Abuse Reporting

Abuse Reporting

700 Series: Services Policies & Procedures

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POLICY

EPI will create and maintain procedures to ensure EPI staff and Independent Contractors providing residential and community based services are properly trained in abuse reporting and do so in compliance with Mandatory Reporter laws and Iowa Administrative Code (IAC).

Written procedures will specifically address, but are not limited to, the following:

1. Mandatory Reporter Training
2. Definitions
3. Child Abuse
4. Detection & Identification
5. When The Abuse of an Individual is Suspected
6. Internal Procedures
7. Prevention

PROCEDURE

** For purposes of these procedures, "Independent Contractor" is defined as a "contractor providing residential and community based services" and will be referred to as "contractor".

EPI prohibits any acts related to abuse, neglect, mistreatment and exploitation of people. Practices and procedures need to be in place that define, prohibit and prevent. Mandatory Reporter Training is required for EPI staff and contractors where applicable as required by the state of Iowa, which includes learning how to identify signs of abuse, neglect, mistreatment or exploitation, which aids in the prevention thereof. EPI staff and contractors are required to report suspicions immediately.

PROCEDURE - Mandatory Reporter Training

EPI is committed to protecting the safety and well-being of the people receiving services. Mandatory Reporter of child and/or dependent adult abuse training is provided during orientation for employees and must be completed no later than 90 days after employment. All new employees receive copies of EPI's abuse policy during orientation, prior to service delivery. Additionally, staff receive annual training as part of the formal training calendar.

For contractors providing service delivery, proof of training must be on record before providing services. EPI staff and contractors must take the recertification training within 3 years of the initial training, and every 3 years thereafter, in order to remain in compliance with the law.

DEFINITIONS -

Dependent Adult Abuse

A **dependent adult** is defined within IAC section 235B.2 as a person eighteen years of age or older who is unable to protect his/her own interests or unable to adequately perform or obtain services necessary to meet essential human

Applicability:

- Applies To: All Staff
- Assigned Series Owner: Executive Operations Director

Effective Dates:

- Board approved: February 2021
- Policy updates: February 2021
- Procedure updates (latest): June 2025

Latest Change:

- Child Abuse Definition

Regulation:

- Iowa Code section 232.68
- Iowa Code section 235B.2
- Iowa Code section 235E.1 subsection 5.a(3)
- Iowa Code section 709
- Iowa Code section 717C.1
- Iowa Code section 725.1
- Iowa Code section 726.2
- Iowa Code section 728.1
- Iowa Code section 728.12 subsection 1
- Ch. 176

Related:

- DHS Dependent Adult Abuse Mandatory Reporter Guide
- DHS Child Abuse Mandatory Reporter Guide
- DHS Mandatory Reporter
- Conducting an Internal Investigation

needs, as a result of a physical or mental condition which requires assistance from another.

Dependent adult abuse occurs as a result of the willful or negligent acts or omissions of a caretaker. This means a person acted in a way that resulted in abuse of any kind, or acted in a way which did not prevent abuse from occurring. Dependent Adult Abuse can be defined as any of the following:

1. Physical Abuse: Injury to, assault of, or the unreasonable confinement or unreasonable punishment of a dependent adult.
2. Sexual Abuse: The commission of a sexual offense under Iowa Code chapter 709 or Iowa Code section 726.2 with or against a dependent adult.
3. Sexual exploitation of a dependent adult by a caretaker. "Sexual exploitation" means any consensual or nonconsensual sexual contact with a dependent adult which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act, as defined in Iowa Code section 702.17. "Sexual exploitation" includes the transmission, display, taking of electronic images of the unclothed breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to treatment or diagnosis or as part of an ongoing assessment, evaluation or investigation. "Sexual exploitation" does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.
4. Exploitation of a dependent adult, which means the act or process of taking unfair advantage of a dependent adult or the adult's physical or financial resources for one's own personal or pecuniary profit, without the informed consent of the dependent adult, including theft, by the use of undue influence, harassment, duress, deception, false representation, or false pretenses. The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, and other care necessary to maintain a dependent adult's life or health.
5. Denial of Critical Care/Neglect: The deprivation of the minimum food, shelter, clothing, and supervision, physical and mental health care, and other care necessary to maintain a dependent adult's life or health. This can also be a result of the acts or omissions of the dependent adult.
6. Personal Degradation: The willful act or statement by a caretaker intended to shame, degrade, humiliate, or otherwise harm the personal dignity of a dependent adult, or where the caretaker knew or reasonably should have known the act or statement would cause shame, degradation, humiliation or harm to the personal dignity of the reasonable person including the taking, transmission or display of electronic images.

Child Abuse

A child is defined within IAC 232.68 as someone under the age of 18.

