



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: PROTECTION FROM ABUSE: MANDATORY REPORTING POLICY 5.13

Authority: [42 CFR 483.420](#)
Chapters 9A.16, 11.88, 11.92, 18.20, 18.51, 18.130, 26.44, 70.124, 70.127, 70.128, 71A.12, 71A.20, 71.29, 72.36, 74.34 RCW

References: DSHS Administrative Policy 8.02, *Client Abuse*
DSHS Administrative Policy 9.01, *Incident Reporting*
DSHS Administrative Policy 18.62, *Allegations of Employee Criminal Activity*
DSHS/Washington State Patrol Protocol
DSHS/AAG Medicaid Fraud Control Unit Memorandum of Understanding

Resource: [How to Report Child Abuse and Neglect Information for Mandatory Reporters \(Vulnerable Adults\)](#)
DDD Policy 12.01, *Incident Reporting*

BACKGROUND

Several state laws require Department of Social and Health Services (DSHS) employees, volunteers, and contractors to report suspected abandonment, abuse, neglect, exploitation, and financial exploitation of children and vulnerable adults:

- Chapter [26.44 RCW](#) mandates the reporting of any suspected abuse or neglect of a child to either DSHS or law enforcement.
- Chapter [74.34 RCW](#) mandates an immediate report to DSHS of suspected abuse, neglect, abandonment, or financial exploitation of a vulnerable adult. When there is suspected sexual or physical assault of a vulnerable adult, it must be reported to DSHS **and** to law enforcement.
- [RCW 70.124.030](#) mandates the reporting of suspected abuse or neglect of state hospital patients.

Chapter [74.34 RCW](#) divides reporters into two types: mandated and permissive. Mandated reporters include all DSHS employees, service providers, law enforcement officers, social workers, and others (see the [Definitions](#) section of this policy for complete description). Under state law, volunteers at a facility or program providing services to vulnerable adults fall into the permissive category. **However, in order for contractors, volunteers, interns, and work study students to work in regional Field Services offices, Residential Habilitation Centers (RHC), and State Operated Living Alternatives (SOLA), they must agree to follow mandatory reporting requirements.**

PURPOSE

This policy describes the process the Division of Developmental Disabilities (DDD) will use to protect, to the extent possible, the health, safety, and well being of division clients, and to ensure that client abandonment, abuse, exploitation, financial exploitation, neglect and self-neglect is reported, investigated, and resolved; and to ensure that procedures are in place to prevent abuse.

SCOPE

This policy applies to all DDD employees, contractors, volunteers, interns, and work study students. **All DDD employees are mandated reporters.**

Note: Contracted certified residential service providers must follow the requirements of DDD Policy 6.12, *Mandatory Reporting Requirements for Residential Providers*. Employment and day program services providers must follow the requirements of DDD Policy 6.08, *Mandatory Reporting Requirements for Employment and Day Program Services Providers*.

DEFINITIONS

See Attachment A for a complete list of definitions of terms used in this policy. Attachment B contains clarifying examples of abuse, neglect, financial exploitation, and self-neglect.

POLICY

- A. Abuse and neglect of children and vulnerable adults is prohibited by law and will not be tolerated. All division employees, contractors, volunteers, interns, and work study students must report every incident of observed, reported, or suspected abandonment, abuse, financial exploitation, neglect or self-neglect of clients, as well as injuries of unknown origin. DDD shall process allegations in a manner that ensures prompt investigation and resolution.
1. Mandated reporters do not have to witness or have proof that an incident occurred. As long as there is reasonable cause to believe that a child or a

vulnerable adult has been abused or neglected, a mandated reporter must make a report.

