



INLAND REGIONAL CENTER

Enhancing Lives

...valuing independence, inclusion and empowerment

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1.7 ZERO TOLERANCE POLICY RE: CONSUMER ABUSE AND NEGLECT

POLICY

In accordance with Article 1, Section 17 of IRC's Master Contract with the State of California, Consumer abuse committed by Inland Regional Center (IRC) workforce members or owners and/or employees of service providers or long term care facilities will not be tolerated. There is zero tolerance for such activity. All such abuse or allegations of such abuse will in all cases be thoroughly investigated. Any incident where it reasonably appears that verbal abuse, physical abuse, abandonment, abduction, isolation, financial abuse, or neglect of an adult Consumer has occurred, or in instances where an IRC workforce member is told by an adult Consumer that he or she has experienced such abuse, the matter shall be promptly reported to the applicable governmental authority (subject to certain limited exceptions described in the Adult Reporting Law).

APPLICABILITY

This policy and procedure applies to all Inland Regional Center Workforce Members; all IRC licensed and vendorized service providers and/or contractors; all employees of IRC licensed and vendorized service providers and/or contractors.

PURPOSE

Nothing is more important to the Inland Regional Center than the health, safety and security of its consumers. Therefore, the Board of Trustees has adopted a "zero tolerance" policy as it relates to consumer abuse or neglect.

STANDARDS

1. Any IRC workforce member found to have engaged in abuse against a consumer will be subject to severe discipline, up to and including immediate termination of employment and/or prosecution to the fullest extent of the law.
2. Any abuse found to have been committed by an owner or employee of a service provider or long term care facility employee will:
 - a. Be referred to the appropriate authorities for reporting and potential prosecution.
 - b. Be subject to sanctions up to and including removal from the list of those authorized to provide services for regional center consumers.
3. Mandated Reporters
 - a. All individuals covered under the spirit of this policy and procedure who are "mandated reporters," pursuant to the California Penal Code, shall strictly comply with the reporting laws at all times.

- b. A mandated reporter must (unless exempt under law) report all consumer abuse to the applicable governmental authorities immediately or as soon as practicable after his or her discovery or reasonable belief that consumer abuse has occurred.

DEFINITIONS

1. IRC licensed and Vendorized Service Providers and/or Contractors – Providers or contractors that provide direct service and support (as defined by Welfare & Institutions Code section 4512(b)) to individuals with developmental disabilities within IRC's catchment area.
2. Mandatory Reporters – The California Legislature has adopted various laws to protect all children, dependent adults and elder adults from various types of abuse and neglect. These laws also apply to Consumers. The following California Laws apply to the various demographics covered in this procedure.
 - a. The Elder Abuse and Dependent Adult Civil Protection Act (W&I Code § 15600 – 15675)
 - i. Provides (among other things) that any person who has assumed responsibility for the care or custody of an adult Consumer, including administrators, supervisors, and any licensed staff of a facility that provide care or services for adult Consumers, is a mandated reporter.
 - ii. Under the Adult Reporting Law, any mandated reporter who has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect of an adult Consumer, or (ii) is told by an adult Consumer that he or she has experienced Adult Abuse, or (iii) reasonably suspects the existence of Adult Abuse, shall report the Adult Abuse to the applicable governmental authorities (subject to certain limited exceptions described in the Adult Reporting Law).
 - b. The Child Abuse and Neglect Reporting Act (CPC Code § 11164 - 11174.5)
 - i. Provides (among other things) that various categories of persons who interact with a Consumer under the age of 18 are mandated reporters.
 - ii. Any mandated reporter under this act who has knowledge of or observes a person under 18 whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect shall report the abuse to the applicable government authorities (subject to certain limited exceptions described in the Child Reporting Law).
 - iii. Note that the list of mandated reporters who are obligated to report child abuse is different than the list of mandated reporters obligated to report adult abuse. Refer to the actual code for specifics.
3. IRC Workforce Member – All Inland Regional Center full-time employees, part-time employees, temporary or agency employees, authorized consultants, contractors, and/or vendors.
4. Physical Abuse - The use or attempt to use force on the person of another, unreasonable physical constraint or prolonged or continual deprivation of food, water, or sexual abuse. It also means the use of isolation, physical or chemical restraint, or psychotropic medication without medical authorization for punishment.
5. Mental Suffering - Fear, agitation, confusion, severe depression or other forms of emotional distress that is brought about by threats, harassment or other forms of intimidating behavior.

6. Neglect - The negligent failure of a person(s) having care or custody of a consumer to exercise a reasonable degree of care including, but not limited to, a failure to assist in personal hygiene and the provision of food, clothing, and shelter, or failure to provide medical care or protect the consumer from health and safety hazards.

PROCEDURES FOR POLICY COMPLIANCE

1. Inland Regional Center management and all of Inland Regional Center's vendorized service providers and long term health care facilities serving Inland Regional Center consumers shall:
 - a. Ensure that their respective workforce members and/or employees are fully informed upon hire and annually thereafter regarding Inland Regional Center's Policy on Consumer Abuse and Neglect and the mandatory abuse and neglect reporting laws.
 - b. Ensure that their respective workforce members and/or employees are knowledgeable of their responsibility to protect consumers from abuse and neglect; of the signs of abuse and neglect; and of the process for reporting suspected abuse or neglect, and the consequences of failing to follow the law and enforce this policy.
2. If an Inland Regional Center workforce member or an Inland Regional Center service provider or long-term health care facility becomes aware of consumer abuse:
 - a. They shall take immediate action to stop the abuse from occurring, to the extent permitted by law.
 - b. They shall ensure the health and safety of the affected consumer and all other consumers receiving services and supports is safeguarded.
 - c. They shall report the incident to the appropriate authorities in accordance with the California mandatory reporter laws.
 - d. These obligations are in addition to those required of mandated reporters to report consumer abuse under the reporting laws and apply to all IRC workforce members.
3. Once Inland Regional Center management is made aware of any alleged incident of consumer abuse concerning an Inland Regional Center consumer, they shall cause an immediate, thorough, and independent investigation to be conducted.
 - a. This investigation may be conducted either internally, or through the use of an outside investigative resource.
 - b. It is imperative that the investigation determines all relevant facts and make every effort to determine the following:
 - i. Has an incident of consumer abuse actually occurred?
 - ii. If so, who is responsible for the alleged abuse?
 - iii. Have appropriate measures been taken by those in authority to stop the alleged abuse from recurring and to protect the consumer from any further abuse?
 - iv. Has the allegation of abuse been properly reported to the applicable legal authorities?

RELATED POLICIES - None.

ATTACHMENTS – None.

AUTHORITY / CITATIONS

- Article 1, Section 17 of Inland Counties Regional Center's Master Contract with the State of California
- Elder Abuse and Dependent Adult Civil Protection Act (W&I Code § 15600 – 15675)
- The Child Abuse and Neglect Reporting Act (CPC Code § 11164 - 11174.5)