Child abuse is defined as any of the following, which occur as a result of the willful or negligent acts or omissions of a caregiver:

1. Physical Abuse: Any non-accidental physical injury, or injury which is at variance with the history given relating to the injury suffered by a child.
2. Mental Injury: Any mental injury to a child's intellectual or psychological capacity causing impairment in the child's ability to function within the child's normal range of performance and behavior
3. Sexual Abuse: The commission of a sexual offense pursuant to Iowa Code chapter 709 or Iowa Code section 726.2 or Iowa Code section 728.12 Subsection 1 with or against a child.
4. Denial of Critical Care: The failure on the part of the person responsible for the child to provide for the adequate food, shelter, clothing, mental or physical health care or other care necessary for the child's health and welfare when financially able to do so or when offered financial or other reasonable means to do so.
5. Child Prostitution: Allowing, permitting or encouraging a child to engage in acts prohibited pursuant to Iowa Code section 725.1 (prostitution).
6. Presence of Illegal Drugs: The presences in a child's body as the result of the acts or omissions of the caretaker.
7. Manufacturing or Possession of a Dangerous Substance: Allowing the child to be in the presence of illegal drugs or dangerous chemicals with the intent to manufacture illegal drugs.
8. Bestiality in the Presence of a Minor: Bestiality in the presence of a minor as defined in Iowa Code section 717C.1.
9. Allows Access by a Registered Sex Offender or allows a registered sex offender to have custody or control of a child up to age 14 or a child up to age 18 if the child has a mental or physical disability.

10. Allows access to obscene material, exhibits such material, or distributes such material to a child as defined in Iowa Code Section 728.1.
11. The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of commercial sexual activity as defined in section 710A.1.

PROCEDURE - Detection & Identification

It is imperative EPI staff and contractors are able to identify signs of abuse and report immediately as required, especially when working with individuals who may not be able to identify abuse or advocate on their own behalf. The department of human services identifies the following physical, behavioral and environmental factors which may be signs of abuse that could include but are not limited to:

- Inadequate food or water available
- Appearing hungry or without medications
- Inadequate clothing available, or clothing is extremely dirty or uncared for
- Person signs checks over to others or suddenly withdraws/closes bank accounts
- Repeated or untreated injuries; injuries of unknown origin
- Signs of restraint or confinement
- New/intentional self-abuse or suicidal statements
- New/increasing signs of depression or worsening mental health
- Lack of trust in family or others
- Withdrawn, reclusive, suspicious, timid, unresponsive

PROCEDURE - When The Abuse of an Individual is Suspected:

If the person served or child is in imminent danger, EPI staff and contractors are expected to contact law enforcement immediately. Persons served or child with concerns or allegations of abuse will be supported by all means necessary to report the concern or allegations. All concerns or allegations regardless of the originator will be taken seriously and investigated.

1. Any EPI staff or contractor who suspects abuse is occurring or has occurred, will inform an EPI Supervisor/Service Coordinator immediately. The suspected abuse will be reported to the appropriate authorities for investigation by the individual witnessing the event or to whom the allegation was reported:
    - The person reporting the abuse will notify the Department of Human Services (DHS) 1-800-362-2178 and other appropriate parties. If outside of business hours, the notifications will be made to the 24 hour abuse hotline. A written report completed by the reporter will be submitted to DHS within 48 hours.
    - If the child is in the care of a child care provider, the person reporting will notify the Iowa Child Care Complaint Hotline 1-844-786-1296
2. Administrative support will be made available as requested to any person making a report to DHS. The Mandatory Reporter Manuals located on DHS's website, will be used by EPI supervisory staff/contractor as needed for reporting.
    - An EPI Incident Report will be completed regarding the report of suspected abuse and appropriate information will be submitted to the following where applicable: Managed Care Organization, IMPA, website.
3. EPI prohibits any retaliation, discrimination or humiliation of a person or persons who report potential abuse.

It is a legal responsibility of all mandatory reporters to report any suspicion of child or adult abuse encountered in the course of one's professional duties. **The responsibility to report those suspicions applies not only to individuals directly involved with the individual such as EPI staff or contractors, but to any volunteers, students, or support staff who have contact with the individual.**

PROCEDURE - While the above procedures are being followed, internal procedures are as follows:

1. EPI will not interfere with ongoing investigations and may be instructed to suspend internal investigations until DHS, or law enforcement have completed their external investigations. EPI will cooperate in any way possible and share information gathered with external investigators whenever legally permissible to do so.
2. Staff suspected to be the perpetrator of abuse will be suspended immediately, without pay, pending the outcome of the internal and external investigation. Contractors will have their contract suspended and Person

Served will be removed from their residence immediately.

