



STATE OF CONNECTICUT
Department of Mental Health & Addiction Services
Commissioner's Policy Statement and Implementing Procedures



SUBJECT:	Client Abuse
P & P NUMBER:	Chapter 6—Clinical and Facilities
APPROVED:	Miriam E. Delphin-Rittmon, Ph.D. Commissioner  Date: 9/18/18
EFFECTIVE DATE:	8/1/1996
REVISED:	July 2018. Replaces Commissioner's Policy #29 on Client Abuse
REFERENCES:	Connecticut General Assembly Public Act 18-86 DMHAS Commissioner's Policies and Procedures: Chapter 6: Critical Incidents Chapter 2: Reporting Violations of DMHAS Work Rules
FORMS AND ATTACHMENTS:	DMHAS: Critical Incident Reporting Guide DMHAS: Alleged Violation of DMHAS Work Rules MHAS-20

STATEMENT OF PURPOSE:

Clients and patients of the Department of Mental Health and Addiction Services (DMHAS) are entitled to be treated with dignity and respect. Abuse, neglect, or exploitation of clients or patients of DMHAS-operated facilities will not be tolerated.

POLICY:

All members of the DMHAS workforce are expected to report witnessed or suspected incidents of abuse, neglect, or exploitation of any DMHAS client or patient. Alleged incidents of abuse, neglect, or exploitation by a person working at DMHAS-operated facilities will be thoroughly investigated by DMHAS and referred to authorities or other agencies as appropriate. Persons found to have violated this policy will be subject to disciplinary action up to and including termination as well as penalties imposed by *Public Act 18-86 of the Connecticut General Assembly*.

I. Definitions:

Abuse: The willful infliction of physical pain, injury or mental anguish, or willful deprivation by a caregiver of services necessary to maintain the physical and mental health of a patient.

Neglect: Failure to provide care for those who are unable to care for themselves.

Exploitation: Taking advantage of a client/patient or their property for one's own benefit or gain.

Behavioral health facility: any facility operated by the Department of Mental Health and Addiction Services that provides mental health or substance use disorder services to persons eighteen years of age or older, as defined under Public Act 18-86.

DMHAS workforce: any DMHAS staff member including persons paid to provide direct care to a client or patient of a DMHAS-operated facility as well as any employee, contractor or consultant of such DMHAS-operated facility.

Mandated reporters: Any person in a behavioral health facility paid to provide direct care to a client or patient of such facility, and any employee, contractor or consultant of such facility who is a licensed healthcare provider are mandated reporters of abuse and neglect under Public Act 18-86 as well as other applicable statutes and laws.

II. Reporting Abuse and Neglect:

1. A mandated reporter who in the course of his or her employment witnesses or reasonably suspects a client or patient of a DMHAS-operated facility has been abused, neglected or exploited, or is in a condition resulting from abuse, neglect, or exploitation or has an injury that is not consistent with the history given regarding that injury will report the information or suspicion to his or her immediate supervisor immediately but no later than within 72 hours and follow the applicable facility policy and procedure.
2. Any other person having reasonable cause to suspect abuse, neglect, or exploitation of a DMHAS client or patient will report the suspected abuse, neglect, or exploitation to their supervisor, to the DMHAS Commissioner, or his or her designee.
3. The DMHAS-operated facility's Chief Executive Officer or designee or the DMHAS Commissioner or designee will take immediate necessary action to ensure the patient or client is safe and if appropriate, is evaluated by an MD or other health care professional. If there is reason to suspect that a crime has been committed, the agency or local police will be notified.
4. If the client or patient is a member of any protected class covered under Connecticut General Statutes requiring additional mandatory reporting of abuse, neglect, or exploitation, the following agency must also be notified:
 - a. Persons under the age of 18: Department of Children and Families (DCF)
 - b. Persons with an intellectual disability: Department of Developmental Services (DDS) Abuse Investigation Division (AID)
 - c. Persons over the age of 60: Department of Social Services (DSS) Protective Services for the Elderly
5. The DMHAS-operated facility's Chief Executive Officer or designee or the DMHAS Commissioner or designee will ensure suspected abuse, neglect, or exploitation incidents are documented following the DMHAS Critical Incident reporting procedure and/or Work Rule Violation reporting procedure.

6. Upon receiving a report of abuse or neglect, the DMHAS Commissioner's designee will:
 - a. Notify the patient's or client's legal representative, if any, within 24 hours.
 - b. Conduct a sufficient investigation to determine the client or patient's condition and whether further actions or services are required. Investigations will include: an in person visit with the client or patient to conduct an interview (unless the client or patient declines to participate) and consultations with individuals having knowledge of the facts surrounding the reported incident.
7. The Commissioner's designee will prepare written findings and recommended actions for the DMHAS Commissioner and Chief Executive Officer of the DMHAS operated facility. Not later than 45-calendar days after completion of the investigation, the Commissioner may disclose, in general terms, the results of the investigation to the person or persons who reported the suspected abuse if the conditions are met under Public Act 18-86, Sec. 3 (a) (3) (A), (B), (C), and (D).
8. If a mandated reporter employed by DMHAS fails to report a suspected incident of abuse, neglect, or exploitation of a DMHAS client or patient, he or she will be subject to disciplinary action up to and including termination as well as penalties imposed by Public Act 18-86 of the Connecticut State Legislature.

III. TRAINING:

All DMHAS staff as well as contracted or consultative staff working at DMHAS-operated facilities will be provided training regarding reporting abuse, neglect, or exploitation under Connecticut State Legislature's Public Act 18-86, as well as procedures for initiating such reports. Such training will be provided to all new hires and required of all staff annually.