2. When a report is made to the “Abuse Hotline,” DDD managers shall take steps to ensure that the identities of reporters of incidents under this policy remain confidential and not subject to disclosure, except as permitted by [RCW 74.34.035\(8\)](#) and [RCW 74.34.095\(1\)](#), or except where confidentiality has been waived by the reporter.
 3. A client injury should be reported as an “injury of unknown origin/source” when:
 - a. The source of the injury was not witnessed by any person **and** the source of the injury could not be explained by the client; **and**
 - b. The injury raises suspicious of possible abuse or neglect because of the extent of the injury **or** the location of the injury (e.g., the injury is located in an area not generally vulnerable to trauma) **or** the number of injuries observed at one particular point in time **or** the incidence of injuries over time.
- B. Failure to report can result in disciplinary action. Furthermore, failure to report is a gross misdemeanor under Washington State law ([RCW 74.34.053](#)). Any DDD employee, contractor, or volunteer found to have knowingly failed to report in his or her capacity as a mandated reporter will be reported to the appropriate law enforcement agency and may be prosecuted to the extent the law allows.
- C. Harassment and/or retaliation towards employees who report in good faith will not be tolerated.
- D. Employees who report in good faith are provided immunity from prosecution and protected from dismissal by state law ([RCW 70.124.060](#)).
- E. False reports made intentionally, maliciously, or in bad faith constitute a misdemeanor under Washington State law ([RCW 74.34.053](#)). Any DDD employee, contractor, or volunteer found to have knowingly made a false report will be reported to the appropriate law enforcement agency and may be prosecuted to the extent the law allows.
- F. A facility/agency may not develop policies or procedures that interfere with the mandatory reporting requirements in state law ([RCW 74.34.035](#)).
- G. In addition to the requirements of this policy, the requirements of DDD Policy 12.01, *Incident Reporting*, must also be met.

PROCEDURES

A. REPORTING

1. When a DDD employee, contractor, volunteer, intern, or work study student in the course of his/her duties has reasonable cause to believe that any client has been abused, neglected, or exploited, regardless of the source of information, he/she must call the appropriate DSHS reporting unit (see Section C below) immediately.
 - a. “Immediately” means there should be no delay between staff awareness of the incident/allegation and making the report. Reporting should occur as soon as the safety of all clients is assured and all necessary emergency measures have been taken.
 - b. Reports must be made immediately regardless of employee leave or days off.
2. Mandated reporters calling a DSHS reporting unit should be prepared to provide, to the extent possible, the following information:
 - a. Their name and address;
 - b. The name and address of the child or vulnerable adult, and the name of the facility providing care, if applicable;
 - c. The name and address of the client’s legal representative or alternate decision maker;
 - d. The nature and extent of the abandonment, abuse, financial exploitation, neglect or self-neglect;
 - e. Any known history of previous abandonment, abuse, financial exploitation, neglect, or self-neglect;
 - f. The identity of the alleged perpetrator, if known; and
 - g. Other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect, or self-neglect.
3. If there is reason to suspect that physical or sexual abuse occurred, mandated reporters must also immediately report the incident to the appropriate local law enforcement agency.

4. An employee may want to consult with a supervisor or other professional staff in making a determination of whether there is reasonable cause to believe abuse or neglect occurred. While this is permissible, it does **not** relieve the employee from his or her mandated reporting responsibilities if he/she believes abuse or neglect has occurred.

B. NOTIFYING A SUPERVISOR

1. Immediately after calling a DSHS reporting unit, a mandated reporter must also report the incident to his/her supervisor in the manner specified by the office/facility procedure. If the immediate supervisor is not available, report the incident to the next highest supervisor or management representative so designated by the office/facility.
2. If the suspected perpetrator is the person to whom the mandated reporter would usually report, report the incident to the next highest supervisor or management representative at the office/facility.
3. The office/facility/contractor must make a report to DDD Central Office within 24 hours. See also DDD Policy 12.01, *Incident Reporting*, for additional information and requirements.

