

UCP Central PA

INCIDENT MANAGEMENT AND ABUSE, NEGLECT, AND EXPLOITATION POLICY & PROCEDURES

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UCP CENTRAL PA

INCIDENT MANAGEMENT AND ABUSE, NEGLECT, AND EXPLOITATION POLICY

General Overview

Individual abuse/neglect is **not** tolerated under any circumstances. Intentional action or inaction by anyone that results in abuse is prohibited. To protect the rights of the people we serve, as well as all employees, it is the policy of UCP CENTRAL PA to **immediately** report and/or investigate any allegations of individual abuse/neglect in a fair and consistent manner. It is imperative that agency staff err on the side of protecting the safety of the people we serve. To that end it is critical that any issue that you consider unusual, or outside of the standards of normal behavior be immediately reported to a Point Person (see attached list of current People), and/or the Program Manager/Supervisor for your program. An allegation of abuse may involve something you see, or are informed of. The allegation may involve a staff member, another consumer, a family member, or someone totally uninvolved with the individual. In other words, we need to be aware of potential abuse of an individual by anyone in any setting.

When reporting an allegation of abuse to a Point Person or Program Manager you will immediately be asked to provide a maximum of cooperation. Your highest priority will be to ensure the safety of the person who is allegedly being abused. Secondly, you will be asked to “secure the scene” when possible, to ensure that any evidence remain exactly as it was when the Certified Investigator, or other appointed representative arrives to begin the investigation. You will also be asked to provide a written narrative of the incident.

Any alleged incident of physical or sexual abuse, as well as neglect will result in the Point Person, Assistant Director of Adult Services, Director of Adult Services, Director of Community Services (after conferring with CEO), or CEO to immediately contact the police department to report the incident. If the incident does not warrant police notification, approval from CEO must be obtained during the decision making process.

The definition for abuse is:

An allegation, or actual occurrence of the infliction of injury, unreasonable confinement, intimidation, punishment, mental anguish, sexual abuse or exploitation. Abuse is reported on from the victim’s perspective, not the person committing the abuse.

The Office of Developmental Programs recognizes five (5) types of abuse per the Incident Management Bulletin #6000-04-01, effective February 28, 2004. The definitions of abuse are:

- **Physical Abuse:** An intentional physical act by staff or other person which causes or may cause physical injury to an individual, such as striking or kicking, applying noxious or potentially harmful substances or conditions to an individual. Examples of physical abuse may include staff or family members striking an individual, or making people drink a bottle of hot sauce as a punishment for something they did.
- **Psychological Abuse:** An act, other than verbal, which may inflict emotional harm, invoke fear or humiliate, intimidate, degrade or demean an individual. Examples of Psychological Abuse may include making loud or startling noises to frighten an individual, or purposefully dressing someone in an embarrassing manner (making a male wear a dress, etc).
- **Sexual Abuse:** An act or attempted acts such as rape, incest, sexual molestation, sexual exploitation or sexual harassment and inappropriate or unwanted touching of an individual by another. Any sexual contact between a staff person and an individual is abuse. Examples of sexual abuse may include a family member inappropriately kissing a relative on the neck or lips, or an individual who grabs another individual in a sexual manner. Remember we are concerned with “standards of normal behavior” meaning if it seems inappropriate, or something that would not normally happen between people, such as a relative kissing on

the mouth for a long period of time, or massaging a persons thigh you should report it and let a Point Person or someone further up the chain of command decide if the behavior is abuse.

- **Verbal Abuse:** Verbalizations which inflict or may inflict emotional harm, invoke fear, or humiliate, intimidate, degrade or demean an individual. Examples may include threatening statements made to individuals by staff or people in the community, or humiliating statements made to ridicule a person.
- **Improper or Unauthorized Use of Restraint:** A restraint not approved in the individual support plan or one that is not a part of an agency's emergency restraint procedure is considered unauthorized. A restraint that is intentionally applied incorrectly is considered an improper use of restraint.

The definition for Neglect is:

The failure to obtain or provide the needed services and supports defined as necessary or otherwise required by law or regulation. This includes the failure to provide needed care such as shelter, food, clothing, attention and supervision, including leaving individuals unattended, personal hygiene, medical care, protection from health and safety hazards, and other basic treatment and necessities needed for development of physical, intellectual and emotional capacity and well being. This includes acts that are intentional or unintentional regardless of the obvious occurrence of harm.

All staff members working with individuals are trained in agency policies and procedures regarding abuse/neglect. There is an initial training during new hire orientation, and each program conducts an annual retraining. After each training, employees sign a statement that they have received instruction in and understand policy and procedures. The signed statements are kept in the employee's personal file.

Upon the initial selection of UCP CENTRAL PA as a service provider, and annually thereafter, either the individual consumer or parent/guardian receives information regarding our abuse/neglect policies. These policies include an affirmation of our responsibility to notify law enforcement, a "no reprisal" statement assuring an individual reporter that he/she will not face reprisal by reporting abuse/neglect by a caregiver, and a list of agencies a consumer/family can contact if the consumer/family suspects or experiences abuse/neglect. Individuals/parents/guardians sign a statement for UCP CENTRAL PA files that they have received this information. The signed statements will be kept in the individual consumer's file.

Any employee who witnesses or has knowledge of an act of abuse, suspected abuse, or neglect is required to report this **immediately** to his/her program manager. In Day Programs, CHS, Home Based, and the apartment programs, an employee shall notify an agency Point Person as well. Failure to do so is a serious violation of agency policy and is subject to disciplinary action, up to and including termination. Employees are protected by the agency "Whistleblower" policy, which guarantees no reprisals will be brought by the agency against any employee who reports abuse/neglect according to agency procedures. Upon receipt of any report of alleged individual abuse, the Program Manager or Point Person makes all notifications required by county and state regulations.

The reporting and investigative procedures for each program follow, including a checklist for each program that must be used by the designated person, to ensure timeliness, accuracy, and appropriate documentation.

No investigator will be assigned to a program they work in or oversee when staff members are involved.

All investigation interviews and meetings will be recorded by the investigator, with consent of all parties, in addition to the usual note taking and written statement procedures.

