

**STATE OF HAWAII
DEPARTMENT OF HEALTH**

P. O. BOX 3378
HONOLULU, HI 96801-3378

DEVELOPMENTAL DISABILITIES DIVISION

TITLE: Mandatory Reporting of Abuse and Neglect

Policy #2.05

PURPOSE

To protect, to the extent possible, the health, safety, and well-being of the people that the Developmental Disabilities Division (DDD) serves, and be compliant with state laws on reporting abuse and neglect of vulnerable adults and children by reporting abuse, exploitation, financial exploitation, neglect and self-neglect to proper authorities according to state law.

SCOPE

This policy (#2.05) applies to suspected victims of abuse and neglect who are not receiving waiver services. Suspected cases of abuse and neglect for participants receiving Medicaid Waiver Home and Community Based Services (HCBS) should follow DD Policy 3.07 "Adverse Events Reports for DDD Participants."

DEFINITIONS

Definitions can be found at the following links:

1. Adult abuse or neglect statutory definitions:
http://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0346/HRS_0346-0222.htm
2. Child abuse or neglect statutory definitions:
http://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0350/HRS_0350-0001.htm

POLICY

DDD employees who in the performance of their professional or official duties, know or have reason to believe that a child or vulnerable adult has been abused or is in danger of abuse if immediate action is not taken promptly, shall report this matter promptly and appropriately to the Department of Human Services (DHS) Child Welfare Services (CWS) or Adult Protective Services (APS). The mandate to report abuse and neglect applies to all DDD employees who are licensed or registered in a health or health-related occupation and who examines, attends, treats, or provides other professional or specialized services to a vulnerable adult. This includes social workers who are licensed by the State of Hawaii and non-licensed persons employed in social worker positions. State statutes does not prohibit any person from reporting an incident of abuse

and neglect that is brought to a DDD employees' attention in a private or non-professional capacity.

PROCEDURES

- A. Suspected abuse of a vulnerable adult.** When a DDD employee, who in his/her professional or official capacity has reason to believe a vulnerable adult has been the victim of abuse or neglect or has a substantial risk of this occurring in the reasonably near future:
1. Shall inform employee's immediate supervisor or DDD designee to ensure DDD policies and procedures are followed;
 2. Shall immediately orally report instances of suspected abuse, or at risk of abuse if immediate action is not taken, to the Department of Human Services (DHS), Adult Protective Services (APS) and/or the Honolulu Police Department, as appropriate. (APS contact information can be found on: <http://humanservices.hawaii.gov/ssd/home/adult-services/>)
 3. Shall document his/her oral report of abuse to APS, in writing, by completing the attached APS "Report Form for Adult Abuse & Neglect." On the day of or at the latest the next business day of suspected abuse and neglect. Follow the directions on the APS report form to fax or mail the form to the appropriate APS office where the verbal report was made. A copy of the completed report form should then be submitted to his/her immediate supervisor for filing.
 4. As a courtesy and upon the discretion of the DDD employee/supervisor, if the vulnerable adult was living in a residence licensed by the Office of Health Care Assurance (OHCA), the employee may report the matter to OHCA.
- B. Suspected abuse of a child under age 18 years old.** The DDD employee, who in the employee's professional or official capacity has reason to believe that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the foreseeable future:
1. Shall inform the employee's immediate supervisor or DDD designee of disclosure and ensure DDD policies and procedures are followed;
 2. Shall immediately orally report the case to DHS, Child Welfare Services (CWS) or the Honolulu Police Department. (CWS contact information can be found on: <http://humanservices.hawaii.gov/ssd/home/child-welfare-services/>);
 3. Shall document his/her oral report of abuse to CWS, in writing, by completing the attached CWS "Mandated Reporter Checklist for Suspected Child Abuse & Neglect" on the day of or at the latest the next business day of suspected abuse and neglect. Follow directions on the CWS report form to fax or mail the report form to the appropriate CWS office. A copy of the completed report form should then be submitted to his/her immediate supervisor for filing.
- C. DDD employees shall refer to DOH Health Insurance Portability & Accountability Act (HIPAA) Policy 3.03 on "Uses and disclosures of Protected Health Information (PHI) about victims of abuse, neglect or domestic violence," and DDD Policies and Procedures 3.03 on "Uses and disclosures of PHI for Victims of Abuse, Neglect and Domestic**

Violence” for guidance on disclosures of information on alleged incidences of abuse and neglect.

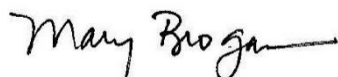
AUTHORITATIVE & OTHER REFERENCES:

1. §346-222, HRS (Definitions of Vulnerable Adult Abuse)
http://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0346/HRS_0346-0222.htm;
2. §346-224, HRS, (Mandatory reporting of vulnerable adult abuse and neglect)
http://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0346/HRS_0346-0224.htm;
3. §350-1, HRS, (Definitions of Child Abuse)
http://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0350/HRS_0350-0001.htm;
4. §350-1.1, HRS (Mandatory reporting of child abuse and neglect)
http://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0350/HRS_0350-0001_0001.htm;
5. Department of Human Services, CWS "A Guide for Mandated Reporters"
<http://humanservices.hawaii.gov/ssd/files/2013/01/MANDATED-REPORTER-HANDBOOK.pdf>;
6. Department of Health & Human Services, APS and Executive Office on Aging “Guidelines for Mandated Reporters Vulnerable Adult Abuse & Neglect”
<http://humanservices.hawaii.gov/ssd/files/2013/01/APS-Guidelines.pdf>;
7. Director of Health's "DDD Directive to Report Adult Abuse" dated 08-29-11;
8. HIPAA "Uses and disclosures of PHI about victims of abuse, neglect or domestic violence", "DOH Policy 03.03, March 17, 2008;
9. DDD Procedures on “Uses and disclosures of PHI about abuse, neglect or domestic violence,” Approved September 18, 2012.

ATTACHMENTS:

1. APS “Report Form for Vulnerable Adult Abuse and Neglect:
<http://humanservices.hawaii.gov/ssd/files/2014/06/DHS-1640-Rev.-5-14-Form-Fill-Protected.pdf>.
2. CWS “Mandated Reporter Checklist for Suspected Child Abuse and Neglect” (page 9 of reference #4, and page 7 of reference #5 above).

Approved: _____



Developmental Disabilities Division Chief

Date: March 8, 2016