

## CDDO Procedure 11

### ABUSE, NEGLECT OR EXPLOITATION REPORTING

Johnson County CDDO will develop and implement procedures to ensure compliance with the Developmental Disabilities Reform Act (DDRA) and the Kansas Department for Aging and Disability Services (KDADS) regulations and policies pertaining to the Act.

#### Procedures

*The following are definitions of abuse, neglect and exploitation (ANE):*

*(a) Abuse means any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to a person served, including: (1) infliction of physical or mental injury; (2) any sexual act with a person served when the person served does not consent or when the other person knows or should know that the person served is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship; (3) unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm the person; (4) unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician's orders or as a substitute for treatment except where such conduct or physical restraint is in furtherance of the health and safety of the person served; (5) a threat or menacing conduct directed toward an adult that results or might reasonably be expected to result in fear or emotional or mental distress to an adult; (6) fiduciary abuse; (7) omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness.*

*(b) Neglect means the failure or omission by the one's self, caretaker or another person to provide goods or services, which are necessary to ensure safety and well-being and to avoid physical or mental harm or illness.*

*(c) Exploitation means misappropriation of a person's property or intentionally taking unfair advantage of the person's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person.*

1. All employees and volunteers of Johnson County CDDO and Johnson County Affiliates are presumed to be mandated reporters of suspected ANE as defined by Kansas Administrative Regulation 30-63-28. Any suspicion of ANE must be reported to the Kansas Protection Report Center (KPRC) at 1-800-922-5330. Telephone lines at the KPRC are staffed 24 hours a day/7 days a week.
2. Affiliates will regularly provide training to all employees, volunteers, individuals, families and guardians on how to recognize and report suspected ANE and the option to report anonymously and directly to the State.
3. All Johnson County CDDO employees and volunteers will be required to complete annual training on ANE.
4. Affiliates of Johnson County CDDO will notify the CDDO by phone or email when a report of ANE is made to KDADS Adverse Incident Report System (AIRS.)

5. When appropriate, all Affiliates should also submit a Critical Incident Report through Basic Consumer Information (BCI) database.