



Chapter: Human Resources
Subject: Personnel Action in Cases of Abuse, Neglect and/or Exploitation of Individuals Served by DBHDD Facilities

Applicability:
This policy is applicable to all facilities operated by the Department of Behavioral Health and Developmental Disabilities.

Original Effective Date: September 17, 1990
Revision #1 Effective Date: August 23, 2010
Scheduled Review Date: August 2011
Approved:

References:
Official Code of Georgia 37-1-21(a)(1), 37-3-165, 37-4-124, 37-7-165; Rules and Regulations of the State Personnel Board, Chapter 478-1-15; Rules and Regulations of the Department of Human Resources, Chapter 290-4-6 and Chapter 290-4-9


Rhian Sharp, MBA, MHR, Director
Office of Human Resources
8/19/10
Date

Attachments:
None


Frank E. Shelp, M.D., M.P.H., Commissioner
8/19/10
Date

Personnel Action in Cases of Abuse, Neglect and/or Exploitation of Individuals Served by DBHDD Facilities

The Department of Behavioral Health and Developmental Disabilities (DBHDD) has the legal and ethical responsibility to protect all individuals entrusted to its care. DBHDD also recognizes its responsibility to employees for equitable treatment and for a reasonably safe and healthy place to work. Every employee who has direct individual contact is trained in appropriate individual support techniques that are designed to prevent physical abuse, sexual assault/exploitation, neglect, financial exploitation or verbal abuse.

Any form of physical abuse, sexual assault/exploitation, neglect, financial exploitation or psychological or verbal abuse of individuals, as well as failure to report critical incidents, is misconduct and is prohibited.

Separation from employment and a referral for criminal prosecution to local law enforcement officials is mandatory in cases of physical abuse or sexual assault/exploitation of individuals. Other forms of misconduct may result in appropriate disciplinary action, up to and including separation from employment.

DEFINITIONS

Abuse means the willful infliction of physical pain, physical injury, mental anguish, or unreasonable confinement, and includes sexual contact between an employee and an individual. For purposes of this policy, "willful" means other than accidental. This is a broad definition of abuse. Definitions of specific forms of abuse follow.

DBHDD	SUBJECT: Personnel Action in Cases of Abuse, Neglect and/or Exploitation of Individuals Served by DBHDD Facilities	Policy: 22-1603
		Page 2 of 4

Appointing Authority for the purposes of this policy is the highest position of employment within each regional office, state operated hospital or state operated community program.

Evidence means records, verbal or written statements, photographs, material objects and other information.

Facility for the purposes of this policy means a state operated hospital or state operated community program.

Financial Exploitation means the illegal or improper use of an individual or the individual's resources through undue influence, coercion, harassment, duress, deception, false representation, false pretense, or other similar means for another's profit or advantage. Included is the failure to account for the individual's funds by a payee.

Misconduct for the purposes of this policy includes any type of abuse, neglect or exploitation of an individual by an employee. The failure to report critical incidents is also misconduct.

Neglect for purposes of this policy is failure by an employee to provide care or service, for example personal hygiene, food, shelter or clothing, medical care for physical or mental health needs, protection from health and safety hazards, or prevention of malnutrition or dehydration.

Physical abuse for purposes of this policy is any interaction or physical contact, motion, or action that is directed toward an individual by someone other than another individual (peer), which may cause harm or pain. Examples include shoving, hitting, slapping, pinching, shaking, kicking, punching, misuse of seclusion or restraint, unreasonable confinement, misuse of medication or excessive force during the provision of care.

Psychological abuse for the purposes of this policy is any act by someone other than another individual (peer) that causes or could reasonably be expected to cause emotional distress to an individual. Examples include but are not limited to use of intimidation to achieve compliance, retaliation, purposely not intervening in a behavior that is demeaning to the individual, deliberately inflicting mental pain, anxiety, confusion, humiliation, harassment, or coercion.

Sexual Assault/Exploitation for purposes of this policy is a type of abuse and means any sexual contact between an employee and an individual. Examples include the solicitation of an individual by an employee for sexual purposes.

DBHDD	SUBJECT: Personnel Action in Cases of Abuse, Neglect and/or Exploitation of Individuals Served by DBHDD Facilities	Policy: 22-1603
		Page 3 of 4

Verbal Abuse for purposes of this policy is any language by someone other than another individual (peer) that may be threatening, demeaning, discriminatory, pejorative, derogatory, or aggressive

PROCEDURES

The appointing authority or designee of each regional office, state operated hospital or state operated community program is responsible for ensuring that the following procedures are implemented with reasonable consistency.

A. Reporting of Abuse, Neglect or Exploitation

The Department policy regarding reporting of incidents and its procedures are strictly adhered to in reporting allegations of any type of abuse, neglect, or exploitation cases. Reports are promptly made in accordance with established Department policy. The appointing authority or designee ensures that appropriate personnel actions are immediately taken to suspend with pay or administratively reassign an employee pending investigation of physical abuse, sexual assault, exploitation, neglect, verbal abuse or financial exploitation cases. The employee is removed from direct contact with individuals pending completion of the investigation.

An employee who fails to properly notify or report suspected cases of any type of abuse, neglect, or exploitation as defined in this policy is subject to disciplinary action up to, and including separation from employment, and/or criminal prosecution, when warranted.

B. Investigation of Suspected Individual Abuse, Neglect or Exploitation

The Department, through its state office and hospitals, ensures that a prompt and thorough investigation is conducted of all alleged individual physical abuse, neglect or exploitation. An investigation is initiated immediately and will conform to Department policy regarding Incident Management. A written investigative report is done, containing the information required in by Department policy.

C. Disposition

All investigative reports of suspected individual abuse, neglect or exploitation are completed in accordance with Department policy on Incident Management and are sent to the appointing authority or designee for appropriate personnel action. Personnel actions are coordinated with the Department of Behavioral Health and Developmental Disabilities, Office of Human Resources. Each facility must consult with the facility's human resources manager for technical expertise.

Appropriate personnel action includes:

- If allegations are substantiated through an investigation that an employee has physically abused an individual or sexually assaulted/exploited an individual, as defined in this policy, this results in mandatory separation from employment.
- If the evidence in the case supports a finding that an employee has physically abused an individual or has sexually assaulted/exploited an individual, the

DBHDD	SUBJECT: Personnel Action in Cases of Abuse, Neglect and/or Exploitation of Individuals Served by DBHDD Facilities	Policy: 22-1603
		Page 4 of 4

appointing authority or designee also makes a referral for criminal prosecution to local law enforcement officials.

- If the evidence in the case clearly supports a finding of misconduct, other than physical abuse of an individual or sexual assault/exploitation of an individual, this results in appropriate action being taken, up to and including separation from employment.

Nothing in this policy shall be construed so as to modify and/or create any rights and/or privileges with respect to the employment relationship between DBHDD and its employees. Additionally, DBHDD reserves the right to take personnel action against any employee prior to the conclusion of any internal investigation as deemed appropriate in the sole discretion of DBHDD.