



Clinical Interdepartmental Policy and Procedure

Policy:	Abuse/Neglect Reporting
Policy Number:	PC-002
Joseph S. Gordy, CEO Flagler Hospital	Signature:
Originator:	Social Services
Coordinating Departments:	All Departments
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Chapter:	Care of the Patient
Regulatory References:	JCAHO: RI.01.06.03, PC.01.02.09 Title VI of the Civil Rights Act of 1964 Florida Dept. of Children and Families Florida Statutes: 39.201 and 415.101- 415.113
Other References:	myFLFamilies.com

POLICY: ABUSE & NEGLECT

OBJECTIVE:

It is the policy of Flagler Hospital to comply with Florida Statutes in the mandatory reporting of abuse, neglect, or exploitation of aged persons, disabled adults; and abuse or neglect of children.

DEFINITIONS:

Abuse: Any willful act or threatened act by a relative, household member, caregiver, legal custodian, or person responsible for the welfare of the person which causes or is likely to cause significant impairment to the vulnerable adult or child's physical, mental, or emotional health. Abuse includes acts and omissions.

Abandoned or abandonment: A situation in which the parent or legal custodian of a child, in the absence of a parent or legal custodian, the able caregiver has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

Caregiver: The parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child or vulnerable adult's welfare.

Exploitation/Fiduciary: A situation in which a person who stands in a position of trust with the aged person/disabled adult knowingly steals money or property of that person or misappropriates the person's money or property. The intent is to temporarily or permanently deprive the vulnerable adult of the use, benefit or possession of the funds, assets or property for the benefit of someone other than the victim.

Neglect: Failure/omission by a caretaker to provide the care, supervision, services or protection necessary to maintain physical and mental health. Including necessary food, clothing, shelter or medical treatment or being allowed to live in an environment where deprivation will or threatens physical, mental or emotional health.

Vulnerable adult: A person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, long-term physical, developmental disability or dysfunction, brain damage, or the infirmities of aging.

CRITERIA FOR IDENTIFYING ABUSE:

Common indicators of abuse include but are not limited to:

Physical Indicators:

- Bruises, welts, lacerations, puncture wounds;
- Fractures;
- Burns;
- Dehydration, malnutrition;
- Signs of sexual assault, vaginal or rectal discharge or infection;
- Over medication, under medication;
- Poor hygiene;
- Skull fractures;
- Acute onset of paresis;
- Post-concussion symptoms, intracranial hemorrhage;
- Visual impairment from retinal detachment;
- Poor oral hygiene/dental neglect;
- Lack of appropriate immunizations for reasons other than religiosity;
- Failure to thrive.

Emotional and Behavioral Indicators:

- If the caregiver or family member insults, ridicules, produces fear; humiliates, verbally assaults, threatens or isolates patient from family or community.
- Conflicting history from patient and caregiver re: nature of injuries;
- Caregiver not allowing the patient to give their own history when able;
- Displays of fearful body language;
- Delay in bringing patient in for treatment;
- Delay or absence of age appropriate behavior;
- Minimal response to painful medical interventions;
- Suicidal attempts or ideation.

ADDITIONAL REPORTING CRITERIA:

CHILD ABUSE, NEGLECT, OR ABANDONMENT

The Florida Abuse Hotline will accept a report on a child when: There is reasonable cause to suspect that a child (an unmarried person, under the age of 18 and who has not been emancipated by order of the court); is a Florida resident, and can be located in Florida, or is temporarily out of state but expected to return; has been harmed or is believed to be threatened with harm as defined by statute; by a parent, legal custodian, caregiver, or other person responsible for the child's welfare.

OR:

Child is not a Florida resident but can be located in Florida and has been harmed in Florida or believed to be threatened with harm in Florida as defined by statute; by a parent, legal custodian, caregiver, or other person responsible for the child's welfare.

ABUSE, NEGLECT, OR EXPLOITATION OF VULNERABLE ADULTS

The Florida Abuse Hotline will accept a report on a vulnerable adult when: There is reasonable cause to suspect that a vulnerable adult (a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own protection, is impaired due to disability, brain damage, or the infirmities of aging); resident of Florida or currently located in Florida; is believed to have been neglected or abused by a caregiver in Florida; or is suffering from the ill effects of neglect by self and is in need of service, or is being exploited by any person who stands in a position of trust or confidence, or any person who knows or should know that a vulnerable adult lacks capacity to consent and who obtains or uses, or endeavors to obtain or use their funds, assets or property. Reports of exploitation cannot be accepted after the vulnerable adult is deceased.

PROCEDURE:

Any physician, nurse, health professional, mental health professional or hospital personnel engaged in the admission, examination, care, or treatment of aged persons, disabled adults or children, who knows, or suspects abuse, neglect, or exploitation should immediately notify the Florida Department of Children and Families.

Reporting Mechanism:

1. If reasonable cause for suspicion of abuse, neglect, or exploitation exists, it is the responsibility of the health professional who has a reasonable cause to suspect abuse to initiate the reporting process by contacting the FLORIDA ABUSE HOTLINE using one of the following options:
 - a. Fax: 1-800-914-0004 - [Tips for Successful Fax Reporting](#)
 - b. Call: 1-800-96-ABUSE
 - c. By TDD 1-800-453-5145
 - d. On line through portal – <http://reportabuse.dcf.state.fl.us>

Web and fax reporting should only be done on non-emergent cases.

2. To report abuse/neglect, be prepared to provide:
 - a. Victim name, address or location, date of birth or approximate age, race and gender.
 - b. Physical, mental or behavioral indications that the person is infirmed or disabled.
 - c. Signs or indications of harm or injury, including a physical description if possible.
 - d. Relationship of the alleged perpetrator to the victim, if possible. If the relationship is unknown, a report will still be taken if other reporting criteria are met.
3. It is the responsibility of the health professional who contacted the FLORIDA ABUSE HOTLINE to document in the patients chart that possible abuse/neglect has been reported. If you call 1-800-96-ABUSE the Abuse Hotline Counselors are required to identify themselves by giving their first name and I.D. number. This information can be included in your documentation. Counselors are also expected to inform the reporter whether the information meets the statutory requirements for a report and whether the report has been accepted.

4. Follow up from Department of Children and Family Services and/or Law Enforcement please see Policies IM-048 Disclosure of PHI to Law Enforcement [P&P - DISCLOSURE OF PHI TO LAW ENFORCEMENT APRIL 2017 IM-048](#) and IM-020 Uses and Disclosure of Protected Health Information [P&P - USES AND DISCLOSURE OF PROTECTED HEALTH INFORMATION AUG 2016 IM-020](#) .

Failure to report: Knowledge and willful failure of a person, who is required to report known or suspected child abuse, abandonment, or neglect is subject to a third degree felony. The potential prison sentence is 5 years, and the potential fine is a maximum of \$5,000.

Protection of Patients from Abuse While in the Hospital:

1. The hospital will to the best of its ability, protect patients from real or perceived abuse, neglect, or exploitation from anyone, including staff, students, volunteers, other patients, visitors, or family members. Some of the methods to accomplish this include:
2.
 - Video surveillance in key sensitive areas;
 - Security guards
 - Staff training regarding abuse and reporting
 - Code Gray
3. Any allegation, observation or suspected case of abuse, neglect, or exploitation that occurs in the hospital, will be explored by hospital officials, and referred to the appropriate authorities for investigation.

