|  |  |
| --- | --- |
| **MONTCALM CARE NETWORK PROCEDURE 611 North State Street, Stanton, MI 48888** | |
|
| SUBJECT: Recipient Abuse and Neglect  Reporting Requirements | Section: 8905A |
| Effective Date: February 24, 1987 | Revised Date: March 5, 2008 |
| Version: 2 | Status: Current |

1. Whenever an injury is suffered regarding suspected abuse or neglect, Montcalm Care Network employees, volunteers, or agents of contract providersare responsible for ensuring that the recipient(s) receives immediate proper treatment, comfort and protection as necessary and that action taken by staff sufficiently addresses the urgency of the injury.
2. When a Montcalm Care Network employee, volunteer, or agent of a contract provider has been accused of abuse of a recipient, and when there is reason to believe the abuse may have occurred, provisions will be made to protect the recipient from intimidation or continued abuse.
3. All incidents of recipient abuse or neglect which are apparent to, or suspected by, Montcalm Care Network employees, volunteers, or agents of contract providers will be immediately reported orally and in writing to the rights office and to the employee or volunteer's supervisor or to another administrator. The terms "apparent" or "suspected" shall be construed to mean any and all incidents that the employee or volunteer has either witnessed, or received reports of, that constitute, or may constitute abuse or neglect as defined by this policy, whether or not the employee believes the allegation to be true.
4. In addition to orally reporting, all incidents of recipient abuse or neglect which are apparent to, or suspected by, Montcalm Care Network employees, volunteers, or agents of contract providers will be documented on an Incident Report form and submitted to the Office of Recipient Rights within twenty-four (24) hours of the incident.
5. Montcalm Care Network employees, volunteers, or agents of contract providers who have reasonable cause to suspect abuse or neglect will immediately make an oral report, or cause an oral report to be made, of the suspected abuse or neglect to the local Adult or Child Protective Services Unit.
6. Montcalm Care Network employees, volunteers, or agents of contract providers who have reasonable cause to suspect the criminal abuse of a recipient will immediately make or cause to be made, by telephone, or otherwise, an oral report of the suspected criminal abuse to the Montcalm County Sheriff Department or to the State Police. Within seventy-two (72) hours after making the oral report, the reporting individual will file a written

Section: 8905A Subject: Recipient Abuse and Neglect Reporting Requirements Page: 2

report with the law enforcement agency to which the oral report was made, and with the Director of the Montcalm Care Network.

* 1. This written report will contain the name of the recipient and a description of the criminal abuse and other information available to the reporting individual that might establish the cause of the criminal abuse and the manner in which it occurred. The report will become a

part of the recipient's clinical record. Before the report becomes a part of the recipient's clinical record, the names of the reporting individuals and the individual accused of committing the criminal abuse, it contained in the report, will be deleted.

* 1. The identity of an individual who makes a report under this section is confidential and is not subject to disclosure without the consent of that individual or by order or subpoena of a court of record. An individual acting in good faith who makes a report of criminal abuse against a recipient is immune from civil or criminal liability that might otherwise be incurred. The immunity from civil or criminal liability granted by this subsection extends only to acts done under this section and does not extend to a negligent act that causes personal injury or death.
  2. This section does not require a person to report suspected criminal abuse if either of the following applies:
     + 1. The individual has knowledge that the incident of suspected criminal abuse has been reported to the appropriate law enforcement agency as provided in this section;
       2. The suspected criminal abuse occurred more than one year before the date on which it first became known to an individual who would otherwise be required to make a report.
  3. This section does not require an individual required to report suspected criminal abuse to disclose confidential information or a privileged communication except under one or both of the following circumstances:
     + 1. If the suspected criminal abuse is alleged to have been committed or caused by a mental health professional, an individual employed by or under contract with Montcalm Care Network or an individual employed by a service provider under contract with Montcalm Care Network.
       2. If the suspected criminal abuse is alleged to have been committed in one of the following: a) Licensed facility;
          1. A Montcalm Care Network services program site;
          2. A work site of an individual employed by or under contract with Montcalm Care Network or a provider under contract with Montcalm Care Network;
          3. A place where a recipient is under supervision of an individual employed by or under contract with Montcalm Care Network, or a provider under contract with Montcalm Care Network.
          4. Montcalm Care Network will cooperate in the prosecution of appropriate criminal charges against those who have engaged in criminal abuse.

Section: 8905A Subject: Recipient Abuse and Neglect Reporting Requirements Page: 3

1. Failure to report abuse and neglect will subject the employee to administrative and potentially disciplinary action, up to and including termination.
2. The RecipientRights Officer will visit the scene of an incident involving abuse or neglect as soon as administratively possible to determine:
   * 1. Whether emergency services or health care have been provided, and
     2. Whether a dangerous condition or environmental factor is involved in causing the incident and whether it has been remedied.
3. The RecipientRights Officer will review an incident involving abuse or neglect, gather reports from witnesses or significant others, and make a preliminary judgment whether abuse or neglect is involved and if it is a rights violation.
4. If suspected abuse, neglect or mistreatment occurs in licensed foster care facilities, DHS Protective Services, AFC Licensing and the Office of Recipient Rights, will cooperate in any investigation that may be necessa ry.
5. If allegation is found to be substantiated, the Director of the Montcalm Care Network willtake, or cause to be taken, appropriate disciplinary and remedial action.
6. An individual who makes a report under this section in good faith willnot be dismissed or otherwise penalized by an employer or contractor for making the report.