UCP CENTRAL PA ABUSE/NEGLECT/EXPLOITATION PROCEDURES

Reporting and Investigation

Intellectual Disability Programs: Community Home Services (CHS), Alternatives, Links to Independence, Community Career connections, LifeFit, Agency with Choice

These programs receive funding through the Office of Developmental Programs, and must follow Department of Public Welfare definitions and procedures. We are mandated reporters of suspected abuse occurring within our agency by employees, or outside of the agency by others.

Abuse is defined as: The allegation or actual occurrence of the infliction of injury, unreasonable confinement, intimidation, punishment, mental anguish, sexual abuse or exploitation. Abuse is reported from the victim's perspective, not that of the person committing the abuse.

- **Physical Abuse:** An intentional physical act that causes or may cause physical injury to an individual, such as striking, kicking, applying noxious or potentially harmful substances or conditions to an individual.
- **Psychological Abuse:** An act, other than verbal, that may inflict emotional harm, invoke fear, or humiliate, intimidate, degrade, or demean an individual.
- **Sexual Abuse:** An act or attempted act of rape, incest, sexual molestation, sexual exploitation or sexual harassment, and inappropriate or unwanted touching of an individual by another.
- **Verbal Abuse:** Verbalizations that inflict or may inflict emotional harm, invoke fear, or humiliate, intimidate, degrade, or demean an individual.
- **Improper or Unauthorized Use of Restraint:** A restraint not approved in the consumer's individual support plan or one that is not part of the agency's emergency restraint procedure is considered unauthorized. A restraint that is intentionally applied incorrectly is considered an improper use of restraint.

Neglect is defined as the failure to obtain or provide the needed services and supports defined as necessary or otherwise required by law or regulation. This includes the failure to provide needed care such as shelter, food, clothing, attention and supervision, including leaving individuals unattended, personal hygiene, medical care, protection from health and safety hazards, and other basic treatment and necessities needed for development of physical, intellectual and emotional capacity, and well-being. Neglect includes acts that are intentional or unintentional regardless of the obvious occurrence of harm.

Any person who witnesses/is notified of an incident of abuse, suspected abuse, or neglect must notify an agency Point Person and Program Manager immediately after the safety of the individuals involved has been assured. This is the case regardless of whether agency staff is directly involved in the act of abuse/neglect. The Point Person then assumes responsibility to ensure that a certified investigator is assigned and that reports are entered into HCSIS (Home Community Services Information Systems – the state reporting system that tracks incidents) in the appropriate timeframe. The final report must be completed within 30 days, unless an extension has been requested and granted. The Point Person and the Incident Management Representative will work together to complete the final report.

Any staff accused of abuse, suspected abuse, or neglect will be suspended immediately pending the outcome of the investigation. If the abuse/neglect is founded, the accused staff will be terminated. If the

abuse/neglect is unfounded or cannot be determined with certainty, then the employee will be brought back from suspension and paid for the time on suspension. The suspended staff will not be permitted to work directly with any other recipient during the investigative process.

Responsibilities When Witnessing, Being Informed of, or Suspecting Abuse/Neglect:

The following guidelines are for staff witnessing, being informed of abuse, suspected abuse, or neglect.

The person who witnesses, is informed of the suspected abuse/neglect or is the first to discover or be made aware of the signs of abuse/neglect is the initial reporter.

The responsibilities of the initial reporter are:

1. Respond to the situation by securing the safety of the individuals involved.
2. After ensuring the safety of the individual, **immediately** notify the Point Person and the Program Manager (if they are not the same person) of the incident. A list of Point Persons is located at each facility.
3. In the absence of the Program Manager, incident should be reported to:
 - Links to Independence – Director or Co-Director of Community Services, CEO, HR Director
 - CHS – Director, Assistant Director or Regional Manager of Adult Services, CEO, HR Director
4. Document observations and follow through on any recommendations received from the Point Person.
5. Complete a narrative description of the incident.

The Investigatory Process:

1. The Point Person assigns a Certified Investigator to investigate the abuse/neglect allegation and determine whether abuse/neglect occurred.
2. The Point Person contacts the appropriate Director (as listed above), or the President/CEO or HR Director in the absence of Directors, to apprise of situation and discuss appropriate authorities to notify.
3. The police are notified **immediately** by appropriate Director, in coordination with the CEO, in the event of physical abuse, sexual abuse, psychological abuse, or neglect. Improper use of restraints founded to also be physical or psychological abuse is also reported to the police.

The Director and CEO do have the right to exercise appropriate judgment and make a determination to not call the police if the action, while by definition is abuse, is not something the police would have responsibility to investigate.

4. The appropriate Director or designee reports the incident and the police notification through DPW's HCSIS.
5. All staff must refrain from discussing the incident with anyone except the Certified Investigator during the investigative process. Failure to do so will result in disciplinary action, including termination.
6. Staff members are expected to willingly participate in any investigation. Staff members who refuse to answer questions posed by the Certified Investigator, or provide false information will be subject to disciplinary action, up to and including termination.

7. Staff may have another employee present when meeting with the Certified Investigator; the person cannot be employed at the site where the investigation is taking place, as that could compromise the investigation. The other employee shall not interfere with the investigation; an employee whose behavior interferes with the investigation shall be removed from the meeting and may be subject to discipline.
8. All files compiled by the Certified Investigator are the Investigator's property, and no one within the agency has access to the information contained in the files. The investigatory file is not entered into a person's personnel file. The targeted staff is not allowed access to the investigatory file.
9. The Certified Investigator submits the determination of abuse/neglect resulting from the internal investigation in a final report to HCSIS and copies the Program Manager, appropriate Director, and Human Resources. The Program Manager, Program Director, and Human Resources then determine what disciplinary action to take.
10. If a Certified Investigator deems that an allegation is founded, the accused employee will be terminated in all cases, regardless of perceived severity of the abuse.
11. For systemic issues, the CEO can determine another course of action where alternatives to termination may be implemented.
12. In cases of physical, sexual and/or psychological abuse, or neglect, the agency and the victim receive a notification from Victims' Assistance that someone will accompany the victim to the hearing and trial. UCP CENTRAL PA receives a notification of the hearing and trial and a complete police report after the verdict is rendered.
13. The Director of Adult Services or designee follows up with law enforcement authorities to whom the incident was reported within 30 days to verify that the reported abuse/neglect has been/is being investigated.