3. EPI shall have the right to terminate a contract with or without advance notice should EPI determine, in its sole discretion, that the person served is in a dangerous, unsafe, or unhealthy situation; or if abuse or neglect is suspected; or if, in the sole discretion of EPI, the best interests of the person served require that the person served placement with the contractor terminate.
4. All persons who may have knowledge of the situation leading to the abuse allegation will be interviewed by at least two internal investigators identified by Human Resource Director or Executive Director as soon as possible (within 24 hours of the initial report whenever possible). Investigators are provided training on how to conduct objective, unbiased investigating. Investigations will not be conducted by supervisors who directly oversee the program where the incident/allegation occurred. For internal investigation forms see Conducting an Internal Investigation.
5. All interview content will be documented immediately in writing and signed and dated by those involved in the interviews.
6. At least two supervisors and/or management team members will review all of the documentation and make all necessary personnel recommendations to the appropriate management team member.
7. Failure of any staff or contractor to report a potentially abusive situation may result in termination of employment or contract.
8. While working at the Hawkeye Child Development Center, if a staff member is accused of abuse or neglect of a child the following shall be followed: (complaints and documentation is confidential)

    - Complaint form must be completed in order to initiate a formal investigation
    - Complaint will be reported to Human Resource Director or Executive Director.
    - All complaints and inquiries shall be promptly investigated
    - While waiting for results, rights of the accused staff person as well as the child will be protected
    - The result of the investigation shall be reported to the Human Resource Director for review and final decision.
    - Any information related to suspicion or report of child abuse is confidential between the person(s) directly involved, the person making the report. Discussing any information related to a situation of suspected child abuse with the parents of the other children in case is a Breach of Confidentiality.

Pending the results of both the internal investigation and external investigation, EPI will take further action based on the following guidelines:

A. FOUNDED (Substantiated and Placed on Registry)--If the allegation is Founded per DHS investigation:

Employee will be terminated immediately and not reimbursed for the time while on suspension due to this investigation.

Contractor --contract will be terminated immediately.

B. UNFOUNDED (Not Confirmed or Unsubstantiated) -If the allegation is Unfounded per the DHS investigation:

Employee may be reinstated to their position or a similar position and will receive full back pay for regular scheduled time (excludes hours picked up) while on suspension for this investigation. Payment of back pay will not be made until written confirmation of unfounded status is received from DHS.

Contractor --Contract will be reinstated by EPI. Contractor will not be paid for the period of suspension.

C. CONFIRMED, NOT REGISTERED (Substantiated but Not Placed on the Registry) -If the allegations are Confirmed, Not Registered per DHS investigation, EPI management will review the finding of the internal investigation to determine the best course of action to be taken.

EPI reserves the right to make decisions regarding employment based on the findings of their internal investigation. Violations of EPI policy will be subject to disciplinary action for staff, and/or up to and including termination of employment.

Person Served, Guardian, and EPI supervisor team reserves the right to make decisions regarding contractor's eligibility status based on the findings of the internal investigation. Violations of person served in anyway will be subject to termination of contract.

At the conclusion of internal and/or external investigation, the appropriate supervisor/Service Coordinator will meet with the person served and/or legal representative and other appropriate stakeholders and relay the results of investigation(s). It will be determined at this time with the person served and the IDT what supports are needed to address any effects of the abuse. The appropriate Director will log as an event report using agency intranet.

All abuse allegations or substantiated reports will be reviewed for tracking and trending on an individual and aggregate basis as part of ongoing Quality Improvement process. Results are aggregated and shared on a quarterly and annual basis, or as needed. Remediation actions will be determined and enacted as needed.

PROCEDURE - Prevention

EPI acknowledges abuse may be as a result of a mistake made by an otherwise well-meaning caretaker. Persons under stress or fatigue may be more prone to act in a way that would not otherwise be reflective of their character. Policies and procedures are in place to protect persons served as well as EPI staff and contractors from unintended situations.

As part of prevention efforts EPI staff and contractors working service delivery are required to complete annual review trainings in addition to the state required training and renewal. Annual training should cover prevention strategies as well as identification and reporting procedures. EPI staff are required to be trained on the Individual Service Plan at the start of every annual plan, and as changes are made to services and/or supports. Contractors are responsible for familiarizing themselves with the plan prior to providing services and as the plan changes. EPI staff and contractors must understand and utilize the ISP while working; especially notable but not limited to unsupervised time, identified risks, rights restrictions, crisis plans, etc.

Part of prevention includes identifying warning signs before actual abuse occurs. Any suspicion of abuse, neglect, mistreatment or exploitation, regardless of substantiation should be reported to an EPI supervisor or Service Coordinator immediately.

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