

**GEAUGA COUNTY BOARD OF MENTAL HEALTH
AND RECOVERY SERVICES**

TITLE: CLIENT ABUSE OR NEGLECT POLICY

SECTION: III-F

APPROVAL DATE: February 21, 2007

PURPOSE: To protect the rights of service recipients alleging abuse or neglect from a mental health agency, substance abuse agency, residential facility, or adult care facility.

POLICY: It is the policy of the Geauga County Board of Mental Health and Recovery Services (Board) that all complaints alleging abuse or neglect of persons with mental illness or substance abuse issues shall be investigated in a timely manner and corrective action taken, if necessary.

DEFINITIONS:

A. A mental health agency is defined as any agency, program or facility with which the Board contracts to provide the mental health services listed in Section 340.09 of the Ohio Revised Code.

B. A substance abuse agency is defined as any agency, program or facility with which the Board contracts to provide the substance abuse services listed in Section 340.09 of the Ohio Revised Code.

C. A mental health residential facility is defined as a publicly or privately operated home or facility that provides one of the following:

1. Room and board, personal care services, and community mental health services to one or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner.

2. Room and board and personal care services to one or two persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner.

3. Room and board to five or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner.

D. A drug and alcohol residential facility is defined as follows:

1. Non-Medical Community Residential Treatment means a twenty-four-hour rehabilitation facility, without twenty-four-hour-per-day medical/nursing monitoring, where a planned program of professionally directed evaluation, care and treatment for the restoration of functioning for persons with alcohol and other drug problems and/or addictions.

2. Medical Community Residential Treatment means a twenty-four-hour rehabilitation facility, with twenty-four-hour-a-day medical/nursing monitoring, where a planned program of professionally directed evaluation, care and treatment for the restoration of functioning for persons with alcohol and other drug problems and/or addiction occurs.

E. An adult care facility is licensed by the Ohio Department of Health (ODH) under Chapter 3722 of the Ohio Revised Code.

RULES:

A. Mental health agencies, substance abuse agencies, and residential facilities shall report any allegation of staff neglect or abuse of a client to the Board within twenty-four hours of the event occurring and shall communicate the result of the investigation to the Board when completed.

B. A mental health agency, substance abuse agency, or residential facility that receives a complaint alleging abuse or neglect of an individual with mental illness or substance abuse, who resides in an adult care facility, shall report the complaint to the Board, if the adult care facility is located in Geauga County. Allegations of abuse or neglect of out-of-county adult care facilities shall be reported to the mental health board and the mental health and addiction services board serving the county where the facility is located. The responding board shall report the complaint to the Director of the Ohio Department of Health.

C. Allegations of abuse or neglect of a child shall be reported to the Geauga County Department of Job and Family Services. Allegations of abuse or neglect of an adult over the age of sixty shall be reported to the Adult Protective Services Division of the Geauga County Department of Job and Family Services.

D. If the Board investigates an allegation and substantiates the charge of abuse or neglect, the Board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities.

PROCEDURE:

A. Allegations of client abuse or neglect will be investigated by the Board's Client Rights Officer (CRO):

Christine Lakomiak

Executive Director
13244 Ravenna Road
Chardon, Ohio 44024
(440) 285-2282

B. Upon receipt of the report alleging client abuse or neglect, the CRO shall contact the Geauga County Department of Job and Family Services for clients under the age of eighteen and up to the age of twenty-one if the child has a mental handicap, or the Adult Protective Services Division of the Geauga County Department of Job and Family Services for clients over the age of sixty. The CRO's role as primary, concurrent or secondary investigator will be determined based on the situation and the availability of the parties to respond effectively and in a timely manner.

C. If the client is alleging living in conditions that represent substantial risk of immediate or irreparable harm or death, the investigation is to be initiated within twenty-four hours. The investigation will be initiated within three working days for all other allegations of abuse or neglect.

D. The CRO's investigation should include a face-to-face visit with the client and may include interviews with individuals who may have information relevant to the allegation of abuse or neglect.

E. When assessing the risk of the client who is the subject of the report, the CRO should consider:

1. The specific danger and the degree of danger to the client.
2. The personal vulnerability of the client, including limitations due to illness, disability or age.
3. The situation of the client, including the role of family members and availability of other natural support systems and resources.

F. The CRO may contact the law enforcement agency having jurisdiction over the location of the alleged abuse or neglect if needed to provide immediate and short-term protection for the alleged victim, protect the crime scene, process the crime scene, develop probable cause and if appropriate, arrest the alleged perpetrator(s).

G. The written report of the investigation alleging client abuse or neglect will be reviewed by the Executive Director of the Board. The Board shall maintain documentation of the findings of the investigation and of actions taken as a result of the investigation.

H. To the extent feasible, the identity of the persons alleging client abuse or neglect and the identity of the client, or other information that could reasonably be expected to reveal the identity of the client or the person making the report will remain

confidential, except as necessary to provide information to other government agencies responsible for enforcing or prosecuting laws pertaining to client abuse and neglect.

I. Upon request, the Board shall provide information about the investigation to the Ohio Department of Mental Health and Addiction Services.

RESPONSIBILITY:

The Executive Director shall be responsible for the overall management and coordination of this Policy.