Additional incidents required to be reported to a point person are:

- **Death:** All deaths are reportable.
- **Disease Reportable to the Department of Health:** An occurrence of a disease on "The Pennsylvania Department of Health List of Reportable Diseases". The current list can be found at the Department of Health's website, www.health.state.pa.us. An incident report is required only when the reportable disease is initially diagnosed.
- **Emergency Closure:** An unplanned situation that results in the closure of a home or program facility for one or more days. This category does not apply to individuals who reside in the home of a family member. This may be reported as a site report.
- **Emergency Room Visit:** The use of a hospital emergency room. This includes situations that are clearly "emergencies" as well as those when an individual is directed to an emergency room in lieu of a visit to the Primary Care Physician (PCP) or as the result of a visit to the PCP. The use of an emergency room by an individual's PCP, in place of the physician's office, is not reportable.
- **Fire:** A situation that requires the active involvement of fire personnel, that is extinguishing a fire, clearing smoke from the premises, responding to a false alarm, etc. Situations which require the evacuation of a facility in response to suspected or actual gas leaks or carbon monoxide alarms, or both, are reportable. Situations in which staff extinguish small fires without the involvement of fire personnel are reportable. This may be reported as a site report.

- **Hospitalization:** An inpatient admission to an acute care facility for purposes of treatment. Scheduled treatment of medical conditions on an outpatient basis is not reportable.
- **Individual to Individual Abuse:** An interaction between one individual receiving services and another individual receiving services resulting in an allegation or actual occurrence of the infliction of injury, unreasonable confinement, intimidation, punishment, mental anguish, sexual abuse or exploitation. Individual to individual abuse is reported on from the victim's perspective, not on the person committing the abuse.
 - **Physical Abuse:** An intentional act that causes or may cause physical injury to an individual, such as striking or kicking, or applying noxious or potentially harmful substances or conditions to an individual.
 - **Psychological Abuse:** An act, other than verbal, which may inflict emotional harm, invoke fear or humiliate, intimidate, degrade or demean an individual.
 - **Sexual Abuse:** An act or attempted acts such as rape, incest, sexual molestation, sexual exploitation or sexual harassment and inappropriate or unwanted touching of an individual by another.
 - **Verbal Abuse:** A verbalization that inflicts or may inflict emotional harm, invoke fear or humiliate, intimidate, degrade or demean an individual.
- **Injury Requiring Treatment Beyond First Aid:** Any injury that requires the provision of medical treatment beyond that traditionally considered first aid. First aid includes assessing a condition, cleaning an injury, applying topical medications, applying a Band-Aid, etc. Treatment beyond first aid includes lifesaving interventions such as CPR or use of the Heimlich maneuver, wound closure by a medical professional, casting or otherwise immobilizing a limb. Evaluation/assessment of an injury by emergency personnel in response to a "911" call is reportable even if the individual is not transported to an emergency room.
- **Law Enforcement Activity:** The involvement of law enforcement personnel is reportable in the following situations:
 - an individual is charged with a crime or is the subject of a police investigation that may lead to criminal charges.
 - an individual is the victim of a crime, including crimes against the person or their property.
 - A crime such as vandalism or break in that occurs at a provider site. This may be reported as a site report.
 - An on-duty employee or an employee who is volunteering during off duty time, who is charged with an offense, a crime or is the subject of an investigation while on duty or volunteering. This is reported as a site report.
 - A volunteer who is charged with an offense, a crime or is the subject of an investigation while on duty or volunteering. This is reported as a site report.
 - A crisis intervention involving police/law enforcement personnel.
 - A citation given to an agency staff person for a moving violation while operating an agency vehicle, or while transporting individuals in a private vehicle, is reported as a site report.
- **Missing Person:** A person is considered missing when they are out of contact with staff for more than twenty four (24) hours without prior arrangement or if they are in immediate jeopardy, when missing for any period of time. A person may be considered in "immediate jeopardy" based on the person's personal history and may be considered "missing" before twenty four (24) hours elapse. Additionally, it is considered a reportable incident whenever the police are contacted about an individual or the police independently find and return the individual, or both, regardless of the amount of time the person was missing.
- **Misuse of Funds:** An intentional act or course of conduct, which results in the loss or misuse of an individual's money or personal property. Requiring an individual to pay for an item or service that is normally provided as part of the individual's support plan is considered financial exploitation and is reportable as a misuse of funds. Requiring an individual to pay for items that are intended for use by

several individuals is also considered financial exploitation. Individuals may voluntarily make joint purchases with other individuals of items that benefit the household.

- **Psychiatric Hospitalization:** An inpatient admission to a psychiatric facility, including crisis facilities and the psychiatric departments of acute care hospitals, for the purpose of evaluation or treatment, or both, whether voluntary or involuntary. This includes admissions for “23-hour” observation and those for the review or adjustment, or both, of medications prescribed for the treatment of psychiatric symptoms or for the control of challenging behaviors.
- **Rights Violation:** An act which is intended to improperly restrict or deny the human or civil rights of an individual, including those rights which are specifically mandated under applicable regulations. Examples include the unauthorized removal of personal property, refusal of access to the telephone, privacy violations and breach of confidentiality. This does not include restrictions that are imposed by court order or consistent with a waiver of licensing regulations.
- **Suicide Attempt:** The intentional and voluntary attempt to take one’s own life. A suicide attempt is limited to the actual occurrence of an act and does not include suicide threats.

