

**Department of Mental Health
TRANSMITTAL LETTER**

SUBJECT

Reporting Elder and Vulnerable Adult Abuse and Neglect

POLICY NUMBER
DMH Policy 630.3

DATE AUG 10 2012

TL# 175

Purpose. To establish policy and procedures in reporting suspected abuse and neglect of elder and vulnerable adults by DMH and provider employees; and to prescribe procedures on how to report them in the District of Columbia.

Applicability. Applies to the Department of Mental Health (DMH) and all certified Mental Health Rehabilitation Services (MHRS) Providers.

Policy Clearance. This policy has been reviewed by affected responsible staff and cleared through appropriate MHA offices.

Implementation Plans. A plan of action to implement or adhere to a policy must be developed by designated responsible staff. If materials and/or training are required to implement the policy, these requirements must be part of the action plan. Specific staff should be designated to carry out the implementation and program managers are responsible to follow through to ensure compliance. Action plans and completion dates should be sent to the appropriate authority. Contracting Officer Technical Representatives (COTRs) must also ensure that contractors are informed of this policy if it is applicable or pertinent to their scope of work. Implementation of all DMH policies shall begin as soon as possible. Full implementation of this policy shall be completed within sixty (60) days after the date of this policy.

Policy Dissemination and Filing Instructions. Managers/supervisors of DMH and DMH contractors must ensure that staff are informed of this policy. Each staff person who maintains policy manuals must file this policy in the DMH Policy and Procedures Manual, and contractors must ensure that this policy is maintained in accordance with their internal procedures.

ACTION

REMOVE AND DESTROY

None

INSERT

DMH Policy 630.3



Stephen T. Baron
Director, DMH

GOVERNMENT OF THE DISTRICT OF COLUMBIA  DEPARTMENT OF MENTAL HEALTH	Policy No. 630.3	Date AUG 10 2012	Page 1
	Supersedes None		

Subject: Reporting Elder and Vulnerable Adult Abuse and Neglect

1. **Purpose.** To establish policy and procedures in reporting suspected abuse and neglect of elder and vulnerable adults by DMH and provider employees; and to prescribe procedures on how to report them in the District of Columbia.

2. **Applicability.** Applies to the Department of Mental Health (DMH) and all certified Mental Health Rehabilitation Services (MHRS) Providers.

3. **Authority.** Adult Protective Services Act of 1984 (the "Act"), D.C. Law 5-156, effective March 14, 1985, D.C. Official Code §7-1901 *et seq.* (2008 Repl.).

4. **Background.**

According to the best available estimates, between 1 and 2 million Americans age 65 or older have been injured, exploited, or otherwise mistreated by someone on whom they depended for care or protection. It is estimated that for every one case of elder abuse, neglect, exploitation, or self-neglect reported to authorities, about five more go unreported.

Certain people are required by law to report abusers; other individuals are encouraged to report voluntarily. Additional information, is available from the District of Columbia Adult Protective Services (APS) at <http://dhs.dc.gov/dhs/cwp/view,a,3,q,492691.asp>.

5. **Definitions.** For purposes of this policy, the following definitions apply:

5a. **Abuse.** The intentional infliction of serious physical pain or injury; the use or threatened use of violence; the forced participation in sexual conduct; the repeated intentional imposition of unreasonable confinement; or the intentional or deliberate deprivation of essential food, shelter, or health care.

5b. **Adult Protective Services (APS).** The unit within the Department of Human Services (DHS) Family Services Administration tasked with providing protective services, including receiving reports and conducting investigations, for adults in the District of Columbia.

5c. **APS Hotline.** (202) 541-3950 which is able to receive reports of Adult abuse twenty-four (24) hours a day, seven (7) days a week.

5d. **Elder.** A person sixty-five (65) years of age or older.

5e. **Exigent circumstances.** Those circumstances which involve immediate and substantial risk of life-threatening peril and in which temporary arrangement must be made while seeking appropriate protective orders.

5f. **Exploitation.** The unlawful appropriation or use of another's property, for one's benefit or that of a third person.

