



## Prevention of Abuse and Neglect Work Group

Justice Center for the Protection  
of People with Special Needs

Office for People With  
Developmental Disabilities

Office of Alcoholism and  
Substance Abuse Services

Office of  
Mental Health

Office of Children  
and Family Services

State Education  
Department

# Abuse Prevention: Tools to Create Safer Environments for Vulnerable People in NYS

# Justice Center Guiding Principle on Education

Outreach, training, and the promotion of best practices are critical to affect systems change.

# Abuse Prevention: Justice Center

- Pre-Employment Checks
- Staff Exclusion List
- Code of Conduct
- Audits of Provider Corrective Actions
- Prevention of Abuse and Neglect Work Group (cross-agency)
- Advisory Council
- **Prevention Resources**

# Abuse Prevention Resources—Spotlight on Prevention

Found at: <https://www.justicecenter.ny.gov/spotlight-prevention/home>

I am a...

Custodian    Individual or Family Member    Service Provider

The screenshot shows a navigation bar with four buttons: 'CODE OF CONDUCT RECOGNITION AWARD 2016', 'Individual and Family Support', 'Information & Referral', and 'Spotlight on Prevention'. The 'Spotlight on Prevention' button is highlighted with a red oval. Below the buttons, there is a row of four icons: a gold award seal, a blue icon of three people, a blue 'i' and 'R' logo, and a yellow and white icon with the text 'Spotlight on Prevention' and 'Partnering to Protect People with Special Needs'.

CODE OF CONDUCT RECOGNITION AWARD 2016

Individual and Family Support

Information & Referral

**Spotlight on Prevention**

Partnering to Protect People with Special Needs

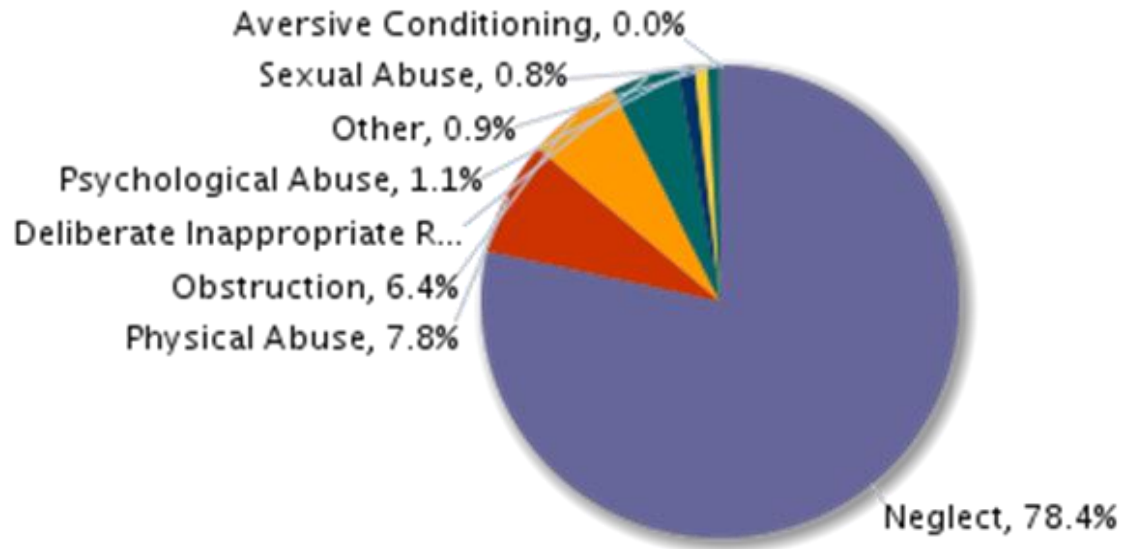
# Abuse Prevention Resources—Spotlight on Prevention

Found at: <https://www.justicecenter.ny.gov/spotlight-prevention/home>

- Self-Assessment for an Abuse Free Environment (SAAFE)
- Best Practices to Promote and Abuse Free Environment
- Model Abuse Prevention Policy
- Caregiver Fatigue Tool Kit
- Dangers of Being Left Unattended in Vehicles Tool Kit
- Abuse Prevention Links:  
Includes training material, ‘how to’ guides and web information.  
Go to: <https://www.justicecenter.ny.gov/abuse-prevention-resources>

# Vulnerable Persons Central Registry (VPCR) Abuse and Neglect Trends

## Total Substantiated Allegations by Type 2016



Total Number: 11,071

2016

# Scope of Services

The Justice Center scope of service is approximately 1 million people

Almost 300,000 of those are in residential care

# Abuse Prevention Benefits

A framework for ongoing evaluation and improvement of safeguards:

- For vulnerable citizens in NYS
- For workforce serving vulnerable groups



# Abuse Prevention Benefits

Supports requirements of the  
Protection of People with Special Needs Act:

- Identify unsafe conditions
- Identify corrective and preventive actions
- Analyze abuse and neglect trends
- Identify prevention resources and strategies

# Abuse Prevention Benefits

## Cost reduction

- Reacting to crisis poses a far greater burden on resources than applying thoughtful prevention measures

# Abuse Prevention Resources offered by state oversight agencies

- Crisis Management Programs
- Trauma Informed Care
- Workforce Development
- Other??