The following categories of reportable incidents must be reported within 72 hours after the occurrence of the incident into HCSIS:

- **Medication Error:** Any nonconforming practice with the “Rights of Medication Administration” as described in the OMR Medication Administration Training Course. This includes omission, wrong dose, wrong time, wrong person, wrong medication, wrong route, wrong position, wrong technique/method and wrong form. Over the counter medication is excluded. Treatment procedures (for example, skin creams, shampoo, eye drops, and the like) that do not contain a prescription medication are excluded. A medication error occurring during a home visit, when the family is responsible for the administration, is not reportable. An individual’s refusal to take medication is not reportable
- **Restraints:** Any physical, chemical, or mechanical intervention used to control acute, episodic behavior that restricts the movement or function of the individual or portion of the individual’s body, including those that are approved as part of an individual’s support plan or those used on an emergency basis. Improper or unauthorized use of restraint is considered abuse and is to be reported under the abuse category.
 - **Physical:** A physical, or manual restraint is a physical hands on technique that lasts thirty(30) seconds or more, used to control acute, episodic behavior that restricts the movement or function of an individual or portion of an individual’s body such as a basket hold and prone or supine containment.
 - **Mechanical:** A mechanical restraint is a device used to control acute, episodic behavior that restricts the movement or function of an individual or portion of an individual’s body. Examples of mechanical restraints include anklets, wristlets, camisoles, helmets with fasteners, muffs and mitts with fasteners, poseys, waist straps, head straps, restraining sheets and similar devices. A device used to provide support for functional body position or proper balance and a device used to for medical treatment, such as a wheelchair belt or helmet for prevention of injury during seizure activity are not considered mechanical restraints.
 - **Chemical:** A chemical restraint is a drug used to control acute, episodic behavior that restricts the movement or function of an individual. A drug ordered by a licensed practitioner as part of an on-going treatment program or pretreatment prior to medical or dental examination or treatment is not a chemical restraint. Medications prescribed on a Pro Re Nata (PRN) basis for the treatment of episodically occurring and well defined symptoms of an underlying disorder (such as an anxiety disorder, auditory hallucinations, and the like) and not simply for behavior control, are not considered chemical restraints.

**Intellectual Disability Programs: Community Home Services (CHS), Alternatives, Links to Independence,
Community Career connections, LifeFit, Agency with Choice**

Program:

Incident/Description:

Date:

| | <u>Point Person Initials</u> | <u>Date Completed</u> |
|---|------------------------------|-----------------------|
| 1. Notification of incident by employee. | _____ | _____ |
| 2. Completed narrative description of incident by employee received. | _____ | _____ |
| 3. Assignment of incident to Certified Investigator. | _____ | _____ |
| 4. Director of Adult Services or Community Services notified. | _____ | _____ |
| 5. Law enforcement notification for all abuse and/or neglect allegations | _____ | _____ |
| a. For any allegation of sexual abuse initiate the process to ensure the individual is immediately taken to the hospital for a rape exam. | | |
| b. Ensure that the individual is offered the services of victim assistance anytime the individual is a victim of abuse (including individual to individual), neglect, injury, or victim of a crime. When there is an allegation of alleged sexual abuse, the individual must be offered this assistance immediately upon the reporting of the incident. | | |
| 6. Suspension of staff member (if applicable). | _____ | _____ |
| 7. HCSIS notification of incident and report to law enforcement. | _____ | _____ |
| 8. Internal investigation begun by Certified Investigator. | _____ | _____ |
| 9. Certified Investigator submits to in-house determination of suspected abuse/neglect reported to: | | |
| • HCSIS | _____ | _____ |
| • Program Manager | _____ | _____ |
| • Director | _____ | _____ |
| • Human Resources (if applicable). | _____ | _____ |
| As Founded | | |
| Unfounded | | |
| Undetermined | | |
| 10. Termination/Reinstatement of staff (if applicable). | _____ | _____ |
| 11. Follow-up with law enforcement within 30 days to verify that allegation is being/has been investigated. | _____ | _____ |

Program: Childhood Programs

The procedures for reporting and investigating are regulated by PA Child Protective Services laws and the PA Department of Public Welfare's ChildLine and Abuse Registry. We are mandated reporters of suspected abuse occurring within our agency by employees, or outside of the agency, by others.

Abuse is defined by Pennsylvania's Child Protective Services Law as:

- Non-accidental serious physical or mental injury, sexual abuse or exploitation, or serious physical neglect of children under age 18 caused by the acts or omissions of the parent or caretaker.
- Neglect is repeated failure to provide a child with needed care, protection, and attention.
- Child abuse also includes any recent act, failure to act, or series of acts, or failures to act by a perpetrator that creates and imminent risk of serious physical injury to or sexual abuse or exploitation of a child under age 18.

Staff members within UCP CENTRAL PA's Childhood Programs are mandated reporters of child abuse. Mandated reporters, including law enforcement officials, are required by law to report suspected child abuse/neglect immediately to the ChildLine Abuse Registry*. Any mandated reporter convicted of willfully failing to report suspected child abuse faces up to a \$300 fine and/or 90 days in jail for first offense**.

When a child enters a Childhood program, his/her parents will be provided written notification indicating UCP CENTRAL PA's responsibilities as a mandated report.

Responsibilities When Witnessing Abuse/Neglect:

1. Any staff person who witness abuse/neglect first ensures the safety of the child involved, if this is presently threatened.
2. Any staff person who witnesses an allegation of abuse and/or neglect, or has reasonable cause to suspect abuse and/or neglect, must **immediately** notify the Director of Options.
3. In the event the Director of Options is not available, they are to contact (in this order) the Director of Childhood Programs, or the Director of Human Resources (whose office is within the Capital Area Children's Center).

The Investigatory Process:

1. The Director of Options (or the person who receives the report) reports **immediately**, by phone, the suspected abuse and/or neglect, to ChildLine and to the Director of Childhood Programs, regardless of the identity of the suspected perpetrator.
2. Trained intake specialists at ChildLine forward the report to county Children and Youth and, if necessary, to law enforcement, for investigation***.
3. All reports to ChildLine of sexual or physical abuse and neglect are confidential.
4. The Director of Options (or person who receives the report) follows up the verbal report with a written report to the investigating county Children and Youth agency within 48 hours. The only exception to this sequence is in the case of an emergency or if the abuse is occurring in the immediate present. Under these circumstances, the staff witness first calls 911 and then follows the ChildLine procedures.

