allegation has been made, or discuss the substance of an allegation, with anyone connected with the investigation, including but not limited to: the complainant; the victim; Oak Hill employees; and third-party witnesses, unless directed to do so by a supervisor. Employees may also be called upon to testify at appropriate administrative or judicial proceedings. Failure to report suspected abuse or neglect or to cooperate in an investigation of such incident is a serious violation and shall result in disciplinary action up to and including discharge from employment.

Any employee who is charged with or investigated for abuse or neglect outside of his/her employment with Oak Hill must report the situation to Oak Hill's Director of Human Resources and update any information on the progress or disposition of any such charge or investigation. The employee will be asked to complete an authorization for information from the state agency of cognizance concerning the charge or investigation. If abuse or neglect is substantiated against the employee, the employee may be subject to layoff for failure to meet new or ongoing qualifications. The employee's failure to notify Human Resources about a charge or investigation involving the employee, and/or refusing to authorize the release of information concerning the charge or investigation, may result in disciplinary action, up to and including discharge from employment.

For purposes of this policy, the definition of "abuse" and "neglect" shall be determined by applicable state law and the appropriate state agency of cognizance. The definition of "abuse" includes, but is not limited to, the willful infliction of physical pain or injury or the willful deprivation by a caretaker of services which are necessary to the person's health or safety. It may also include a condition that is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, emotional maltreatment or cruel punishment. The definition of "neglect" includes, but is not limited to, a situation where a person with mental retardation is not receiving the services which are necessary to maintain his/her physical and mental health.

Cross-reference: Administrative Leave
 Code of Ethics
 Conflicts of Interest
 Discipline and Discharge

Mission and Core Values
Standards of Conduct and Workplace Behavior

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