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| **MONTCALM CARE NETWORK**  **611 North State Street, Stanton, MI 48888** | |
| SUBJECT: Recipient Abuse and Neglect | Section: 8905 |
| Effective Date: July 26, 1983 | Revised Date: March 4, 2008; June 25, 2013; February 27, 2018 |
| Version: 3 | Status: Current |

1. A recipient of the Montcalm Care Network willnot be subjected to abuse or neglect.
2. "Abuse" means non-accidental physical or emotional harm to a recipient, or sexual contact with or sexual penetration of a recipient, as those terms are defined in section 520a of the Michigan Penal Code, 1931 PA 328, MCL 750.520a, that is committed by an employee or volunteer of the Montcalm Care Network or by an employee or volunteer of a service provider under contract with the Montcalm Care Network. Abuse is further defined as:
   1. Class I - A non-accidental act or provocation of another act by an employee, volunteer, or agent of a provider that caused or contributed to death, serious physical harm or sexual abuse of a recipient;
   2. Class II - Any of the following:
      1. A non-accidental act or provocation or another act by an employee, volunteer, or agent of a provider that caused or contributed to non-serious physical harm to a recipient;
      2. The use of unreasonable force on a recipient by an employee, volunteer, or agent of a provider with or without apparent harm;
      3. An action or provocation of another to act by an employee, volunteer, or agent of a provider that causes or contributes to emotional harm to a recipient;
      4. An action taken on behalf of a recipient by assuming incompetence, although a guardian has not been appointed or sought, that results in substantial economic, material, or emotional harm to the recipient;
      5. Exploitation of a recipient by an employee, volunteer, or agent of a provider.
   3. Class III - means the use of language or other means of communication by an employee, volunteer, or agent of a provider to degrade, threaten, or sexually harass a

recipient.

* + 1. “Threaten” means any of the following:
       - to utter intentions of injury or punishment against:
       - to express a deliberate intention to deny the well-being, safety, or happiness of somebody unless the person does what is being demanded.
    2. “Degrade” means any of the following:
       - Treat humiliatingly: to cause somebody or something a humiliating loss of status or reputation, or cause somebody a humiliating loss of self-esteem
       - make worthless: to cause people to feel that they or other people are worthless and do not have the respect or good opinion of others

Section: 8905 Subject: Recipient Abuse and Neglect Page: 2

Degrading behavior shall be further defined as any language or epithets that insult the person’s heritage, mental status, race, sexual orientation, gender, intelligence etc.

1. "Neglect" means an act or failure to act committed by an employee or volunteer of the Montcalm Care Network; a service provider under contract with the Montcalm Care

Network; or an employee or volunteer of a service provider under contract with the Montcalm Care Network, that denies a recipient the standard of care of treatment to which he or she is entitled under the Mental Health Code. Neglect is further defined as:

* 1. Class I - Either of the following:
     1. Acts of commission or omission by an employee, volunteer, or agent of a provider that results from noncompliance with a standard of care or treatment required by law, rules, policies, guidelines, written directives, procedures, or individual plans of service and that cause or contribute to serious physical harm to or sexual abuse of a recipient;
     2. The failure to report apparent or suspected abuse Class I or neglect Class I of a recipient.
  2. Class II - Eitherof the following:
     1. Acts of commission or omission by an employee, volunteer, or agent of a provider that results from noncompliance with a standard of care or treatment required by law, rules, policies, guidelines, written directives, procedures, or individual plans of service and that cause or contribute to non-serious physical harm or emotional harm to a recipient;
     2. The failure to report apparent or suspected abuse Class II or neglect Class II of a recipient.
  3. Class III - Either of the following:
     1. Acts of commission or omission by an employee, volunteer, or agent of a

provider that result from noncompliance with a standard of care or treatment required by law, rules, policies, guidelines, written directives, procedures, or individual plans of service that either placed or could have placed a recipient at risk of physical harm;

* + 1. The failure to report apparent or suspected abuse Class III or neglect Class III of a recipient.

1. All Montcalm Care Network employees, volunteers, or agents of contract providers are required to report suspected incidents of abuse of neglect, or any allegations of abuse or neglect made by a recipient to the proper authorities [refer to procedure #8905A].
2. Any instance of physical, emotional, or sexual abuse, acts resulting in degradation, humiliation or exploitation, including financial exploitation, or other types of abuse or neglect of a recipient will not be tolerated, and any Montcalm Care Network employee responsible for this type of action will be considered for dismissal.