5. Once the report is made to ChildLine, UCP Central PA has no further reporting or investigative involvement.
6. PA law requires the District Attorneys and Children and Youth agencies conduct joint investigations of child abuse*. The investigation team must include a health care provider, a law enforcement official, and a county Children and Youth employee who specializes in child abuse.
7. This investigation team files criminal charges against the perpetrator, if necessary*.
8. Any staff member accused of child abuse and/or neglect is suspended without pay immediately, pending the outcome and findings of the investigation. If the abuse and/or neglect is founded, the accused staff member is terminated. If the abuse and/or neglect is unfounded, the employee is brought back from suspension and paid for the time on suspension.
9. In situations where an employee is accused of suspected abuse and/or neglect, the Director of Options engages an internal investigation team (the Director of Options, Director of Childhood Programs, the HR Director, and the CEO) to simultaneously conduct an internal investigation to determine if the alleged act is in violation of the Child Discipline Policy. This type of situation would include a staff member who exhibits frustration with a child that manifests in the rough handling of a child, but the handling does not leave a mark.

If the alleged act is unfounded or unable to determine by the ChildLine investigation, but the internal finding is that the staff member did violate the Child Discipline Policy, the suspension time is unpaid, and appropriate personnel action is taken. This action could include retraining, or result in termination.

10. Within 30 days from the written report to ChildLine, the Director of Options provides a written request, to the county Children and Youth agency, for a written notification of final status of the investigation, (founded, indicated, or unfounded) and the services provided to protect the child.

*Commonwealth of Pennsylvania, Department of Public Welfare 2002. "Recognizing and Reporting Child Abuse in Pennsylvania: A Guide for Mandated Reporters.

**Commonwealth of Pennsylvania, Department of Public Welfare. 1985. "Mandated Reporters: Professionals Who Work With Children." Publication #336.

***ChildLine and Abuse Registry. 2004. Retrieved from: www.dpw.state.pa.us/child/childabuseneglect/003670361.htm

**CHECKLIST ABUSE/NEGLECT/EXPLOITATION REPORTING AND INVESTIGATION
CHILDHOOD PROGRAMS**

Program:

Incident/Description:

Date:

Point Person's **Date Completed**
Initials

1. Notification of the incident by an employee.

2. Verbal report by Director of Options, or
Director to who it's reported, to ChildLine.

3. Verbal report by Director to
the Childhood Programs Director.

4. Suspension of staff member (if applicable).

5. Written report within 48 hours by Program
Manager to appropriate Children and Youth
Agency.

6. Termination/reinstatement of staff member.
(if applicable)

7. Follow up – Written requested within 30
days to Children and Youth by Program
Manager for written notification of final
status:

- Founded
- Unfounded
- Indicated

Program: Community Services (Links to Independence – see Pages 4-6 as an MR funded program)

We are mandated reporters of suspected abuse occurring within our agency by employees, or outside of the agency by others.

Abuse is defined as: Any act of failure to act on the part of a caregiver that results in death, serious physical or emotional harm, sexual abuse or exploitation, or presents an imminent risk of harm. Abuse is reported from the victim's perspective, not that of the person committing the abuse.

- **Physical Abuse:** An intentional physical act that causes or may cause physical injury to an individual, such as striking, kicking, applying noxious or potentially harmful substances or condition to an individual.
- **Emotional Abuse:** An act or verbalization or other person that may inflict emotional harm, invoke fear, or humiliate, intimidate, degrade or demean an individual.
- **Sexual Abuse:** An act or attempted act of rape, incest, sexual molestation, sexual exploitation or sexual harassment, and inappropriate or unwanted touching of an individual by another.
- **Financial Exploitation:** An intentional act or course of conduct that results in the loss or misuse of the consumer's money or personal property.
- **Neglect:** The intentional or reckless failure to provide care and services necessary to preserve the physical and mental health, safety and welfare of the consumer.

Upon entrance to the program, and annually thereafter, each consumer receives confidential written notification that:

- UCP CENTRAL PA is legally bound to immediately report incidents of physical or sexual abuse and neglect to local law enforcement and the appropriate regulatory agency.
- UCP CENTRAL PA must immediately contact the appropriate regulatory agency in other cases of abuse, such as financial and emotional.
- Lists various agencies that consumers may contact if they feel they are being abused or mistreated.
- Assures consumers that they will not face any reprisals if they report abuse/neglect by a caregiver.

Responsibilities When Witnessing/Suspecting Abuse/Neglect

1. All Community Services employees, including Attendants, Service Coordinators, and Community Integration Specialists, who witness, suspect, or are notified of incidents of consumer neglect, physical, emotional, or sexual abuse, or financial exploitation **immediately** make a verbal report to their Program Manager.
2. The Program Manager **immediately** reports the incident to the Director of Community Services and completes a written Incident Report.

The Investigatory Process:

1. All instances of abuse in Community Services Programs alleged against a UCP CENTRAL PA employee are subject to an internal investigation. This is initiated by the relevant Program Manager, and the investigatory team also includes the Director or Co-Director of Community Services, and where staff are accused, the HR Director, and the CEO.
2. The internal investigation will occur within three to five days from the initial report.

3. Consumers alleging financial exploitation will be notified of their right to contact the police.
4. In all cases of physical or sexual abuse or neglect, regardless of the identity of the suspected perpetrator, the Director or Co-Director of Community Services verbally reports the incident **immediately** to local law enforcement.
5. The verbal report is followed up by a written report to law enforcement within 48 hours.
6. If charges of alleged physical or sexual abuse or neglect are against a UCP CENTRAL PA employee, the employee is suspended immediately, pending the results of the investigation.
7. In cases of emotional and financial abuse, regardless of the identity of the suspected perpetrator, the Program Manager verbally reports the allegations to the appropriate agency, such as Pennsylvania Protection and Advocacy, Area Agency on Aging, Office of Special Programs, etc., **immediately**.
8. The verbal report to the oversight agency is followed by a written report within 48 hours.
9. The Director of Community Services will decide whether agency employees suspected of financial exploitation should be suspended or assigned to another consumer.
10. If charges against a suspended UCP CENTRAL PA employee prove unfounded subsequent to an in-house and/or police investigation, the employee will be reinstated and assigned to a new consumer. If the charges are founded, the employee will be terminated immediately.
11. The Director of Community Services or the Program Manager involved will do follow-up within 30 days, with the agency and/or authorities notified to verify that the reported abuse/neglect has been/is being investigated.

