

# REGIONAL CENTER OF THE EAST BAY

## Zero Tolerance Policy for Consumer Abuse or Neglect

Approved by the Board of Directors on September 23, 2013

Nothing is more important to Regional Center of the East Bay than the health, safety, security and well-being of people with developmental disabilities whom we serve.

### **SCOPE**

Pursuant to the requirements in Article 1, Section 17 of RCEB's contract with the State of California, the Board of Trustees hereby adopts the following Zero Tolerance Policy for Consumer Abuse or Neglect. This policy applies to:

- A. All of RCEB's vendored service providers who provide direct services and supports [as defined by Welfare & Institutions Code [WIC] section 4512(b)] to individuals with developmental disabilities within RCEB's catchment area.
- B. All long-term health care facilities serving RCEB consumers.
- C. RCEB and service provider employees who are considered "mandatory reporters" under either of the Adult or Child Reporting Laws described below.

### **EFFECTIVE DATE**

This policy shall become effective September 23, 2013, upon approval of the RCEB Board of Directors at their regularly scheduled meeting on this date.

### **BACKGROUND**

California has adopted various laws to protect children, dependent adults, and elder adults from various types of abuse and neglect. These laws also apply to regional center consumers. This policy concerns the application of such laws to people with developmental disabilities served by RCEB.

### **THE ADULT REPORTING LAW**

California WIC sections 15600-15675, known as the Elder Abuse and Dependent Adult Civil Protection Act [adult reporting law] provides [among other things] that any person who has assumed responsibility for the care or custody of an adult consumer, including administrators, supervisors, and any licensed staff of a facility that provide care or services for adult consumers, is a mandated reporter. Under the adult reporting law, any mandated reporter who experiences any of the following shall report the abuse to the applicable governmental authorities [subject to certain limited exceptions described in the adult reporting law].<sup>1</sup>

- A. Has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, emotional abuse, financial abuse, or neglect of an adult consumer.
- B. Is told by an adult consumer that he or she has experienced adult abuse.
- C. Reasonably suspects the existence of adult abuse.

### **THE CHILD REPORTING LAW**

California Penal Code sections 11164-11174.3, known as the Child Abuse and Neglect Reporting Act [child reporting law] provides [among other things] that various categories of persons who interact with a consumer under the age of 18 are mandated reporters.<sup>2</sup> Under Penal Code section 11166, any mandated reporter who has knowledge of or observes a person under 18 whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect, shall report the abuse to the applicable government authorities [subject to certain limited exceptions described in the child reporting law].<sup>3</sup> It is important to note that the list of mandated reporters who are obligated to report child abuse is different than the list of mandated reporters obligated to report adult abuse.

### **PURPOSE**

The purpose of this policy is to protect the interests of RCEB's consumers and their families by:

- A. Educating all mandated reporters about their legal obligation to report adult and child abuse [consumer abuse].
- B. Requiring mandated reporters to fully comply with the adult and child reporting laws [reporting laws].
- C. Providing information to assist mandated reporters in reporting consumer abuse to the proper authorities.

The implementation of this policy will assist in ensuring a safe and healthful environment to all individuals with a developmental disability who are provided services or supports by a service provider or a long-term health care facility.

<sup>1</sup> Many of these terms are further defined in Welfare & Institutions code [WIC] sections 15610-15610.67. For example, "physical abuse" is defined in WIC section 15610.63.

<sup>2</sup> Penal code section 11165.7 identifies those individuals who are mandated reporters under the child reporting law.

<sup>3</sup> Many of these terms are further defined in the child reporting law [for example, "child abuse or neglect" is defined in Penal Code section 11165.6.]

**THE POLICY**

All of RCEB's employees shall strictly comply with reporting laws at all times. All service providers and long-term health care facilities shall ensure that all of their employees and contractors who are mandated reporters strictly comply with the reporting laws at all times. A mandated reporter must report any incident or allegation of suspected abuse or neglect to the appropriate authorities immediately or as soon as practicably possible, after his or her discovery or reasonable belief of consumer abuse or neglect.

Upon becoming aware of a reportable incident or allegation of abuse or neglect of a person with developmental disabilities, pursuant to Welfare & Institutions Code Section 15630 or Penal Code Sections 11164 through 11179.3, RCEB, its service providers and long-term health facilities shall take immediate action to ensure the health and safety of the involved consumer and all other consumers receiving associated services from RCEB, service provider or long-term health care facility.

RCEB, its service providers and long term health care facilities shall ensure that its respective employees are fully informed upon hire and annually thereafter regarding this Zero Tolerance Policy and mandatory abuse and neglect reporting laws. RCEB, its service providers and long-term health facilities shall further ensure that each of its respective employees is knowledgeable of their responsibility to protect consumers from abuse and neglect, the signs of abuse and neglect, the process for reporting suspected abuse or neglect, and the consequences of failing to follow the law or this Zero Tolerance Policy.

RCEB shall incorporate this policy into any new or revised contract, vendorization or other agreement for consumer services. Additionally, RCEB will inform all of its existing service providers and long-term health facilities serving regional center consumers of this Zero Tolerance Policy and RCEB's expectation of compliance with this policy.

RCEB will utilize all remedies available in statute and regulation to protect the health and safety of every person it serves.