

**BLUE WATER DEVELOPMENTAL HOUSING, INC.  
POLICIES AND PROCEDURES: INDIVIDUALS SUPPORTED INFORMATION**

<b>SUBMITTED BY:</b> Kathleen Swantek	<b>DATE SUBMITTED:</b> 10/27/84	<b>SECTION:</b> Rights	
<b>BOARD APPROVED ON:</b> 10/27/84	<b>DATE REVISED:</b> 05/26/17	<b>SUBJECT:</b> Suspected Abuse or Neglect	
<b>ANNUAL REVIEW BY EXECUTIVE DIRECTOR:</b> 05/26/17, 09/19/18, 09/09/2020		<b>POLICY #:</b> IG-003	<b>PAGE #:</b> 1 of 5

**I. APPLICATION**

The provisions stated herein shall apply to all employees of Blue Water Developmental Housing, Inc. (BWDH).

**II. POLICY**

It is the policy of the organization to provide a mechanism for recipients and others to report alleged or suspected violations of individuals supported rights to the appropriate agency or individual. As required by the Michigan Mental Health Code Public Act 1974.

**III. DEFINITIONS**

**ABUSE:** Means non-accidental physical or emotional harm to a recipient, or sexual contact with or sexual penetration of a recipient that is committed by an employee, volunteer, or agent of a provider.

**ABUSE CLASS I:** Means a non-accidental act or provocation of another to act by an employee, volunteer, or agent of a provider that caused or contributed to the death, or sexual abuse of, or serious physical harm to a recipient.

**ABUSE CLASS II:** Means any of the following:

- (i) A non-accidental act or provocation of another to act by an employee, volunteers, or agent of a provider that caused or contributed to non-serious physical harm to a recipient.
- (ii) The use of unreasonable force on a recipient by an employee, volunteer, or agent of a provider with or without apparent harm.
- (iii) Any action or provocation of another to act by an employee, volunteer, or agent of a provider that causes or contributes to emotional harm to a recipient.
- (iv) An action taken on behalf of a recipient by a provider who assumes that recipient is incompetent, despite the fact that a guardian has not been appointed, that results in substantial economic, material, or emotional harm to the recipient.
- (v) Exploitation of a recipient by an employee, volunteer, or agent of a provider.

**ABUSE CLASS III:** Means the use of language or other means of communication by an employee, volunteer, or agent of a provider to degrade, threaten, or sexually harass a recipient.

**NEGLECT:** Means an act or failure to act committed by an employee or volunteer of the Department, a Community Mental Health Services Program, or a licensed hospital; a service provider under contract with the Department, Community Mental Health Services Program, or licensed hospital; or an employee or volunteer of a service provider under contact with the Department, Community Mental Health Services Program, or licensed

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hospital, that denies a recipient the standard of care or treatment to which he or she is entitled to receive.

**NEGLECT CLASS I:** Means either of the following:

- (i) Acts of commission or omission by an employee, volunteer, or agent of a provider that result from non-compliance with a standard of care or treatment required by law, and/or rules, policies, guidelines, written directives, procedures, or individual plan of service and causes or contributes to the death, or sexual abuse of, or serious physical harm to a recipient.
- (ii) The failure to report apparent or suspected Abuse Class I or Neglect Class I of a recipient.

**NEGLECT CLASS II:** Means either of the following:

- (i) Acts of commission or omission by an employee, volunteer, or agent of a provider that result from non-compliance with a standard of care or treatment required by law, and/or rules, policies, guidelines, written directives, procedures, or individual plan of service and that cause or contribute to non-serious physical harm or emotional harm to a recipient.
- (ii) The failure to report apparent or suspected Abuse Class II or Neglect Class II of a recipient.

**Neglect Class III:** Means either of the following:

- (i) Acts of commission or omission by an employee, volunteer, or agent of a provider that result from non-compliance with a standard of care or treatment required by law, and/or rules, policies, guidelines, written directives, procedures, or individual plan of service that either placed or could have placed a recipient at risk of physical harm or sexual abuse.
- (ii) The failure to report apparent or suspected Abuse Class III or Neglect Class III of a recipient.

**IV. STANDARDS**

- A. A mental health professional, a person employed by or under contract to the department, a licensed facility, or a community mental health services program, or a person employed by a provider under contract to the department, a licensed facility, or a community mental health services program who has reasonable cause to suspect the criminal abuse of a recipient immediately shall make or cause to be made, by telephone or otherwise, an oral report of the suspected criminal abuse to the law enforcement agency for the county or city in which the criminal abuse is suspected to have occurred or to the state police. Within 72 hours after making the oral report, the reporting individual shall file a written report with the law enforcement agency to which the oral report was made, and with the chief administrator of the facility or agency responsible for the recipient.

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- B. Penalties for not reporting suspected abuse: A person who has cause to suspect abuse of a recipient and intentionally violates P.A. 224 of 1986 and P.A. 32 of 1988, by not reporting the incident, shall be guilty of a misdemeanor and be responsible for civil liability of the damages proximately caused by the violation.
- C. Penalties for filing a false report: A person found guilty of knowingly filing a false report shall be guilty of a misdemeanor and be responsible for the civil liability of the damages proximately caused by the violation.
- D. An investigation shall be initiated by the Office of Recipient Rights immediately in cases involving alleged abuse or neglect of a recipient.

**V. NOTIFICATION/PROCEDURE**

**WHO**

**DOES WHAT**

Employee

1. Immediately reports any alleged, suspected, or determined abuse or neglect to the program supervisor, recipient rights officer, division director either in person, in writing, over the phone. Reporting can be anonymous.
2. Completes incident report as soon as possible but not later than twenty-four (24) hours from the time of the incident, submits to the program supervisor.
3. If the suspected abuse/neglect involves an individual supported who is a child, an oral report must be made, immediately by telephone or otherwise to the local Department of Health and Human Services, Child Protective Services Division

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**V. NOTIFICATION/PROCEDURE (continued)**

**WHO**

**DOES WHAT**

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|--------------------|---|
| Employee           | <ul style="list-style-type: none"> <li>4. Within seventy-two (72) hours the reporting person shall file a written report on the MDHHS-3200 reporting form with Department of Health and Human Services Child Protective Services.</li> <li>5. Will notify the program supervisor that a report has been made to the Department of Health and Human Services Child Protective Services and make available a copy of that report.</li> </ul>  |
| Program Supervisor | <ul style="list-style-type: none"> <li>6. An employee shall not be penalized for making a report required by this policy.</li> <li>7. Notifies appropriate division director immediately of any reports of suspected abuse/neglect</li> <li>8. Submits a copy of the Incident Report and/or MDHHS-3200 reporting form and follows Incident Report Policy.</li> <li>9. Begins the administrative review process. Within 10 working days review will be completed and forwards via email to the appropriate division director.</li> </ul> |
| Division Director  | <ul style="list-style-type: none"> <li>10. Reports to the executive director immediately upon being notified of suspected abuse/neglect.</li> <li>11. Reviews Incident Report and/or MDHHS-3200 reporting form.</li> <li>12. Finalize the administrative review and forwards via email with recommendations to the executive director within 10 working days of receipt.</li> </ul>   |

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**VI. REFERENCES:**

Michigan Mental Health Code, Public Act 258 of 1974, Sections 330.1722 and 330.1723;  
MDHHS Administrative Rules 330.7001 and 330.7035

**VII. EXHIBITS**

- A. MDHHS-3200 reporting form
- B. Incident Report
- C. BWDH Administrative Review