**CHECKLIST ABUSE/NEGLECT/EXPLOITATION REPORTING AND INVESTIGATION
COMMUNITY SERVICES PROGRAMS**

Program:

Incident/Description:

Date:

Point Person's
Initials

Date Completed

1. Staff notification of abuse/neglect to Program Mgr.

2. Verbal notification of incident by Program Mgr.
to Program Director.

3. Completion of written Incident Report by
Program Manager.

4. Law enforcement notification for physical/sexual
abuse, neglect allegations.

5. Suspension of staff member (if applicable).

6. Written report to law enforcement 48 hours after
initial notification.

7. Verbal report by Program Manager to appropriate
oversight agency.

8. Written follow-up report by Program Manager
to appropriate oversight agency w/in 48 hours.

9. Internal investigation initiated by Program Mgr.

10. Program Manager provides written results of the
investigation to:

- CEO, Director, and Co-Director
- Human Resources (if applicable)

As Founded

Unfounded

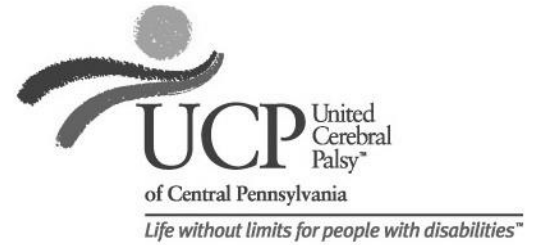
Undetermined

11. Termination/reinstatement of staff.

12. Follow-up within 30 days with agency/authority
notified to verify that report has been/is being
investigated.

Personnel Policies Amendment

(Please attach to your copy of the Personnel Policies.)



Effective October 22, 2004, and revised March 29, 2010, the following policy is added as a stand alone policy, although it has been included within other policies related to employees coming forward with information regarding violation of agency policies and procedures and, employee and consumer rights.

Part I – Section E

Policy for Protection from Retaliation

Pennsylvania law provides job-related protections that apply to a UCP Central PA employee who makes a report in good faith of such matters as abuse, neglect, wrongdoing or waste. It is UCP Central PA policy to encourage each employee to make a report in good faith or cooperate with authorities, and to comply with these laws to the fullest extent. UCP Central PA therefore commits to reassure each employee that such action will not result in interference, discrimination, retaliation or intimidation. For this reason, UCP Central PA restates in this policy various protections that may apply to employees.

From the Child Protective Services Law, 23 Pa.C.S. § 6311, applicable to report of abuse or neglect of a child:

(d) CIVIL ACTION FOR DISCRIMINATION AGAINST PERSON FILING REPORT.--Any person who, under this section, is required to report or cause a report of suspected child abuse to be made and who, in good faith, makes or causes the report to be made and, as a result thereof, is discharged from his employment or in any other manner is discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges of employment, may commence an action in the court of common pleas of the county in which the alleged unlawful discharge or discrimination occurred for appropriate relief. If the court finds that the person is an individual who, under this section, is required to report or cause a report of suspected child abuse to be made and who, in good faith, made or caused to be made a report of suspected child abuse and, as a result thereof, was discharged or discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges of employment, it may issue an order granting appropriate relief, including, but not limited to, reinstatement with back pay. The department may intervene in any action commenced under this subsection.

From the Older Adults Protective Services Law, 35 P.S. § 10225.302, applicable to reports of abuse or neglect of an older adult (including a care-dependent person):

(c) RETALIATORY ACTION; PENALTY.--Any person making a report or cooperating with the agency, including providing testimony in any administrative or judicial proceeding, and the victim shall be free from any discriminatory, retaliatory or disciplinary action by an employer or by any other person or entity. Any person who violates this subsection is subject to a civil lawsuit by the reporter or the victim wherein the reporter or victim shall recover treble compensatory damages, compensatory and punitive damages or \$5,000, whichever is greater.

(c.1) INTIMIDATION; PENALTY.--Any person, including the victim, with knowledge sufficient to justify making a report or cooperating with the agency, including possibly providing testimony in any administrative or judicial

proceeding, shall be free from any intimidation by an employer or by any other person or entity. Any person who violates this subsection is subject to civil lawsuit by the person intimidated or the victim wherein the person intimidated or the victim shall recover treble compensatory damages, compensatory and punitive damages or \$5,000, whichever is greater.

(d) IMMUNITY.--Any person participating in the making of a report or who provides testimony in any administrative or judicial proceeding arising out of a report shall be immune from any civil or criminal liability on account of the report or testimony unless the person acted in bad faith or with malicious purpose. This immunity shall not extend to liability for acts of abuse, neglect, exploitation or abandonment, even if such acts are the subject of the report or testimony.

From the Pennsylvania Whistleblower Law, 43 P.S. §1423, applicable to good faith reports of waste or wrongdoing to an Appropriate Authority (defined as a member, officer, agent, representative, or supervisory employee of the body, agency, or organization; or a Federal, State, or local government body, agency, or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct, or ethics, or waste):

(a) PERSONS NOT TO BE DISCHARGED.-- No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste.

(b) DISCRIMINATION PROHIBITED.-- No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee is requested by an appropriate authority to participate in an investigation, hearing or inquiry held by an appropriate authority or in a court action.

It is the intention of UCP Central PA to take whatever action may be needed to prevent and correct activities that violate this policy.

