



DIVISION OF DEVELOPMENTAL DISABILITIES  
Olympia, Washington

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TITLE: PROTECTION OF CLIENTS FROM ABUSE POLICY 5.13

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Authority: 42 CFR 483.420 (a) (5) and (d)  
RCW 11.88, 11.92, 26.44, 43.43, 71A.10, 70.124, 74.15, and 74.34  
DSHS Administrative Policies 6.01, 8.02, and 9.01

**BACKGROUND**

Treating people with dignity and respect requires that people are free from abuse and neglect. Abuse, neglect, and negligent treatment of clients is prohibited by law.

**PURPOSE**

This policy establishes procedural guidelines and responsibilities for all employees working in programs and organizational units funded by the Division of Developmental Disabilities (DDD) when incidents of abuse, neglect, or negligent treatment of clients are suspected or known to have occurred.

**SCOPE**

This policy applies to all DDD employees, volunteers, and contractors.

**POLICY**

Abuse, neglect, or negligent treatment of clients is prohibited in all facilities, programs, and contractors funded by DDD. All division employees, contractors, or volunteers shall report every incident of observed, reported, or suspected mistreatment, neglect or abuse of clients, as well as injuries of unknown origin. DDD shall process allegations of suspected mistreatment, neglect or abuse of clients and injuries of unknown origin in a manner that ensures appropriate investigation.

**PROCEDURES**

All DDD-funded programs and contractors shall have procedures in place to implement this policy. These procedures shall include, but are not limited to, the following:

- A. Process for reporting alleged, suspected, or observed abuse or negligent treatment of clients within 24 hours to appropriate persons as designated by the program or organizational unit;
- B. Process for reporting all alleged, suspected, or observed abuse or negligent treatment of clients to DDD within 24 hours;
- C. Process for reporting alleged, suspected or observed abuse or negligent treatment to outside agencies and/or authorities such as law enforcement, Department of Health, Child Protective Services (if client is under 18 years), or Adult Protective Services (if client is over 18 years);
- D. A copy of pertinent federal and state statutes and regulations regarding client abuse and specific type of program (e.g., Residential Habilitation Center (RHC) skilled nursing facility, etc.);
- E. Provision for staff training in client protection, reporting, and evidence preparation (RCW 74.15.200);
- F. Current telephone numbers for local law enforcement agencies and the Office of Special Investigations (OSI) (RCW 26.44.040) as distributed by local office/facility annually;
- G. Program specific chain of command names and telephone numbers for reporting purposes;
- H. Program specific procedures detailing the responsibilities of:
  - 1 Reporting staff;
  - 2. Direct care staff; and
  - 3. Supervisory and/or administrative staff;
- I. Instructions for emergency client protection;

- J. Instructions for evidence preservation;
- K. Program specific paperwork requirements to include background checks (RCW 43.43.830); and
- L. Procedures for initiating an outside review/investigation when a report of known or suspected abuse or neglect involves the acts or omissions of the administrator and/or supervisor(s).

### **DEFINITIONS**

- A. “**Abuse**” means an act of physical or mental mistreatment or injury which harms or threatens a person through action or inaction by another individual including, but not limited to, the following:
  - 1. Physical abuse is defined as inflicting any pain or discomfort upon a client, or inducing a client to inflict pain or discomfort upon him/herself or any other client. This includes, but is not limited to: slaps, biting, blows, pinching, hair pulling, ear pulling, dragging or any other action which may cause physical pain or harm to the client. Physical abuse also includes any unauthorized use of conventional restraints (e.g., camisole, papoose board, tying or taping of an individual, and so forth).
  - 2. Sexual abuse includes, but is not limited to: intimate caressing or fondling, attempted rape, indecent liberties, rape, statutory rape, and showing selling, or otherwise distributing pornographic materials to a client.
  - 3. Sexual exploitation is a general term for inducing a person to participate in sexual activities with another individual in return for favor or implied favor from the exploiter. This can include taking sexual advantage of an individual who may not understand the implications of the behaviors being requested of him/her, including engaging in prostitution, obscene or pornographic photographing or filming.
  - 4. Verbal/emotional abuse is defined as actions, either overt or subtle, which cause mental injury or emotional distress to the individual. Verbal abuse would include, but is not limited to: verbal teasing, humiliation, belittling or ridiculing a person, the person's family, background, culture, race, disability, or physical appearance; making an individual a "scapegoat";

frequent or consistent use of profanities and/or obscenities in the presence of client; shouting, yelling, and screaming at clients; use of derogatory names for client; and so forth.

- B. “**Neglect**” means the failure to provide training and/or support services which are necessary to maintain physical and mental health or safety. Failure to provide such services can result in lack of expected improvement or a deterioration of a persons physical or emotional condition.
- C. “**Negligent treatment**” means an act or omission which constitutes a clear danger to an individual’s health and safety. Examples of negligent treatment include, but are not limited to the following:
1. Allowing the physical environment to deteriorate, resulting in clients being placed in dangerous situations, i.e., electrical, water or structural hazards; improper care of food for consumption by a client, and so forth.
  2. Failure to supervise the taking of medication by an individual, when that supervision is needed, or to monitor for possible side affects.

**SUPERSESSSION**

Division Policy Directive 103  
Issued September 1991

Approved:     /s/ Norm Davis      
Director, Division of Developmental Disabilities

Date:     12/29/93