



South Central Los Angeles Regional Center
for persons with developmental disabilities, inc.

Board Approved: October 12, 2013

Zero Tolerance for Consumer Abuse Policy

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.

Purpose

The purpose of this policy is to protect the interests of **South Central Los Angeles Regional Center's** consumers and their families by:

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

Policy

South Central Los Angeles Regional Center is committed to ensuring the health, welfare, safety, and security of the stakeholders it serves. **SCLARC** has a **Zero Tolerance Policy** with regard to consumer abuse and neglect. This means that every instance of observed, reported or suspected mistreatment of **any** consumer will result in an immediate investigation and action to stop it and keep it from happening again.

Pursuant to the requirements in **Article 1, Section 17** of **SCLARC's** contract with the **State Department of Developmental Services**:

1. **SCLARC** employees
2. **SCLARC** service providers
3. Employees of **SCLARC** service providers
4. Anyone who has assumed full or intermittent responsibility for the care or custody of a **SCLARC** consumer, whether or not he or she receives compensation. This includes administrators,

supervisors, or any licensed staff of a public or private facility that provides care or services for **SCLARC** consumers or any elder or dependent adult care custodian, health practitioner or clergy member

must immediately report to **SCLARC** observed, actual or suspected mistreatment of any consumer. Reports must also be made to the *Office of Adult Protective Services* for adults, to the *Department of Children and Family Services* for minors, and to *Long Term Care Ombudsman* for those consumers in long-term care facilities, or to law enforcement.

Observed, suspected or reported mistreatment of any consumer looks like the following:

- Hitting, slapping, pinching, pushing, pulling, biting or anything that causes fear, pain or discomfort to a consumer. This includes consumer to consumer interaction.
- Unreasonable physical constraint. Reasonable actions taken to protect a consumer or others from a consumer's behaviors, taken in compliance with recognized and accepted behavior protocols are not considered abuse, but they can become abusive if the intervention is more than is required to protect the consumer and those around him/her.
- Sexual abuse, which includes sexual touching of any kind and inappropriate, suggestive and/or offensive sexual talk to or around a consumer. Name calling, demeaning, tormenting, threatening, mean teasing, yelling, harassing, or any other similar treatment.
- Disciplining by withholding food, water or preferred activities, causing pain, discomfort or trauma, even if in a purported behavior modification plan. Failure to exercise a reasonable degree of care, including but not limited to, assistance in personal hygiene and the provision of food, water, clothing or shelter, or failure to provide medical care for physical and/or mental health needs, or to protect the consumer from health and safety.
- Use of physical or chemical restraint or psychotropic medication under any of the following conditions:
 1. For punishment
 2. For a period beyond that which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the *State of California*, who is providing medical care to the consumer at the time the instructions are given.
 3. For any purpose not authorized by the physician and surgeon.
 - Failure to exercise the degree of care that a reasonable person would exercise in the position of having care and custody of an elder or dependent adult or child.
 - Wrongfully taking anything from a consumer, including but not limited to, possessions, money or anticipated income.
 - Denying consumer rights, except in accordance with the requirements of *Section 50530-50540 of Title 17 of the California Code of Regulations*.

If you observe or suspect consumer abuse or if it is reported to you, you must:

- Immediately do what is reasonable and necessary to stop it and to protect the health and safety of all consumers and others who could be harmed by it.
- Immediately report it to **SCLARC** by phone and in writing within 24hours.
- Immediately report it to the **Office of Adult Protective Services** for adults, to the **Department of Children and Family Services** for minors, and to **Long Term Care Ombudsman** for those consumers in long-term care facilities, or to law enforcement.
- Report it to your supervisor and/or the perpetrator's supervisor, as appropriate.

SCLARC will use all remedies available to protect the health and safety of its consumers by preventing any consumer interaction by an individual accused of and being investigated for alleged consumer abuse or neglect of any kind, until such time as the investigation clears that individual for further work with consumers. **SCLARC** may notify other regional centers of incidents involving consumer health and safety issues or issues that may impact a provider's ability to provide services in order to prevent further incidents.

SCLARC will ensure all of its employees and consultants are fully informed upon hire and will annually review this **Zero Tolerance Policy** with all. Each employee and consultant will be made fully aware of his/her responsibility to protect consumers from abuse and neglect. They will be trained on signs of abuse and neglect, the process for reporting suspected abuse and neglect, and the consequences of failing to follow the law and failing to enforce the **Zero Tolerance Policy**.



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2500 S. Western Avenue
Los Angeles, California 90018
Ph: 213.744.7000
Info Line: 1.866.4.sclarc
TTY: 213.763.5634
www.sclarc.org

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Service Provider Certification

As a service provider vendored with **South Central Los Angeles Regional Center (SCLARC)**, I understand that I am a mandated reporter of suspected abuse and neglect. I certify that I am committed to providing a healthy environment for the consumers I serve and support. This includes protecting these individuals from abuse and neglect.

I have established a Zero Tolerance Policy for my organization's employees, contractors, families, volunteers, and participants. All are required to adhere to this policy. Abuse and neglect of any kind will not be tolerated. This includes physical abuse, mishandling of finances, inappropriate sexual behaviors, belittling or offensive verbalizations, abandonment, isolation, abduction and/or the deprivation of services of any kind.

Upon becoming aware of an allegation of abuse or neglect, my employees and I will take immediate action to ensure the health and safety of the involved consumer and all other individuals receiving services and supports. All allegations of abuse will be investigated. Any employee accused of abuse and neglect will be immediately removed from having contact with consumers. If the investigation supports the allegation, the employee will be immediately terminated.

I also understand that my employees are mandated reporters. As such, we are all required to report any reasonable suspicion or known abuse or neglect to **SCLARC** and **ALL** other applicable governmental authorities. This is to be done by telephone immediately, or as soon as practically possible, and by written report sent within two working days. Failure to report abuse is a misdemeanor, and is punishable with up to six months in county jail, and/ or a fine of \$1,000.

All employees of this organization will be fully informed upon hire and annually thereafter regarding our Zero Tolerance Policy and mandatory abuse and neglect reporting laws. Each employee will be trained on their responsibilities to protect consumers from abuse and neglect, the signs of abuse and neglect, the process for reporting suspected abuse and neglect, and the consequences of failing to follow the law or organization's Zero Tolerance Policy.

I understand that **SCLARC** expects all service providers and long-term health care facilities to comply with the policy and the reporting laws. **SCLARC** will utilize all remedies available to it in statute and regulations to protect the health and safety of consumers. This organization will closely monitor the Zero Tolerance Policy and report its adherence to this policy annually to **SCLARC**.

Program/Facility Name: _____

Vendor Number: _____

Print Vendor Name and Title: _____

Signature: _____ Date: _____

OUR COMMITMENT:

"To educate, empower and advocate."