C. CONTACT NUMBERS FOR REPORTING

The Departmental reporting entities are as follows:

Reports involving children less than 18 years of age:

Contact the local Child Protective Services (CPS) office. After business hours: DSHS CPS statewide number: 1-800-562-5624

Reports involving 18-21 year olds in Licensed Staff Residential programs:

*Complaint Resolution Unit (CRU) statewide number: 1-800-562-6078;
TTY: 1-800-737-7931*

Reports involving adults living in Companion Homes or their own homes without Supported Living services:

DSHS Adult Protective Services (APS) Regional Numbers:

Region 1: 1-800-459-0421 TTY: 1-509-568-3086

Counties: Adams, Asotin, Benton, Franklin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Yakima

Region 2: 1-866-221-4909 TTY: 1-800-977-5456
Counties: Island, King, San Juan, Skagit, Snohomish, Whatcom

Region 3: 1-877-734-6277 TTY: 1-800-672-7091
Counties: Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Kitsap, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, Wahkiakum

Reports involving adults receiving DDD Supported Living Services or living in long term care facilities or Residential Habilitation Centers:

Complaint Resolution Unit (CRU) statewide number: 1-800-562-6078;
TTY: 1-800-737-7931

Reports involving adult patients at Eastern and Western State Hospitals:

Eastern State Hospital: 509-565-4000
Western State Hospital: 253-761-7599

D. OFFICE/FACILITY/AGENCY PROCEDURES

1. All division offices, facilities, and DDD funded programs and contractors must have written procedures in place to implement this policy and provide training to staff and volunteers on recognizing and reporting suspected client abandonment, abuse, financial exploitation, neglect, or self-neglect.
2. DDD offices and facilities shall use this policy as the regional and local facility policy regarding mandatory reporting. Any additional local procedures must have the prior written approval of the Division Director or her designee.
3. Written procedures and training must be available to all employees, volunteers, interns, and work study students, and include, at a minimum:
 - a. Timelines for reporting suspected client abandonment, abuse, financial exploitation, neglect, or self-neglect;
 - b. Reference to, or attachments of, relevant state and federal statutes and regulations regarding client abuse and the specific types of programs to which they pertain;
 - c. Current telephone numbers of DSHS reporting units;
 - d. The responsibilities of reporting staff, supervisors, and administrative staff, witnesses, and direct care staff (where applicable);

- e. Instruction on recognizing abandonment, abuse, financial exploitation, neglect, and self-neglect;
 - f. Mandatory reporting requirements, including instructions for notifying local law enforcement if there is reason to suspect that sexual or physical assault has occurred;
 - g. Instructions for emergency client protection;
 - h. Instructions for coordinating with an abuse/neglect specialist or a sexual assault center;
 - i. Instructions for evidence preservation and collection;
 - j. Investigation process and procedures, where applicable;
 - k. Implementing preventive measures and corrective action; and
 - l. Instruction on initiating an external review when a report of known or suspected client abuse or neglect involves the acts or omissions of the administrator and/or supervisor(s).
4. Provide each employee, volunteer, intern or work study student a copy of this policy and [DSHS 27-076, Mandatory Reporting of Abandonment, Abuse, Neglect, Exploitation or Financial Exploitation of a Child or Vulnerable Adult](#), for the employee to sign and return. File the signed form in the employee's Personnel File.
 5. If a DSHS employee is the alleged perpetrator, the appropriate management representative must ensure compliance with *DSHS Administrative Policy 18.62, Allegations of Employee Criminal Activity*, the DSHS/Washington State Patrol Interagency Agreement, any negotiated agreements, and other applicable policies. Appointing Authorities should contact their Human Resources Consultant for advice prior to placing an employee on an alternative work assignment.

EXCEPTIONS

No exceptions to this policy are allowed.

