

MANDATORY ABUSE REPORTING NOTICE FOR ADULTS WITH DEVELOPMENTAL DISABILITIES

As a provider qualified to work with customers through brokerage serving adults who are developmentally disabled, you are a **Mandatory Reporter** according to Oregon law (ORS 430.765). According to the law, if you have reasonable cause to believe that an adult who is developmentally disabled has been abused, or that any person with whom you come in contact in your job has abused such an adult, you must immediately report the abuse to the community developmental disability program and to a local law enforcement agency when there is reason to believe a crime has been committed. You should also follow your agency or brokerage policies and procedures so that immediate steps are taken to protect the victim of the abuse.

The definition of abuse of adults who are developmentally disabled is:

1. Abandonment means desertion by a caregiver or other individual.
2. Death of an adult caused by other than accidental or natural means or occurring in unusual circumstances.
3. Financial exploitation means:

Wrongfully taking the assets, funds, or property belonging to or intended for the use of a person with a developmental disability.

Alarming a person with a developmental disability by conveying a threat to wrongfully take or appropriate money or property of the person if the person would reasonably believe that the threat conveyed would be carried out.

Misappropriating, misusing, or transferring without authorization any money from any account held jointly or singly by a person with a developmental disability.

Failing to use the income or assets of a person with a developmental disability effectively for the support and maintenance of the person. "Effectively" means use of income or assets for the benefit of the person.

4. Neglect means:

Withholding services necessary to maintain the health and well-being of an adult which leads to physical harm or significant mental injury to an

adult. Services include but are not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene, or any other services essential to the well-being of an adult.

Failure to provide the care, supervision, or services necessary to maintain the physical and mental health of a person with a developmental disability that results in actual harm or creates a significant risk of physical harm or significant emotional harm to the person with a developmental disability. Such failure may occur whether due to passive or active neglect, or through negligent omission or negligent treatment.

Failure of a caregiver to make a reasonable effort to protect a person with a developmental disability from abuse.

5. Physical abuse means:

Any physical injury by other than accidental means or that appears to be at variance with the explanation given for the injury.

Willful infliction of physical pain or injury.

6. Restraint means:

A wrongful use of a physical or chemical restraint upon a person with a developmental disability, excluding an act of restraint prescribed by a licensed physician and any treatment team activities that are consistent with an approved treatment plan or in connection with a court order.

Involuntary seclusion of a person with a developmental disability for the convenience of a caregiver or to discipline the person. Involuntary seclusion includes placing restrictions on an individual's freedom of movement by restriction to an area of the facility, residence, or program, or restriction from access to ordinarily accessible areas of the facility, residence, or program, unless agreed to by the Individual Support Plan (ISP) team and included in an approved Behavior Support Plan (BSP). Involuntary seclusion may also include confinement in a home setting.

7. Sexual abuse means:

Sexual contact with a nonconsenting adult or with an adult considered incapable of consenting to a sexual act under ORS 163.315.

Sexual harassment, sexual exploitation, or inappropriate exposure to sexually explicit material or language. Sexual harassment or exploitation includes but is not limited to any sexual contact between an employee of a community facility or community program, provider, or other caregiver and an adult. For situations other than those involving an employee, provider,

or other caregiver and an adult, sexual harassment or exploitation means unwelcome physical sexual contact including requests for sexual favors and other physical conduct directed toward an adult.

Any sexual contact between an employee of a facility or paid caregiver and an adult served by the facility or caregiver. Sexual abuse does not mean consensual sexual contact between an adult and a paid caregiver who is the spouse or partner of the adult.

Any sexual contact that is achieved through force, trickery, threat, or coercion.

Any sexual contact between a person with a developmental disability and a relative of the person with a developmental disability other than a spouse or partner. Relative means a parent, grandparent, children, brother, sister, uncle, aunt, niece, nephew, half brother, half sister, stepparent, or stepchild.

As defined in ORS 163.305, sexual contact means any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.

8. Verbal abuse means to threaten significant physical or emotional harm to a person with a developmental disability through the use of:

Derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule;

Harassment, coercion, threats, intimidation, humiliation, mental cruelty, or inappropriate sexual comments; or

A threat to withhold services or supports, including an implied or direct threat of termination of services. Services include but are not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene, or any other services essential to the well-being of an adult.

For purposes of this section, verbal conduct includes but is not limited to the use of oral, written, or gestured communication that is directed to a person with a developmental disability or within their hearing distance, regardless of their ability to comprehend.

The emotional harm that can result from verbal abuse may include but is not limited to anguish, distress, or fear.

In a facility setting, verbal abuse includes but is not limited to direct or implied threats of harm, punishment, or deprivation directed toward the person.

Pursuant to the law, your identity as the person making the report is confidential. Further, the law protects you from retaliation from a community facility, community program or individual when you make a report in good faith. You may not be discharged or transferred from one location of an agency to another, terminated from your job, demoted or have your pay lowered, or denied contact with the facility or its residents because you made a good faith report of suspected abuse. If you feel you have been retaliated against, you have the right to seek private legal action. Any agency, program or individual who retaliates against someone because of a good faith report of suspected abuse may be liable to that person for actual damages.

By signing this form, you are saying you understand the State's mandatory abuse reporting requirements concerning adults with developmentally disabilities. If you do not understand the mandatory abuse reporting requirements, ask to have them explained to you before you sign this form. You will be asked to sign this form every year you work for the agency and the signed form will become a part of your official file including any personnel record.

Provider Acknowledgement

I have received training about my mandatory abuse reporting obligations. I was trained on _____
DATE

I have received a copy of a card explaining I am a mandatory reporter and providing information about who to call if I suspect abuse.
I received the card on _____
DATE

Print, then sign your name

Today's Date

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