



MANAGE YOUR RISK

Abuse Prevention: Zero Tolerance

Whether caring for patients in the home or an inpatient facility, healthcare providers could be exposed to allegations of abuse due to their frequent and direct contact with patients, often in a one-on-one setting. Potential liability from this exposure may be reduced if your organization implements an Abuse Prevention program, emphasizing zero tolerance for abusers. An effective Abuse Prevention program may help prevent incidents of abuse and assist the organization in responding properly if an alleged incident occurs.

A common factor in many observed or suspected abuse incidents is that witnesses do not always understand what their responsibility is or where and how to legally report the incident. A witness to an incident that might lead to the harm of a child, older adult or any other vulnerable individual should conform to an applicable state and federal law notification process. Report incidents to the designated protective services/family services agency or the police. Offer clear policies indicating there is a zero tolerance for abuse that also direct employees and volunteers on the actions they need to take when suspecting or observing actual abuse incidents.

ISSUES TO BE EVALUATED IN ORGANIZATIONS, INCLUDE:

A written abuse policy: Put in place an Abuse Prevention and Reporting Policy and review it annually with each employee/volunteer. The policy should conform to applicable state and federal law along with the following:

- **A zero tolerance statement by the organization.** Include a clear statement that the organization prohibits and does not tolerate abuse in the workplace or in any organization-related activity.
- **Reporting procedures.** Include at least two persons to report to internally, such as the president/CEO or human resource person. Also include the name and phone number of the local or state Adult Protective Services (APS) agency and the local or state Child Abuse Agency. Notify appropriate family members of alleged instances of abuse and report the alleged abuse incident to the insurance agent/company.
- **Investigation procedures.** Use an outside third party to investigate the allegation unless the organization has a trained internal investigation team and cooperate with any law enforcement agency. Also include that the organization has the option of placing the accused on a leave of absence or be re-assigned to a position with non-patient contact.
- **Retaliation warning.** Include a warning that prohibits retaliation against the person who makes the good faith complaint of abuse. Add that making false or malicious allegations will not be tolerated.

Background screening for employees and volunteers: Include thorough background screening of prospective employees and volunteers for criminal history and reported incidents of abuse. The check may include:

- Social Security Number verification.
- Residency information (residency is not verified by mailing address).
- Employment - Present employment plus verification from two previous employers.
- Education and professional licensing verification - If working in a professional capacity, verify both education and professional licenses with the educational facility or state licensing agency.
- State criminal background checks for staff members (employees and volunteers) who have patient contact.
- Abuse registry background check for staff members (employees and volunteers).

State law: Each state has definitions of child and adult abuse and neglect. When creating policies related to definitions and reporting and investigation requirements, comply with the state law.

Investigation: A key risk management tenet - whether an incident involves sexual abuse, sexual harassment or a dangerous condition in a facility - is to investigate any and all allegations. Allegations should not be dismissed because of the position or influence of the suspected abuser. It's important for everyone in the organization - from volunteers to the Board of Directors - to take such allegations seriously.

Related Policies: It may be beneficial for written policies to address professional boundaries as well as abuse reporting requirements. Professional boundary policies outline expected staff behavior when interacting with patients, their families or the public. Consider procedures that allow for adequate monitoring of caregivers/volunteers in a community or residential setting. It's important for employees and volunteers to know they are also responsible for reporting known or suspected boundary violations, which may be an indication of more serious behavior problems.

Education: Offer a mandatory education on abuse prevention and reporting for employees and volunteers at orientation and on an annual basis thereafter. Resources for this, including a training video (that can be ordered online), can be found on the [Glatfelter Healthcare Practice](#) web site.