SUPERSESSION

DDD Policy 5.13
Issued July 1, 2011

TITLE: PROTECTION FROM ABUSE: MANDATORY REPORTING POLICY 5.13

Approved: /s/ Linda Rolfe Date: September 15, 2011
Director, Division of Developmental Disabilities

Attachment A - *Definitions*

Attachment B - *Clarifying Examples of Abuse, Neglect, Financial Exploitation and Self-Neglect*

ATTACHMENT A

DEFINITIONS - GENERAL

ADSA means the Aging and Disability Services Administration of the Department of Social and Health Services (DSHS).

Adult Protective Services (APS) means the ADSA Home and Community Services (HCS) Division office that takes a report of abandonment, abuse, neglect, exploitation or financial exploitation when the alleged victim is a vulnerable adult who:

- Lives at home or in a facility licensed by the Residential Care Services Division (RCS), or receives DDD Supported Living (SL) Services; and
- The alleged perpetrator is not a SL staff, contractor, volunteer or client or a facility licensee, staff, volunteer, or resident.

APS conducts investigations of reported incidents and may offer protective services to the alleged victim.

Agency means all service providers identified in the scope.

Child Protective Services (CPS) means the DSHS Children's Administration unit that takes a report of abuse, neglect, abandonment or exploitation, conducts the investigation, and may offer protective services if the alleged victim is under eighteen (18) years of age.

Client means a person eligible for DDD services.

Complaint Resolution Unit (CRU) means the Residential Care Services (RCS) Division unit that takes a report of abandonment, abuse, neglect, exploitation or financial exploitation when the alleged victim is in Supported Living (SL) services or resides in a licensed facility and the alleged perpetrator is an owner, operator, employee, volunteer, client or resident of the SL program or the facility.

Division of Licensed Resources (DLR) means the DSHS Children's Administration division that licenses out-of-home settings. DLR staff is also responsible to investigate reported licensing concerns when there has been a violation or allegation of violation of minimum licensing requirements. This includes group home providers, licensed staffed residential settings, and/or staff working at these facilities.

Good faith means a state of mind indicating honesty and lawfulness of purpose.

Injury of Unknown Origin/Source means an injury that was not observed directly by the staff person and the injury is determined to not be reasonably related to the client's condition, diagnosis, known and predictable interaction with surroundings, or related to a known sequence of prior events.

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Mandated reporter means an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator or an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; employees of domestic violence programs; Christian Science practitioner; or health care provider subject to Chapter 18.130 RCW [RCW 74.34.020]. RCW 74.34.030 expanded mandatory reporting to include persons acting in a supervisory capacity with nonprofit or for-profit organizations.

Reasonable cause to believe means that the reporter, in making the report of abuse/neglect, acts with good faith intent, judged in light of all the circumstances then present.

Residential Care Services (RCS) means the DSHS/ADSA division responsible for the licensing and oversight of adult family homes, boarding homes, nursing facilities, residential habilitation centers, and certified residential programs. RCS conducts investigations of abandonment, abuse, neglect, exploitation, or financial exploitation.

DEFINITIONS – CHILDREN (RCW 26.44.020)

Child or Children means any person less than eighteen (18) years of age.

Abuse or neglect means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under [RCW 9A.16.100](#); **or** the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child.

Sexual exploitation includes: allowing, permitting, or encouraging a child to engage in prostitution by any person; **or** allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

Negligent treatment or maltreatment means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under [RCW 9A.42.100](#). When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment, or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in [RCW 26.50.010](#) that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

DEFINITIONS - VULNERABLE ADULTS (RCW 74.34.020)

Abandonment means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

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Abuse means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

- **Sexual abuse** means any form of nonconsensual sexual contact including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under [Chapter 71A.12 RCW](#), and a vulnerable adult living in that facility or receiving service from a program authorized under [Chapter 71A.12 RCW](#), whether or not it is consensual.
- **Physical abuse** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.
- **Mental abuse** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.
- **Exploitation** means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

Facility means a residence licensed or required to be licensed under Chapter 18.20 RCW, boarding homes; Chapter 18.51 RCW, nursing homes; Chapter 70.128 RCW, adult family homes; Chapter 72.36 RCW, soldiers' homes; or Chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department.

