

6002-G REPORTING MEMBER ABUSE, NEGLECT, AND EXPLOITATION

REVISION DATE: 6/14/23, 3/16/22, 9/4/19, 11/29/17, 10/1/14

EFFECTIVE DATE: July 31, 1993

REFERENCES: Title 13, Chapter 14, A.R.S. §§ 13-3620, 13-3401, 14-1501, 46-451(A), 46-454, 36-569, 8-201(2), Division Medical Policies 960, 961, 1620-O

PURPOSE

This policy applies to all Division of Developmental Disabilities (Division) staff and sets forth the responsibilities for reporting suspected Abuse, Neglect, and Exploitation of Members served by the Division to the Department of Child Safety (DCS) and Adult Protective Services (APS), and Tribal Social Services, when applicable, for Members enrolled in the Tribal Health Program.

DEFINITIONS

1. "Abuse" means the infliction of or allowing another individual to inflict or cause physical pain or injury, impairment of bodily function, disfigurement or serious emotional damage which may be evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior. Such Abuse may be caused by acts or omissions of an individual having responsibility for the care, custody or control of a

Member receiving behavioral health services or community services.

Abuse also includes sexual misconduct, assault, molestation, incest, or prostitution of, or with, a Member under the care of personnel of a mental health agency. A.A.C. R9-21-101(B).

- a. "Abuse of a Child" means, as specified in A.R.S. §8-201(2):
 - i. The infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage, as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts of omissions of an individual who has the care, custody, and control of a child.
Abuse includes:
 - ii. Inflicting or allowing sexual abuse, sexual conduct with a minor, sexual assault, molestation of a Child, commercial sexual exploitation of a minor, sexual exploitation of a minor, incest, or child sex trafficking as those acts are described in the Arizona Revised Statute Title 13, Chapter 14.

- iii. Physical Injury that results from permitting a Child to enter or remain in any structure or vehicle in which volatile, toxic, or flammable chemicals are found, or equipment is possessed by any person for the purpose of manufacturing a dangerous drug as defined in A.R.S. § 13-3401.
 - iv. Unreasonable confinement of a Child.
- b. "Abuse of a Vulnerable Adult" means, as specified in A.R.S. §46-451(A)(1):
- i. Intentional infliction of physical harm,
 - ii. Injury caused by negligent acts or omissions,
 - iii. Unreasonable confinement,
 - iv. Sexual abuse or sexual assault.
2. "Adult" means a member 18 years of age or older.
3. "Child" means a Member under the age of 18 years.
4. "Exploitation of a Vulnerable Adult" means, as specified in A.R.S. § 46-451(A)(5), the illegal or improper use of a Vulnerable Adult or the Vulnerable Adult's resources for another's profit or advantage.
5. "Incapacity" means an impairment by reason of mental illness, mental

deficiency, mental disorder, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause to the extent that the person lacks sufficient understanding or capacity to make or communicate informed decisions concerning their person.

6. "Member" means an individual enrolled with the Division of Developmental Disabilities.
7. "Neglect" means, as specified in A.R.S. § 36-569:
 - a. Intentional lack of attention to physical needs of Members such as toileting, bathing, meals, and safety.
 - b. Intentional failure to report health problems or changes in health condition to an immediate supervisor or nurse.
 - c. Sleeping on duty or abandoning workstation.
 - d. Intentional failure to carry out a prescribed treatment plan for a Member.
8. "Neglect of a Child" means, as specified in A.R.S. § 8-201:
 - a. The inability or unwillingness of a parent, guardian, or custodian of a Child to provide that Child with supervision, food, clothing, shelter, or medical care if that inability or unwillingness causes substantial risk or harm to the Child's health or welfare, except if the inability of a parent, guardian, or custodian to provide

services to meet the needs of a Child with a disability or chronic illness is solely the result of unavailability of reasonable services.

- b. Allowing a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person with the intent and for the purpose of manufacturing a dangerous drug as defined in section 13-3401.
9. "Neglect of a Vulnerable Adult" means, as specified in A.R.S. § 46-451(A)(7), the deprivation of food, water, medication, medical services, shelter, supervision, cooling, heating, or other services necessary to maintain a vulnerable adult's minimum physical or mental health.
10. "Physical Injury" means the impairment of physical condition, including skin bruising, pressure sores, bleeding, failure to thrive, malnutrition, dehydration, burns, fracture of any bone, subdural hematoma, soft tissue swelling, injury to any internal organ, or any physical condition which imperils health or welfare.
11. "Serious Injury" means any type of injury requiring medical care or treatment beyond first aid, including assessment or treatment in an emergency room, treatment center, physician's office, urgent care, or admission to a hospital.

12. “Vulnerable Adult” means, as specified in A.R.S. §46-451(A)(10), a Member who is 18 years of age or older who is unable to protect themselves from Abuse, Neglect, or Exploitation by others because of a mental or physical impairment. Vulnerable Adult includes an incapacitated person as defined in A.R.S. §14-1501.

POLICY

A. REPORTS TO DEPARTMENT OF CHILD SAFETY

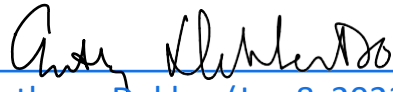
1. Division staff who suspect Abuse of a Child or Neglect of a Child shall immediately report to the Department of Child Safety (DCS) in accordance with A.R.S. §13-3620.
 - a. Reports must be made to DCS within 24 hours per instructions provided on the DCS website at <https://dcs.az.gov/>, including notification by phone: 1-888-SOS-CHILD (1- 888-767-2445), and documenting the Member’s progress notes in Focus.
2. Division staff shall provide all pertinent information regarding the alleged Abuse or Neglect to the DCS worker, including:
 - a. The names and addresses of the minor and their parents or person(s) having custody of such minor.

- b. The minor's age and the nature and extent of their Abuse, Neglect, or Exploitation including any evidence of previous Abuse, Neglect, or Exploitation.
 - c. Any other information that might be helpful in establishing the cause of the Abuse, Neglect, or Exploitation.
 3. Division staff shall cooperate with the DCS investigator during the DCS investigations.
 4. Division staff shall submit a completed Incident Call Report (DDD-1746A-FORFF) to the appropriate District Incident Report mailbox when a report is made to DCS.
 5. The Quality Management Unit shall triage all reported incidents to determine if the incident requires a quality of care investigation in accordance with Division Medical Policies 960 and 961.

B. REPORTS TO ADULT PROTECTIVE SERVICES

1. Division staff who suspect Abuse, Neglect, or Exploitation of an Adult shall immediately report to Adult Protective Services (APS).
2. Division staff shall report all pertinent information to APS, including:
 - a. The names and addresses of the Adult and any persons

- having responsibility for or custody of the Adult, if known.
- b. The Adult's age and the nature and extent of their incapacity or vulnerability.
 - c. The nature and extent of the Adult's Abuse, Neglect, or Exploitation.
 - d. Any other information that might be helpful in establishing the cause of Abuse, Neglect, or Exploitation.
3. Division staff shall submit a completed Incident Call Report to the appropriate District Incident Report mailbox when a report is made to APS.
 4. The Division Quality Management Unit shall triage all reported incidents to determine if the incident requires a quality of care investigation in accordance with Division Medical Policies 960 and 961.

Signature of Chief Medical Officer: 
[Anthony Dekker \(Jun 8, 2023 15:29 PDT\)](#)
Anthony Dekker, D.O.