# Abuse Prevention Policy



# Abuse Prevention Policy

**Does your agency have one?**



# Use of Model Policy

A sample policy was created by the NYS Justice Center for Protection of People with Special Needs to offer as a resource for provider agencies.

The policy is not all inclusive and may be modified as needed to apply to particular types of program and specific age groups of vulnerable people.

# Policy Components

1. Purpose
2. Definitions
3. Policy Guidelines
4. References



# Abuse Prevention Policy: *Purpose*



# Purpose

- Safe and respectful environment that supports the health and well-being of people receiving services.
- Guidelines and resources to enforce zero tolerance of abuse, neglect and other forms of mistreatment.
- Balance safety with empowerment to lead self-directed, meaningful lives.

# Abuse Prevention Policy: *Definitions*



# Definitions

New York Social Service Law § 488 defines abuse and neglect of people receiving services in broad terms

Abuse includes acts which both cause actual harm and create the risk of harm. (See New York Executive Law, Article 20)

# Reportable Incidents to Justice Center

1. Physical Abuse
2. Psychological Abuse
3. Sexual Abuse
4. Deliberate misuse of restraint or seclusion
5. Controlled substance
6. Aversive conditioning
7. Obstruction
8. Neglect
9. Significant Incident

Please note: Case scenarios that follow include both reportable incidents and quality of care issues that may not rise to the level of a reportable incident

# Abuse Prevention Policy: *Policy Guidelines*

# Personnel Screening and Selection

Required under the Protection of People with Special Needs Act

- Justice Center Staff Exclusion List (SEL) check
- Criminal background check (CBC)
- Statewide Central Register of Child Abuse and Maltreatment (SCR) check

*A thorough, standardized screening and selection process is key to abuse prevention*

# Personnel Screening and Selection

## Recommended:

- Job application with signed authorization for necessary background checks
- Other checks as deemed necessary: Sex Offender Registry, APS, DMV.
- In-person interview with standardized questions and 2<sup>nd</sup> interviews
- 3 professional references with standardized questions (direct conversation)

*A thorough, standardized screening and selection process is key to abuse prevention*



# Case Scenario

- A criminal background check of an applicant uncovered a past felony conviction.
- What should happen next?

# Structural Guidelines

- Staff to Persons Receiving Services Ratio
- Team Communication
- Individual Treatment Plans
- Welcoming Visitors
- Community Integration
- Safeguarding Valuables

# Case Scenario

- At a psychiatric hospital people in care were not supervised as needed due to unclear procedures. As a result, a person in care with a known history of ingesting dangerous objects was able to access and ingest batteries on more than one occasion resulting in physical injury requiring surgery.
- What could have prevented this occurrence?

# Case Scenario

- A person in care had a visitor at her residence. A staff person was supervising the two during the visit, but, as the only staff on duty, had to leave the area to attend to a door alarm set off by another resident. Upon return, to the common area, the staff found that the person and visitor were in her bedroom with the door locked. Upon entering the room, the staff found the two engaged in a sexual act. It was later discovered that the guest was a registered sex offender.
- What could have prevented this occurrence?

# Training

## Process:

1. Accurate material/info
2. Timely
3. In person
4. Re-training/Refreshers
5. Shadowing
6. Post training evaluation

## Topics:

1. Reporting
2. Code of Conduct
3. Policies and procedures
4. Professional boundaries
5. Individual treatment plans/  
population served
6. Other??

# Case Scenario

- A person receiving services with a history of physical abuse in childhood got into a conflict with a peer. When the peer lunged at and threatened the person with a raised fist, the person ran out of the room screaming and locked herself in the bathroom. 15 minutes later, staff told the person through the bathroom door that she needs to come out now because others need to get in and her hogging the bathroom would just make matters worse. The person then jumped out the bathroom window and broke her ankle
- What could have prevented this from happening?

# Case Scenario

- In an approved family care home the Family Care Provider hired someone to provide respite that was not trained or approved to provide this service. A Medication Administration Record (MAR) for a person in care was forged with the whole month signed off in advance.
- What risk did this create? What could have prevented this?

# Case Scenario

- A respite worker observed a staff 'sexting' a person in care and had also observed the two making flirtatious gestures to each other. When questioned about why he had not reported this, he said they were both willing participants and it didn't interfere with his work so he saw no issue with it. He also had never received training about reporting.
- What could have prevented this incident?



# Interactions and Conduct

Code of Conduct: Staff are expected to conduct themselves in a safe, responsible and respectful manner.

Agency culture in line with code of conduct expectations for staff at all levels.

- Respectful Interactions
- Social Boundaries
- Physical Boundaries
- Sexual Boundaries
- Alcohol/drug use

# Case Scenario

- A person receiving services just started a new medication. Upon entering a common area, a staff person loudly said to her, in front of several peers, that she needs to remember to go take her new medication after dinner.
- What would have prevented this violation of privacy?

