

FOOTHILLS GATEWAY, INC.

Mistreatment, Abuse, Neglect, and Exploitation (MANE)

POLICY:

Foothills Gateway, Inc. will not tolerate the Mistreatment, Abuse, Neglect, and/or Exploitation of any individual and/or Member .

PROCEDURE:

Definitions:

“Mistreated” or “Mistreatment” means:

A. Abuse: Any of the following acts or omissions committed against a child, an at-risk person, a person with an intellectual or developmental disability, or a Member:

- The non-accidental infliction of physical pain or injury, as demonstrated by, but not limited to, substantial or multiple skin bruising, bleeding, malnutrition, dehydration, burns, bone fractures, poisoning, subdural hematoma, soft tissue swelling, or suffocation;
- Confinement or restraint that is unreasonable under generally accepted caretaking standards; or
- The subjection to nonconsensual sexual conduct or contact classified as a crime under the “Colorado Criminal Code,” Title 18, C.R.S.

B. Neglect: Occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, habilitation, supervision, or other treatment necessary for the health and safety of the at-risk person is not secured for the at-risk person or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise, or a caretaker knowingly uses harassment, undue influence, or intimidation to create a hostile or fearful environment for an at-risk adult.

- Notwithstanding the provisions of this subsection, the withholding, withdrawing, or refusing of any medication, any medical procedure or device, or any treatment, including but not limited to resuscitation, cardiac pacing, mechanical ventilation, dialysis, artificial nutrition and hydration, any medication or medical procedure or device, in accordance with any valid medical directive or order, or as described in a palliative plan of care, will not be deemed caretaker neglect.
- As used in this subsection, “medical directive or order” includes a medical durable power of attorney, a declaration as to medical treatment executed pursuant to section 15-18-104, C.R.S., a medical order for scope of treatment form executed pursuant to Article 18.7 of Title 15, C.R.S., and a CPR Directive executed pursuant to Article 18.6 of Title 15, C.R.S.

C. Exploitation: An act or omission committed by a person who:

- Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive an at-risk person the use, benefit, or possession of anything of value;
- Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the at-risk person; or
- Forces, compels, coerces, or entices an at-risk person to perform services for the profit or advantage of the person or another person against the will of the at-risk person; or
- Misuses the property of an at-risk person in a manner that adversely affects the person's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.

D. An act or omission that threatens the health, safety, or welfare of an at-risk person, or

E. An act or omission that exposes the at-risk person to a situation or condition that poses an imminent risk of bodily injury.

Foothills Gateway, Inc. (FGI) staff will monitor and detect instances of mistreatment, abuse, neglect, and exploitation (MANE). Monitoring activities will include, at a minimum, the review of:

- Incident Reports;
- Verbal and written reports of unusual or dramatic changes in behavior(s) of Members; and,
- Verbal and written reports from Members, advocates, families, Guardians, and friends of Members.

FGI reviews and collaborates with Adult/Child Protection Services, and law enforcement entities/representatives for investigating all allegations of MANE.

FGI ensures that appropriate disciplinary actions up to and including termination, and the appropriate legal recourse are taken against FGI employees and FGI contractors who have engaged in MANE.

FGI will enter into a Memorandum of Understanding (MOU) with local Adult/Child Protection Services, and Law Enforcement, and Provider Agencies outlining roles and responsibilities as well as outline standard practices for reporting and mitigating risk for Members.

HCPF rules require reporting of allegations of MANE by FGI employees and provider agencies. Reporting will occur within 24 hours of learning of the incident. The reported allegations will be entered/submitted per the Foothills Gateway Critical Incident Report (CIR) webform or through e-fax 970-829-4419 and submitted to FGI (CMA). FGI Case Management staff will enter the CIR in the Care and Case Management (CCM) system.

Reports of mistreatment of an adult with an intellectual or developmental disability (IDD) or

of an At-Risk Adult, must be reported to law enforcement. Law enforcement should provide notification of reports of MANE of adults with IDD and At-Risk Adults to Adult Protective Services (APS) and to the District Attorney within 24 hours. APS should also be notified by the reporting party by calling the DHS HUB. APS will review and evaluate each report to determine if the at-risk adult meets the statutory requirements of an at-risk adult pursuant to C.R.S. 26-3.1-101.

For any allegations involving a child under the age of eighteen, the Child Protection Unit at the local Department of Human Services (DHS) is to be called **immediately** in accordance with CRS 19-10-101. The person who observed the incident or to whom it was reported, or the person designated by the provider agency will make the call and write the Critical Incident Report (CIR).

REPORTING:

- Reports of alleged MANE **should** be made by a Member, parents or guardians, legally authorized representatives, advocates, family members, friends, members of the community, or FGI (CMA) staff who observe or are aware of incidents which appear to constitute these actions. **All** allegations of MANE (excluding self-neglect) **will** be reviewed or investigated by the Law Enforcement, Department of Human Services Adult Protection, the provider agency and FGI. Incidents of self-neglect will be reported to Adult Protective Services. The provider agency will complete an incident report in the FGI Incident Reporting Database and email the FGI Case Manager.
- FGI requires timely reporting of CIRs and CIR follow-up to report actions taken by caregivers, provider agencies, APS, and Law Enforcement to protect the member.
 - Within 24 hours of becoming aware of the incident, an incident report will be made available to the provider agency administrator or designee and to FGI, the case management agency.
 - The provider agency will maintain a written administrative record of all investigations including:
 - The incident report and preliminary results of the investigation.
 - A summary of the investigative procedure utilized.
 - The full investigation findings.
 - The actions taken,
 - The provider agency will ensure that appropriate actions are taken when an allegation against an employee or contractor is substantiated, and that the results of the investigation are recorded, with the employee's or contractor's knowledge, in the employee's personnel or contractor's file.

