

SUBJECT: Client Abuse or Neglect

IDENTIFIER: 08.01.02

EFFECTIVE DATE: 8/1/06

FORMAL REVIEW DATE:

SUPERSEDES: All policies adopted prior to effective date

AUTHORITY: Governance Policy C-1, "Delegation to the Executive Director"

OACBHA STANDARD: VI-A.16, VI-A.17, VI-A.18, VI-A.19

PURPOSE: To protect the rights of service recipients alleging abuse or neglect from a community mental health agency, residential facility, or adult care facility.

POLICY: It is the policy of the Lorain County Board of Mental Health (LCBMH) that all complaints alleging abuse or neglect of persons with mental illness shall be investigated in a timely manner and corrective action taken, if necessary.

RULES:

- A. A community mental health agency is defined as any agency, program, or facility with which the LCBMH contracts to provide the mental health services listed in [section 340.09](#) of the Revised Code.
- B. A residential facility is defined as a publicly or privately operated home or facility that provides one of the following:
 1. Room and board, personal care services, and community mental health services to one or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner.
 2. Room and board and personal care services to one or two persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner.
 3. Room and board to five or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner.
- C. An adult care facility is licensed by the Ohio Department of Health (ODH) under chapter 3722 of the Revised Code.
- D. Community mental health agencies and residential facilities shall report any allegation of staff neglect or abuse to the LCBMH within twenty-four hours of the event occurring and shall communicate the results of the investigation to the LCBMH when completed.
- E. A mental health agency that receives a complaint alleging abuse or neglect of an individual with mental illness who resides in an adult care facility shall report the complaint to the LCBMH, if the adult care facility is located in Lorain County. Allegations of abuse or neglect of out-of-county adult care facilities shall be

reported to the community mental health board or alcohol, drug addiction and mental health services board serving the county where the facility is located. The responding board shall report the complaint to the director of the ODH.

- F. Allegations of abuse or neglect of a child shall be reported to the Lorain County Children Services. Allegations of abuse or neglect of an adult over the age of sixty shall be reported to the Lorain County Department of Job and Family Services Adult Protective Services Division.
- G. If the LCBMH investigation substantiates the charge of abuse or neglect, the LCBMH shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities.

PROCEDURE:

- A. Allegations of client abuse or neglect will be investigated by the LCBMH client rights officers:

- 1. For adults, the client rights officer (CRO) is the **Director of Community Services:**

- Blanche Dortch, Ph.D.
1173 North Ridge Road, Suite 101
Lorain, Ohio 44055
(440) 233-2020

- 2. For children and adolescents (younger than 18 years old), the client rights officer (CRO) is the **Director of Child and Adolescent Services:**

- Sandy McBee-Strayer, Ph.D.
1173 North Ridge Road, Suite 101
Lorain, Ohio 44055
(440) 233-2020

- B. Upon receipt of the report alleging client abuse or neglect, the CRO shall contact Lorain County Children Services for clients under the age of eighteen or Lorain County Department of Job and Family Services Adult Protective Services Division for clients over the age of sixty. The CRO's role as primary, concurrent or secondary investigator will be determined based on the situation and the availability of the parties to respond effectively and in a timely manner.
- C. If the client is alleging living in conditions that represent substantial risk of immediate or irreparable harm or death, the investigation is to be initiated within twenty-four hours. The investigation will be initiated within three working days for all other allegations of abuse or neglect.
- D. The CRO's investigation should include a face-to-face visit with the client and may include interviews with individuals who may have information relevant to the allegation of abuse or neglect.
- E. When assessing the risk of the client who is the subject of the report, the CRO should consider:

1. The specific danger and the degree of danger to the client.
 2. The personal vulnerability of the client, including limitations due to illness, disability or age.
 3. The situation of the client, including the role of family members and availability of other natural support systems and resources.
- F. The CRO may contact the law enforcement agency having jurisdiction over the location of the alleged abuse or neglect if needed to provide immediate and short-term protection for the alleged victim, protect the crime scene, process the crime scene, develop probable cause and if appropriate, arrest the alleged perpetrator.
- G. The written report of the investigation into an allegation of client abuse or neglect will be reviewed the executive director of the LCBMH. The LCBMH shall maintain documentation of the findings of the investigation and of actions taken as a result of the investigation.
- H. To the extent feasible, the identity of the persons alleging client abuse or neglect and the identity of the client, or other information that could reasonably be expected to reveal the identity of the client or the person making the report will remain confidential, except as necessary to provide information to other government agencies responsible for enforcing or prosecuting laws pertaining to client abuse and neglect.
- I. Upon request, the LCBMH shall provide information about the investigation to the ODMH.

RESPONSIBILITY:

The **Executive Director** shall be responsible for the overall management and coordination of this Policy with assistance from the Clinical Team.

AUTHORIZATION:

Executive Director

Date

FORMS:

- A. Grievance/Services Complaint Board Initial Summary
- B. Authorization for Release of Information