5g. Mandated Reporter. A conservator, court-appointed mental retardation advocate, guardian, health-care administrator, licensed health professional, police officer, bank manager, financial manager, or social worker who as a result of his or her appointment, employment, or practice has substantial cause to believe that an adult is in need of protective services because of abuse, neglect or exploitation by another. A social worker or licensed health professional whose client or patient is the person allegedly responsible for the abuse or neglect is not a mandated reporter for that particular situation of abuse or neglect.

5h. Neglect. The repeated, careless infliction of serious physical pain or injury; the repeated failure of a caregiver to take reasonable steps to protect against acts of abuse; the repeated careless imposition of unreasonable confinement; or the careless deprivation of food, shelter, or health care.

5i. Self-Neglect. When an individual deprives him or herself of appropriate food, shelter or health care because of dementia of some other physical or mental disability.

5j. Vulnerable adult. A person between the ages of 18 and 64 who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights. This includes, but is not limited to, persons whose physical or mental abilities have diminished because of age.

6. Policy

6a. Any Mandated Reporter (see list in section 5g above) who is appointed, employed, or practices within the DMH and provider network and believes that an adult is in need of protective services because of abuse, neglect, or exploitation, shall immediately report this belief to the District of Columbia (DC) Adult Protective Services (APS) agency, in addition to internal provider procedures.

6b. Any person who is appointed, employed or practices within the DMH and provider Network, even if not a mandated reporter, who believes that an adult consumer is in need of protective services because of abuse, neglect, self-neglect or exploitation must file a report in accordance with DMH Policy 480.1C Reporting Major Unusual Incidents (MUIs) and Unusual Incidents (UIs), and should also immediately report this belief to the D.C. APS.

7. Reporting Procedures

7a. For exigent circumstances (see section 5e), the Mandated Reporter and the non-mandated person should immediately notify the Metropolitan Police Department (MPD) and APS at (202) 541 – 3950.

7b. Non-immediate or non-life threatening situations which a person has substantial cause to believe an adult is in need of protective services due to abuse, neglect or exploitation shall be reported by mandatory reporters and by voluntary reporters, to the APS hotline at (202) 541 – 3950.

7c. If known, the report shall include the following information:

- (1) The name, age, physical description and location of each adult alleged to be in need of protective services;
- (2) The name and location of each person allegedly responsible for the abuse, neglect,

or exploitation;

(3) The nature and extent of the abuse, neglect, or exploitation;

(4) The basis or source of the reporter's knowledge;

(5) Any other information the reporter believes may be helpful to an investigation;

(6) The identity of the reporting officer; and

(7) The identity of the person to whom the report was made.

7d. DMH Policy 480.1C Reporting Major Unusual Incidents (MUIs) and Unusual Incidents (UIs) shall be followed for reporting major and unusual incidents within DMH and its provider network.

8. Training for Reporting Adult Abuse, Neglect, Self-Neglect and Exploitation.

8a. DMH shall provide overview of the legal obligations of mandatory reporters to new staff during employee orientation and as part of the mandatory annual compliance training.

8b. DMH-certified providers are responsible for ensuring that all of their employees receive training on this policy, and maintain evidence of such training.

9. **Confidentiality.** The mandatory reporter shall be sensitive to confidentiality and consequences of reporting concerning the elder and vulnerable adult. Weighing risks versus benefits, DMH and MHRS providers may use and disclose health and human services information to another agency or provider without consent for suspected elder and vulnerable adult abuse for exigent circumstances (see section 5e).

10. Failure to Report.

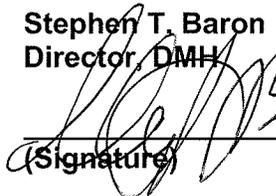
Failure to report suspected abuse, neglect or exploitation by a Mandated Reporter to APS can result in criminal prosecution and professional sanctions; and for DMH employees may also result in disciplinary action in accordance with the DMH Personnel rules and any applicable collective bargaining agreement.

11. Related References.

DMH Policy 480.1C Reporting Major Unusual Incidents (MUIs) and Unusual Incidents (UIs).
DMH Policy 482.1A Protecting Consumers from Abuse, Neglect, or Exploitation.

Approved By:

Stephen T. Baron
Director, DMH


(Signature)


(Date)