

Vermont Catholic Charities, Inc.

Residential Care Homes Policies and Guidelines

SUBJECT: Resident Rights/ Abuse & Neglect	Policy Number HR 00010
	Section: Human Resources
	Sub-Section: Employee Relations
	Approved Date: October 1, 2017

INTRODUCTION

It is the goal of Vermont Catholic Charities, Inc. to promote a Residential Care Home that is a safe, secure, and creates a homelike environment for residents.

POLICY

All Abuse (physical, sexual neglect, psychological), mistreatment, and/or financial exploitation of the residents will not be tolerated. Residents are to be respected at all times, even in the most difficult situations. Staff orientation and annual training regarding this policy will include designations of any potential abuse issues, reporting requirements, and mandatory reporting to comply with Federal and Vermont State laws and regulations. Violations to this policy will include disciplinary actions up to and including termination.

PURPOSE

Resident Protection.

Definition of a Vulnerable Adult and Elder Abuse

- “Vulnerable adults” are elderly persons and/or adults with a disability. Vulnerable adults can be defined as anyone over the age of 65 or younger adults if an individual is unable to care for themselves.
- Types of Abuse:
 - Physical Abuse
 - Sexual Abuse
 - Psychological Abuse
 - Financial Exploitation
 - Neglect
 - Self-Neglect
- Definitions of types of abuse
 - Physical: use of physical force against a vulnerable adult or elderly person that could result in bodily injury, physical pain, or impairment. Examples may include: making a resident sit down using force that causes pain or injury, placing force on an arm or hand of a resident for no reason, hitting a resident to gain their attention, removing a walking aid thus causing a resident to injure themselves, forcing a resident to sit and not allow them to get up and causing a medical issue.
 - Sexual: nonconsensual sexual contact of any kind with a vulnerable adult or elderly person. Examples may include: unwanted touching, coerced nudity, or exposure of private body parts without prior review of a physician and/or result in residents feeling uncomfortable in any way.
 - Psychological: willful infliction of mental anguish, or emotional anguish or distress on a vulnerable adult or elderly person through verbal and nonverbal acts, by threat, humiliation, intimidation, or other abusive conduct. Examples may include: verbal assaults, insults, threats, intimidation, humiliation, and harassment, abandonment, isolation, or non-communication.
 - Financial: illegal or improper use of a vulnerable adult or elderly person’s funds, property, or assets. Examples may include: cashing checks without authorization, misusing or stealing money or possessions.
 - Neglect: deprivation of services deemed necessary for maintenance of physical and mental health; willful refusal or failure to fulfill any part of a person’s obligation or duties to a vulnerable adult or elderly person. Examples may include: refusing or failing to provide food, water, clothing, shelter, medicine and personal hygiene.

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- Self-Neglect: this is characterized as the behavior of an elderly person that threatens his/her own health and safety. Examples may include: hygiene issues, diet, lack of taking care of medical needs due to disease, and other basic needs.

Lastly, employees are not allowed to accept gifts of any kind from a resident. This would include, money, gift cards, items of value and no value, etc.

PROCEDURE:

REPORTING OF PHYSICAL/SEXUAL ABUSE, PSYCHOLOGICAL, NEGLECT, SELF-NEGLECT OR EXPLOITATION

- An employee will immediately report any sign of abuse, neglect, or exploitation to the Administrator and/or D.O.N., and to the State.
- The Administrator and D.O.N., shall report any case of suspected abuse, neglect or exploitation to the Adult Protective Services (APS) as required by 33 V.S.A. §6903 and the Division of Licensing. Reports must be made to APS within 48 hours of learning of the suspected, reported or alleged incident.
- The Administrator and D.O.N are required to report suspected or reported incidents of abuse, psychological, neglect, self-neglect or exploitation. It is not the Administrator or D.O.N's responsibility to determine if the alleged incident did occur or not; that is the responsibility of the licensing agency. A home may, and should, conduct its own investigation. However, that must not delay reporting of the alleged or suspected incident to Adult Protective Services and the Division of Licensing.
- Incidents involving resident-to-resident abuse(all forms) must be reported to the licensing agency if a resident alleges abuse, sexual abuse, or if an injury requiring physician intervention results, or if there is a pattern of abusive behavior. All resident-to-resident incidents, even minor ones, must be recorded in the resident's record. Families or legal representatives must be notified and a plan must be developed to deal with the behaviors.

RESIDENTS' RIGHTS

- Every resident shall be treated with consideration, respect and full recognition of the resident's dignity, individuality, and privacy.
- A home may not ask a resident to waive the resident's rights.
- Residents may retain personal clothing and possessions as space permits, unless to do so would infringe on the rights of others or would create a fire or safety hazard.
- A resident shall not be required to perform work for the Home. If a resident chooses to perform specific tasks for the Home the resident shall receive reasonable compensation which shall be specified in a written agreement with the resident.
- Each resident shall be allowed to associate, communicate and meet privately with persons of the resident's own choice.
- Each resident may send and receive personal mail unopened.
- Residents have the right to reasonable access to a telephone for private conversations. Residents shall have reasonable access to the home's telephone except when restricted because of excessive unpaid toll charges or misuse. Restrictions as to telephone use shall be in writing. Any resident may, at the resident's own expense, maintain a personal telephone in his or her own room.
- A resident may complain or voice a grievance without interference, coercion or reprisal. Each home shall establish a written grievance procedure for resolving residents' concerns or complaints that is explained to residents at the time of admission. The grievance procedure shall include at a minimum, time frames, a process

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for responding to residents in writing, and a method by which each resident filing a complaint will be made aware of the Office of the Long Term Care Ombudsman and Vermont Protection and Advocacy as an alternative or in addition to the home's grievance mechanism.

- Residents may manage their own personal finances.
- The resident's right to privacy extends to all records and personal information.
- The resident has the right to review the resident's medical or financial records upon request.
- Residents have the right to formulate advance directives as provided by state law and to have the home follow the residents' wishes, except for Physician Assisted Suicide which is not allowed at the Home.
- The enumeration of residents' rights shall not be construed to limit, modify, abridge or reduce in any way any rights that a resident otherwise enjoys as a human being or citizen.

Any violation of this policy will result in disciplinary action up to and including termination.

** This policy replaces, revokes, and rescinds all former policies, including VCCI Human Resource Policy HR-0042, therefore, any modifications or changes to the utilization and administration of those policies is superseded by this new plan.*