

1620-O ABUSE, NEGLECT, AND EXPLOITATION REPORTING STANDARD

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I. PURPOSE

This Policy applies to ALTCS E/PD, DES/DDD (DDD) Contractors, and Tribal ALTCS Programs. This Policy establishes requirements regarding reporting standards for abuse, neglect, and/or exploitation of a member. Refer to ACOM Policy 103 for provider practices involving fraud, waste, and abuse.

II. DEFINITIONS

ABUSE (OF A CHILD)

Means 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 or omissions of an individual who has the care, custody and control of a child. As specified in A.R.S. § 8-201(2), abuse includes:

1. 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 Statutes, Title 13, Chapter 14.
2. 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 section 13-3401.
3. Unreasonable confinement of a child.

ABUSE (OF MEMBER)

Abuse of a Vulnerable Adult or the Abuse of a Child who is a member as specified in A.R.S. §46-451(A)(1), A.R.S. §8-201(2). A.R.S. §46-451(A)(9).

ABUSE (OF A VULNERABLE ADULT)

Means intentional infliction of physical harm, injury caused by negligent acts or omissions, unreasonable confinement, and sexual abuse or sexual assault as specified in A.R.S. §46-451(A)(1).

ADULT PROTECTIVE SERVICES (APS)

A Program within the Arizona Department of Economic Security that investigates allegations and provides service referrals to protect vulnerable adults from abuse, neglect, or exploitation. Pursuant to A.R.S. §46-451 et seq., APS responsibilities include but are not limited to:

Receiving reports of abused, exploited, or neglected vulnerable adults including self-neglect, conducting investigations, and maintaining a registry of substantiated reports of abuse, neglect, and exploitation of vulnerable adults.

EXPLOITATION (OF A VULNERABLE ADULT)

Means the illegal or improper use of a vulnerable adult or his resources for another's profit or advantage as specified in A.R.S. §46-451(A)(4).

NEGLECT (OF A VULNERABLE ADULT)

Means a pattern of conduct without the person's informed consent resulting in deprivation of food, water, medication, medical services, shelter, cooling, heating or other services necessary to maintain minimum physical or mental health as specified in A.R.S. §46-451(A)(6).

SELF-NEGLECT

Means an adult's inability, due to a physical or mental impairment or diminished capacity to perform essential self-care tasks, including: a) obtaining essential food, clothing, shelter, and medical care; b) obtaining goods and services necessary to maintain minimum physical health, mental health, or general safety; or c) managing one's own financial affairs.

VULNERABLE ADULT

Means, as defined in A.R.S. §46-451, an individual who is eighteen years of age or older and who is unable to protect himself from abuse, neglect, or exploitation by others because of a physical or mental impairment. Vulnerable adult includes an incapacitated person as defined in A.R.S. §46-451(A)(9).

III. POLICY

A. REQUIREMENTS FOR REPORTING

Suspected cases of abuse, neglect, and exploitation of a member shall be reported to APS, DCS, and other authorities as appropriate by the case manager. The Contractor shall comply with requirements as specified in AMPM Policy 960, which outlines the tracking and trending of member and provider issues, which includes, but is not limited to: investigation and analysis of quality of care issues, abuse, neglect, exploitation, and unexpected deaths.

For Tribal ALTCS members residing on Tribal lands, Tribal ALTCS Case managers shall determine which Tribal program is responsible for handling these issues in their area. The State of Arizona Adult Protective Services (APS) may have jurisdiction to investigate reports that occurred on tribal land involving non-tribal vulnerable adults with the written invitation of the tribal council, in accordance with A.A.C. R6-8-204. The State of Arizona Department of Child Safety (DCS) program does not have jurisdiction on reservation land to intervene in cases of abuse, neglect, or exploitation.

Documentation related to the suspected abuse, neglect or exploitation, including the reporting of such, shall be kept in a file, separate from the member's case file, that is designated as confidential. The confidentiality of this information is protected under A.R.S. §36-2917, and A.A.C. R9-22-512.

Member Quality of Care issues shall be reported to, and a resolution coordinated with, the Contractor's Quality Management Unit and AHCCCS/DHCM, Quality Management. Refer to AMPM Policy 960 for more information on the Contractor's responsibilities related to these issues.