

# MISTREATMENT, ABUSE, NEGLECT AND EXPLOITATION POLICY

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## POLICY

(Ref. 10 CCR 2505-10 8.608.8)

Metro Support Services, Inc. (MSS) prohibits any form of abuse, mistreatment, neglect, or exploitation of any person receiving services through its agency. MSS will ensure that all alleged incidents are reported appropriately and expeditiously to all necessary parties. Incident Report notification will include the individual and all responsible parties with legal authority (guardians, law enforcement, Adult Protective Services, and the Case Management Agency); other parties (e.g. other team members, family members who have no legal authority and advocacy representatives) will be notified only with the consent of the individual. All incidents will be thoroughly investigated in coordination with NMCS and legal authorities, as necessary. Appropriate disciplinary action up to and including termination and/or legal recourse shall be taken against any MSS employee, contract personnel, or volunteer who has failed to report or has engaged in mistreatment, abuse, neglect, or exploitation of a person receiving services. When an allegation is substantiated, the results of the investigation shall be recorded, with the employee's knowledge, in the employee's personnel file. MSS ensures that no individual is coerced, intimidated, threatened or retaliated against because the individual, in good faith, makes a report of suspected abuse, mistreatment, neglect or exploitation or assists or participates in any manner in an investigation of such allegations.

Metro Support Services, Inc. promotes respect for individual dignity and worth and has absolute regard for individual's rights. MSS will require inservice training for all employees and contract personnel in the following areas:

- Rights of persons receiving services
- Safe and humane treatment of persons receiving services
- Policies and procedures concerning the reporting of any suspected or alleged acts of mistreatment, abuse, neglect, or exploitation of a person receiving services.

The following actions are considered abuse, mistreatment, neglect, or exploitation and are defined as follows:

1. Physical Abuse is the infliction of physical pain, injury, or the imposition of unreasonable confinement or restraint of a person. This includes directing a person to physically abuse another person receiving services. Physical abuse includes such actions as striking; twisting

body parts; and unreasonable use of force in pulling, pushing or inflicting physical injury on a person receiving services with or without apparent injury.

2. Sexual Abuse is subjecting a person to non-consensual sexual conduct or contact. This may include, but is not limited to, such actions as sexual assault: including rape, fondling, and sexual exploitation. Non-consensual sexual contact between persons receiving services will also be considered sexual abuse. Any sexual interaction, whether consensual or non-consensual, between staff, contract personnel, or volunteers with persons receiving services shall be considered sexual abuse.
3. Verbal and Mental/Psychological Abuse is any verbal or non-verbal act which creates, is intended to create, or reasonably could be expected to create mental anguish for a person. This includes, but is not limited to, such actions as discriminatory remarks, belittlement, derogatory name-calling, teasing, and unreasonable exclusion from conversations or activities.
4. Neglect is an act or failure to act by a person who is responsible for another's well-being which results in inadequate food, clothing, shelter, psychological care, physical care, medical care, or supervision being provided. This may include, but is not limited to, denial of meals, medication, habilitation, or other treatment necessities and which is not otherwise within the scope of C.R.S. 25.5-10, as amended, or Intellectual and Developmental Disabilities Services rules and regulations. Neglect also includes failure to provide the person receiving services reasonable protection from harm.
5. Serious Physical Injury is an injury which requires medical attention and could cause impairment of any bodily part, or is determined to have caused or could have caused death. It is any other physical injury, which can reasonably be construed as serious by the person reporting the alleged abuse and neglect.
6. Exploitation is an illegal or improper action affecting a person or use of the person's resources for another person's profit or advantage. This includes the willful use of funds belonging to a person receiving services for purposes other than the needs of that individual.

Mistreatment is an act or omission, which threatens the health, safety, or welfare of a person.