FGI will ensure prompt action to protect the safety, mental and physical health of the Member. Such action may include any action that would protect the Member(s) receiving services if determined necessary and appropriate by the provider agency or by FGI (CMA) pending the outcome of the investigation. Actions the provider agency may include, but are not limited to, removing the Member from their residential and/or day services setting and removing or replacing staff.

- Advocate for a referral to victim supports and protective orders for Members, as

applicable, related to the MANE allegation(s). Provide necessary victim supports.

- FGI will ensure that no individual is coerced, intimidated, threatened or retaliated against because the individual, in good faith, made a report of suspected MANE or assists or participates in any manner in an investigation of such allegations required by law or which may result from action initiated in accordance with 8.7201 M.3.
- For Home and Community Based Services (HCBS), the reporting provider agency director or designee will be responsible for notifying the authorized representative or legal guardian within 24 hours unless the guardian or authorized representative is the alleged perpetrator. For MANE incidents reported by the Case Manager, the Case Manager will be the responsible party for notification.
- For agencies and settings licensed by the Colorado Department of Public Health and Environment (CDPHE), in addition to completing the CIR, CDPHE's Occurrence Reporting requirements must be followed.
- **If the situation seems unclear**, the Case Manager or if Case Manager is not available, the Case Management Directors will be called during business hours and the FGI Administrator on call after business hours for direction.
- **No alleged perpetrators will be notified of reports or upcoming investigations.**

Investigations:

- All alleged incidents of MANE will be thoroughly investigated by the provider agency in a timely manner. However, internal investigations must not be used in lieu of investigations required by law or Adult Protection. Written review/investigation including the outcome (substantiated/unsubstantiated) will be entered into the CCM Critical Incident follow-up section for HCPF reviews.
- The provider agency for individuals in the DD waiver will assure that the person is safe during the investigation and inform the Case Manager of any changes in services or enhanced monitoring.
- MANE incidents will be entered into the FGI web based incident reporting system by the provider agency the next business day after the occurrence or notification of the incident.
- All MANE incidents are considered to be **critical incidents** as defined by HCPF and should be reported accordingly (All HCBS and State General Fund services).
- All alleged MANE incidents will be thoroughly investigated by the provider agency in a timely manner using the specified investigation procedures.

ADDRESSING AND FOLLOWING UP ON ALLEGATIONS:

- As requested, all FGI employees, provider agency employees or contractors will fully cooperate with Investigators, APS, and law enforcement officials during the investigation.
- The provider agency director or designee will assure the completion of the investigation within 10 business days. Extensions may be requested in writing by the provider agency director and a copy to the Comprehensive Case Management Director or Support Services Case Management Director in the absence of the Comprehensive Case Management Director.
- FGI Master Records will **not** be accessed by investigators outside the FGI Agency without prior approval from the individual, legal guardian, parents of a minor, or authorized representative and appropriate releases according to policies and procedures must be obtained.
- No individual will be coerced, intimidated, threatened or retaliated against because the individual, in good faith, makes a report of suspected MANE or assists or participates in any matter in an investigation of allegations.
- The case may be reviewed by the Adult Protection Team (APT). The Comprehensive Case Management Director or designee will participate in the local APT monthly meeting and bring back any recommendations or follow up.
- Investigation outcomes and recommendations will be shared by the provider agency or Case Manager with the person, legal guardians, provider agencies and other team members with appropriate releases.
- Investigation summaries will be secured at the provider agency and at FGI as administrative records. Investigation summaries are not part of the master record and will not be shared by the FGI Case Manager to assure reporting parties and interviews remain confidential.
- Supporting documentation will include but is not limited to: Incident Report, Police Report if applicable, FGI/provider agency Investigation Summary, and the Follow-up Incident Report.

RECORDS

- All incident reports and investigation findings/summaries will become a part of the administrative file at FGI including:
 - 1) Copy of the Incident Report
 - 2) Follow up Incident Report/ Summary of investigation including:
 - The results of the investigation
 - Investigation if done by CMA
 - The actions taken

The following items will become part of the individual's CCM record:

- Critical Incident Report

- Follow up Incident Report

EMERGENCY/CONTACT PHONE NUMBERS

• Emergency	911
• D.H.S. Adult Protection (HUB)	970-498-7770
• D.H.S. Child Protection (HUB)	970 498-6990
• Fort Collins Police (non-emergency)	970-419-3273
• Larimer County Sheriff	970-416-1985
• Estes Park Police (non-emergency)	970-586-4000
• Chief Executive Officer	970-690-8123
• Comprehensive Case Management Director	970-690-8129
• Support Services Case Management Director	970-443-2619

Foothills Gateway's e-fax # 970-829-4419

1/02. . . . 12/21; 4/22; 4/23; 1/25, 1/26