Financial exploitation means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by another person or entity for any person's or entity's profit or advantage other than the vulnerable adult's profit or advantage. Financial exploitation includes, but is not limited to:

- (a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

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- (b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or
- (c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

Neglect means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; **or** (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under [RCW 9A.42.100](#).

Self-neglect means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

Vulnerable adult means a person eighteen (18) years of age or older who:

- (a) Is sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; **or**
- (b) Is found incapacitated under [Chapter 11.88 RCW](#); **or**
- (c) Has a developmental disability as defined under [RCW 71A.10.020](#); **or**
- (d) Is admitted to a licensed facility (i.e., boarding home, nursing home, adult family home, soldiers' home, residential habilitation center, or any other facility licensed by DSHS); **or**
- (e) Is receiving services from home health, hospice or home care agencies licensed or required to be licensed under [Chapter 70.127 RCW](#); **or**
- (f) Is receiving services from an individual provider; **or**
- (g) Self-directs his or her own care and receives services from a personal aide under [Chapter 74.39 RCW](#).

ATTACHMENT B

CLARIFYING EXAMPLES OF ABUSE, NEGLECT, FINANCIAL EXPLOITATION, AND SELF-NEGLECT

The following examples, which are not all-inclusive, are provided to assist staff in identifying suspected or actual abuse, neglect, financial exploitation, and self-neglect. **While many examples are straightforward, others may be less obvious and need to be considered in a larger context.**

A. Physical Abuse:

- Biting
- Choking
- Kicking
- Pinching
- Pushing
- Shaking (especially a child under three years of age)
- Shoving
- Slapping
- Striking with or without an object
- Twisting limbs (joint torsion)
- Causing or willfully allowing the person to do bodily harm to themselves or
- Causing or willfully allowing another client to physically harm them
- Controlling a person through corporal punishment
- Not allowing the client to eat, drink, or care for physical needs such as elimination
- Retaliation following a physical attack, verbal abuse or other unwelcome action by a client
- Using excessive force when restraining an agitated client

B. Sexual Abuse:

- Any sexual contact between staff or volunteer of a facility and a client, whether or not it is consensual
- Inappropriate or unwanted sexual touching
- Intercourse
- Oral sex
- Rape
- Sexual coercion
- Sexual harassment
- Sexually explicit photographing, filming, or videotaping
- Showing, selling, or otherwise distributing pornographic materials
- Sodomy

C. Mental Abuse:

- Coercion
- Harassment

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- Inappropriately isolating a vulnerable adult from family, friends, or regular activity
- Making derogatory or disparaging remarks about a person and his/her family in front of the person or within hearing distance of any client
- Oral, written or gestural language threatening harm or intended to frighten clients
- Verbal assault such as ridicule, intimidation, yelling, or swearing

D. Neglect:

- Abandoning a client in situations where other persons, objects or the environment may injure the client
- Allowing the physical environment to deteriorate to the point that a client is subject to hazardous situations, such as electrical, water, and structural hazards
- Failure to provide care within acceptable standards
- Failure to promptly respond to medical emergencies or requests for medical treatment
- Failure to follow prescribed treatments or programs
- Failure to attend to clients in hostile or dangerous situations
- Failure to supervise which results in a client wandering, missing or running away
- Willful failure to protect the client from physical abuse by another client or staff
- Willful failure to protect a child from sexual contact with another child

E. Financial Exploitation:

- Using clients to perform work that should be done by paid employees
- Using client financial resources for personal gain or for activities not related to client care

F. Self-neglect:

Vulnerable adults who neglect themselves are unwilling or unable to do needed self-care. This can include such things as:

- Not eating enough food to the point of malnourishment
- Wearing clothes that are filthy, torn, or not suited for the weather
- Living in filthy, unsanitary, or hazardous conditions
- Not getting needed medical care