(Consumer Sign-off)

**ACKNOWLEDGEMENT OF RECEIPT OF INFORMATION
ON UCP CENTRAL PA'S ABUSE/NEGLECT/EXPLOITATION POLICIES**

I have received information on UCP CENTRAL PA's abuse/neglect policies. This includes:

- The required notification of law enforcement
- The "no-reprisal" statement assuring the consumers/parents/guardians face no reprisals for reporting abuse or neglect by a caregiver
- A list of agencies to contact if consumers/parents/guardians feel that consumers have been abused or neglected

Consumer/Parent/Guardian Name: _____

Consumer/Parent/Guardian Signature: _____

Date: _____

**Intellectual Disability Programs:
Community Home Services (CHS), Alternatives, Links to Independence,
Community Career connections, LifeFit, Agency with Choice**

- a. Each individual, or individual's parent, guardian, or advocate if appropriate, is informed of individual rights upon admission and annually thereafter. A statement signed and dated by the individual, the individual's parent, guardian, or advocate if appropriate, acknowledging receipt of this information upon admission and annually thereafter shall be kept in the individual's file. Each individual is encouraged to exercise his or her individual rights.
- b. Individuals will not be deprived of their rights.
- c. Individuals are not neglected, abused, mistreated, or subjected to corporal punishment.
- d. Individuals who report neglect or abuse by a caregiver will not have their services discontinued or face other negative consequences for their honesty.
- e. Individuals are not required to participate in research projects.
- f. Individuals are afforded the opportunity to participate in program planning that affects them.
- g. Individuals have the right to receive, purchase, have and use personal property.
- h. Individuals have the rights to privacy in the bathroom and during personal care.
- i. Individuals have the right to choose and wear their own clothes.
- j. Individuals are permitted to receive scheduled and unscheduled visitors, and are encouraged to communicate, associate, and meet privately with their families and persons of their own choice.
- k. Individuals have the right to reasonable access to the telephone and the opportunity to receive and make confidential calls, with assistance when necessary.
- l. Individuals have the rights to be free from excessive medication.
- m. Individuals and their families or guardians have the right to offer comments or complaints to the facility about programming, treatment, or working conditions.
- n. Individuals will not be discriminated against because of their race, color, religious creed, disability, handicap, ancestry, national origin, age, or sex.

UCP CENTRAL PA
44 South 38th Street
Camp Hill, PA 17011
(717) 975-0611

UCP CENTRAL PA PARENT AGREEMENT FORM

UCP CENTRAL PA's Early Intervention Program is dedicated to providing educational and therapeutic services. In order to help us provide the best services possible, we ask that everyone involved in our programs be aware of the following:

1. If you need to cancel an appointment due to illness, vacation, etc. please be sure to call the center. Likewise, our staff will contact you if there is a need for them to cancel and they will make attempts to re-schedule their cancelled appointments when schedules allow. We are required to inform service coordinators of "no shows".
2. The focus of early intervention is to give families ideas of how to incorporate developmental and therapeutic activities into their daily routines. This makes it a necessity that the child's family and/or caregiver(s) be active participants during the entire session. If a child has siblings, we do our best to have them participate and be a part of the sessions since they are present and interact with the child when we are not there.
3. It is necessary for us to have a prescription from your child's physician if your child is receiving occupational and/or physical therapy.
4. Early Intervention providers in Pennsylvania are mandated reporters and by law must report suspected child abuse and neglect to Children and Youth.
5. UCP CENTRAL PA assures consumers/parents/guardians that if they report suspected child abuse or neglect by a caregiver, they will face no reprisals by UCP CENTRAL PA, such as discontinuation of services or any other negative consequences.

Child's Name _____

Parent/Guardian

Date

Witness

Date

Consumer name

Address

Dear Consumer:

It is our policy to provide to each new consumer and to all existing consumers annually, a list of agencies that you may contact if you feel you are being abused or mistreated. The list of agencies and phone numbers is attached for your use, if needed.

UCP CENTRAL PA also is here for you if you need our assistance. Please do not hesitate to call us at 717-737-3477 or 1-800-998-4827.

In addition, I want you to know that if UCP CENTRAL PA staff becomes aware that you are being subjected to sexual or physical abuse by staff or family members, they are legally required to immediately report to local law enforcement. In all other cases where you are being subjected to abuse by staff or family members, such as financial, verbal, or emotional abuse, UCP CENTRAL PA must contact the appropriate agency, such as the Office of Aging, the State Attendant Care Program, the Office of Social Programs, the Department of Public Welfare, or the Office of Mental Retardation.

I also want to assure you that if you report that one of your caregivers is abusing or neglecting you, UCP CENTRAL PA will not discontinue your services or cause you other negative consequences because of your honesty.

We are here to assist you so that you are safe and comfortable in your own home and community.

Sincerely,

Jeffrey W. Cooper
President/CEO

Attachment: Agency List

UCP Central PA

Designated/Trained Point Persons

Central Region

| | | |
|------------------|----------------------------------|-------------------------|
| Barry Claypool | Linda Lane, Camp Hill | (717) 737-3477 ext. 148 |
| Kathy Seiderer | Linda Lane, Camp Hill | (717) 737-3477 ext. 157 |
| Angie Monteleone | Susquehanna Township, Harrisburg | (717) 230-9380 ext. 400 |
| Diane Robison | Linda Lane, Camp Hill | (717) 737-3477 ext. 156 |
| Jamie Fleck | Quaker Offices, Camp Hill | (717) 737-3477 ext. 360 |
| Heather Keller | Alternatives, Carlisle | (717) 960-0140 |
| Megan Greiner | Alternatives, Newport | (717) 567-7125 |

Lewistown/Selinsgrove

| | | |
|------------------|---------------------------------|-------------------------|
| Lee Shoenberger | Adult Services, Lewistown | (717) 247-2944 ext. 107 |
| Diana Steel | Community Services, Lewistown | (717) 247-2944 ext. 109 |
| Mary Benfer | Community Services, Lewistown | (717) 247-2944 ext. 113 |
| Kristian Bateman | Adult Services, Lewistown | (717) 247-2944 ext. 118 |
| Kelly Derr | Community Services, Selinsgrove | (570) 743-5022 ext. 104 |

