

BENCO  
24 Hour  
POLICIES AND PROCEDURES

SUBJECT: MANDATORY ABUSE REPORTING

OAR: 411-323-0050 (4) a-d

POLICY:

**(4)** Any employee, substitute employee or independent contractor is a mandatory reporter.

PROCEDURES:

- Mandatory Abuse Reporting (4) a-d
  - **(4) a-d** Benco will notify all employee's, substitute employee's and independent contractors of mandatory reporting status at least annually on forms provided by the County/State. Benco will provide employees, substitute employee's and independent contractors with a County/State produced card regarding abuse reporting status and abuse reporting requirements. Benco will report suspected abuse of an adult individual to the County where the adult individual resides. A report must also be made to law enforcement if there is reason to believe a crime has been committed.
  - GER's are to be sent to the Services Coordinator within 5 working days of the incident. The Services Coordinator will notify the State if the allegation is:
    - death caused by other than accidental or natural means;
    - physical injury caused by other than accidental means, or that appears to disagree with the explanation given of the injury;
    - willful infliction of physical pain or injury; sexual harassment or exploitation, including but not limited to:
      - sexual contact between an employee of Benco or the community program and the adult individual with intellectual and developmental disabilities; and
    - neglect, verbal mistreatment, or financial exploitation.

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- Benco employees that have reasonable cause to believe that an adult who has intellectual and developmental disabilities has been subjected to abuse in the form of neglect (including failure to act that leads to or is in imminent danger of causing physical injury) or treatment, or maltreatment, will immediately report it. This includes but is not limited to failure to provide adequate food, clothing, shelter, medical care, supervision, or through condoning or permitting abuse of an adult with intellectual and developmental disabilities by any other person.
  - Subjecting an individual to ridicule, harassment, profanity or intimidation and threatening injury or withholding or termination of service is considered abuse.
  - Unauthorized restriction includes restriction of an individual's freedom of movement by restriction to an area of the program or from access to ordinarily accessible areas of program, unless agreed to by the individual support team and included in an approved behavior support plan.
  - Financial exploitation which will include but is not limited to: an unauthorized rate increase; employee's borrowing from or loaning money to an individual; witnessing a will in which the program or an employee is a beneficiary; adding the program's name to an individual's bank account(s) or other titles for personal property without approval of the individual or their legal representative and notification of the individuals support team.
  - Inappropriately expending an individual's personal funds, theft of an individual's personal funds, using an individual's personal funds for the program's or employee's own benefit, commingling an individual's funds with program and/or another individual's funds, or the program becoming guardian.
- Inspections and Investigations 411-323-0040 (1) a-c (2) (3) (4) a-b (5) a-c (A-D) (6) (7) (8) and (9)
    - **(1) a-c** Agencies certified and endorsed under Oregon Administrative rules will allow the following types of investigations: quality assurance, onsite and certificate renewal; complaint investigations; and abuse investigations.

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- **(2)** Benco will perform all inspections and investigations.
- **(3)** Any inspection or investigation may be unannounced.
- **(4) a-b** All documentation and written reports required by the Oregon Administrative Rules will be open to inspection and investigation by the County and State; and be submitted to the County or State within the time allotted.
- **(5) a-c (A-D)** When abuse is alleged or death of an individual has occurred and a law enforcement agency, the County or State has determined to initiate an investigation, Benco will not conduct an internal investigation without prior authorization from the County.
- For the purposes of this section, an “internal investigation” is defined as: conducting interviews of the alleged victim, witness, the accused person, or any other person who may have knowledge of the facts of the abuse allegation or related circumstances; reviewing evidence relevant to the abuse allegation, other than the initial report; or any other actions beyond the initial action of determining:
  - if there is reasonable cause to believe that abuse has occurred;
  - if the alleged victim is in danger or in need of immediate protective services;
  - if there is reason to believe that a crime has been committed; or
  - what, if any, immediate personnel actions will be taken to assure the individuals safety.
- **(6)** The County will conduct abuse investigations and described in OAR 407-045-0250 to 407-045-0360 and will complete an abuse investigation and protective services report according to OAR 407-045-0320.
- **(7)** Upon completion of the abuse investigation by the County, Benco will conduct an investigation without further County approval to determine if any personnel actions are necessary.
- **(8)** Upon completion of the abuse investigation and protective services report, according to OAR 407-045-0330, the sections of the report that are public records and not exempt from disclosure under the public

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records law and will be provided to Benco. Benco will implement the actions necessary within the deadlines listed to prevent further abuse as stated in the report.

- **(9)** Benco will submit a plan of correction to the County for any noncompliance found during an inspection under this rule.

Approved By: Kristen Gregory  
Kristen Gregory, Benco Board President

Date: 12-10-2019