UCP Central PA

Certified Investigators

| | | |
|------------------|-------------------------------|-------------------------|
| Barry Claypool | Linda Lane, Camp Hill | (717) 737-3477 ext. 148 |
| Kathy Seiderer | Linda Lane, Camp Hill | (717) 737-3477 ext. 157 |
| Angie Monteleone | Cameron Street, Harrisburg | (717) 230-9380 ext. 400 |
| Lee Shoenberger | Alternatives, Lewistown | (717) 247-2944 ext. 107 |
| Diane Robison | Linda Lane, Camp Hill | (717) 737-3477 ext. 156 |
| Heather Keller | Alternatives, Carlisle | (717) 960-0140 |
| Jamie Fleck | Quaker Offices, Camp Hill | (717) 737-3477 ext. 360 |
| Mary Benfer | Community Services, Lewistown | (717) 247-2944 ext. 113 |

Abuse and Assault Contacts – Central Region

ADULTS:

| | |
|---|--------------------|
| Army Community Service Carlisle | 717-245-4357 x3778 |
| Bethany Counseling Ministry | 717-236-6083 |
| Dauphin County Crisis Intervention | 717-232-7511 |
| Domestic Violence Services Cumberland/Perry | 800-852-2102 |
| Dickinson Law Clinic | 717-243-3696 |
| Diakon Family Life Services | 717-795-0330 |
| National Domestic Violence Hotline | 800-799-7233 |
| PA Coalition Against Abuse by Professionals | 717-534-2134 |
| PA Coalition Against Domestic Violence (www.pcdv.org) | 800-932-4632 |
| PA Coalition Against Rape | 888-772-7327 |
| PA Disability Rights Network | 717-236-8110 |
| Pinnacle Health Behavioral Services | 717-782-5218 |
| Pressley Ridge | 717-238-8118 |
| Rape Crisis and Domestic Violence Services (YWCA) | 800-654-1211 |
| Solias, Inc. | 717-939-0519 |
| Stevens Crisis Intervention | 888-243-6033 |
| Vet Center | 717-782-3954 |
| YWCA Carlisle | 717-243-3818 |

AGED:

| | |
|--|-------------------|
| Cumberland County Office of Aging | 717-240-6110 |
| Dauphin County Elder Abuse & Neglect Hotline | 866-723-3111 |
| Perry County Office of Aging | 717-582-2131 x223 |

CHILDREN, TEEN AND YOUTH:

| | |
|---|-------------------|
| Boys Town National Hotline | 800-448-3000 |
| Child Help USA | 800-422-4453 |
| Childline and Abuse Registry | 800-932-0313 |
| Children's Resource Center of Greater Harrisburg, The | 717-782-6800 |
| Cumberland County Children and Youth | 717-240-6120 |
| Dauphin County Social Services for Children and Youth | 717-255-2870 |
| Pressley Ridge | 717-774-3673 |
| Pressley Ridge | 717-238-8118 |
| National Center For Missing and Exploited Children | 800-843-5678 |
| Perry County Children and Youth Services | 717-582-2131 x212 |
| Rape Crisis and Domestic Violence Services (YWCA) | 717-238-7273 |
| YWCA Carlisle | 717-243-3818 |

Abuse and Assault Contacts – Lewistown Region

ADULTS:

| | |
|--|--------------|
| Domestic Violence Services..... | 800-852-2102 |
| National Domestic Violence Hotline..... | 800-799-7233 |
| PA Coalition Against Abuse by Professionals..... | 717-534-2134 |
| PA Coalition Against Domestic Violence..... | 800-932-4632 |
| PA Coalition Against Rape..... | 888-772-7327 |
| Rape Crisis and Domestic Violence Services..... | 800-654-1211 |

AGED:

| | |
|--|--------------|
| Elderly Abuse/Neglect Protective Services..... | 717-242-9454 |
|--|--------------|

CHILDREN, TEEN, AND YOUTH:

| | |
|---|--------------|
| Boys Town National Hotline..... | 800-448-3000 |
| Child Help USA..... | 800-422-4453 |
| Childline and Abuse Registry..... | 800-932-0313 |
| National Center for Missing and Exploited Children..... | 800-843-5678 |

Abuse and Assault Contacts – Selinsgrove Region

ADULTS:

| | |
|--|---------------------------------|
| Domestic Violence Services | 800-852-2102 |
| Men In Training Techniques and Services | 570-524-6161 |
| National Domestic Violence Hotline | 800-799-7233 |
| PA Coalition Against Abuse by Professionals..... | 717-534-2134 |
| PA Coalition Against Domestic Violence..... | 800-932-4632 |
| PA Coalition Against Rape..... | 888-772-7227 |
| Rape Crisis and Domestic Violence Services..... | 800-654-1211 |
| Women In Transition | 570-374-7773 or 866-SAFE-014 |

AGED:

| | |
|---|---------------------------------|
| Elderly Abuse/Neglect Protective Services Union/Snyder | 570-374-5558 or 570-524-2100 |
| Elderly Abuse/Neglect Protective Services Montour | 570-784-9272 or 800-598-5001 |
| Elderly Abuse/Neglect Protective Services Northumberland..... | 570-495-2395 or 877-622-2251 |

CHILDREN, TEEN, AND YOUTH:

| | |
|--|---------------------------------|
| Boys Town National Hotline | 800-448-3000 |
| Child Help USA | 800-422-4453 |
| Childline and Abuse Registry | 800-932-0313 |
| National Center for Missing and Exploited Children | 800-843-5678 |
| Montour County Children and Youth | 570-271-3050 or 570-275-1911 |
| Northumberland County Children and Youth..... | 570-988-4237 |
| Snyder County Children and Youth..... | 570-374-4570 |
| Union County Children and Youth | 570-522-1330 or 570-523-1113 |
| Tapline..... | 800-222-9016 |

UCP CENTRAL PA

INCIDENT MANAGEMENT AND ABUSE, NEGLECT, AND EXPLOITATION POLICY & PROCEDURES

TRAINING ACKNOWLEDGEMENT

I have been trained in and understand definitions of abuse/neglect/exploitation and UCP CENTRAL PA's Incident Management and Abuse, Neglect, and Exploitations Policies and Procedures.

I have received the full packet defining and explaining Consumer Abuse/Neglect, Incident Management, Restrictive Procedures, Reporting Procedures, and UCP CENTRAL PA's "Whistleblower" policy.

Employee Name

Employee Signature

Date

Trainer Signature

Date