# Case Scenario

- Two staff were talking about some confusion that happened at a staff meeting. One staff said to the other, 'I am starting to feel like I'm the crazy one!'. People receiving services were in earshot and at least one of them was upset by the comment.
- What could have prevented staff from making this disrespectful remark?

# Reporting Requirements and Process

Reporting Requirements: mandated reporters have a duty to report incidents to the NYS Justice Center, Vulnerable Persons' Central Register (VPCR).

Reporting Protocol:

1. Call 9-1-1 first in cases of immediate danger
2. Call Vulnerable Persons' Central Register toll-free hotline at 1-855-373-2122, TTY: 1-855-373-2123 within 24 hours of discovery

Internal Reporting Protocol:

1. Ensure immediate safeguards. Ensure easy access to information on making a report.  
Protections: The law provides protection against the disclosure of a reporter's identity
2. Analysis of Trends

# Case Scenario

- People receiving services were talking about one of the staff having sex with someone else in the residence. Manager brought the concern to executive staff who looked into the matter and decided it's just hearsay. When the allegation surfaces again at a later time, it is formally investigated, found to be substantiated and the person is arrested and pending prosecution.
- What could have prevented this failure to report?

# Case Scenario

- A person receiving services that frequently displays attention seeking behavior jumps out a first floor window following conflict with a staff. When the person re-enters the residence she is limping and says she hurt herself. The staff looks her over briefly, tells her she is fine and that she should head to bed. In the am, it is discovered that she has a broken ankle from the fall.
- What could have prevented this from happening?

# Monitoring and Supervision of Staff

1. Management presence
2. Regularly scheduled supervision
3. Responsiveness to staff needs for support and direction
4. Awareness and use of chain of command
5. Random spot checks
6. Other??

# Case Scenario

- A person receiving services became very emotionally unstable and attacked a staff person during a period of psychological distress. The staff was moved to another area for a week but after 2 days was told she was needed back in her original area due to staff shortage.
- What resources and procedures would help prevent staff burnout/stress.



# Case Scenario

- A staff person was due to return to work after being out on administrative leave for 4 weeks following an unsubstantiated allegation of abuse. She was very anxious about returning to work, thinking all eyes would be on her.
- What could help support staff experiencing symptoms of work related stress?

# Case Scenario

- A staff person walked out of the program while on duty, frustrated with receiving word that he will have to stay for a second shift due to staff calling out. He has brought concerns about this to his manager and told there's nothing that can be done.
- What could help support staff experiencing symptoms of work related stress?

# Environmental Safeguards

1. Accessible facility
2. Clean
3. Stocked with appropriate supplies of food and other goods
4. Safe conditions – in good repair
5. Medication storage
6. Fire safety
7. Privacy
8. Other

# Case Scenario

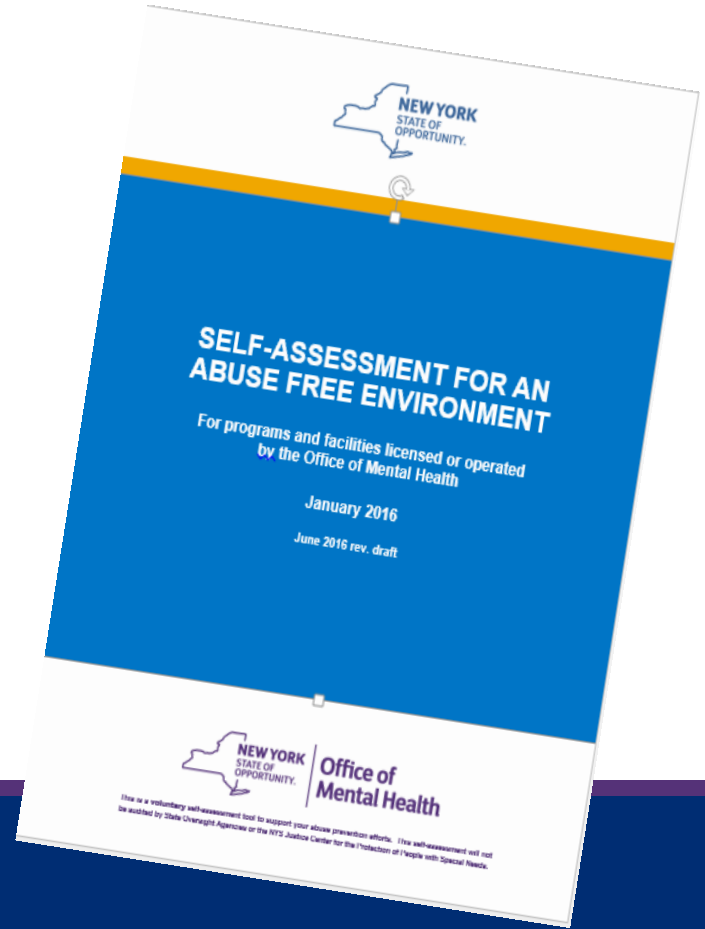
- Person in care in a psychiatric center who was on 15 minute checks hung himself from the bathtub grab bar in his bathroom on a day when the checks were not properly completed.
- What safety measures could have prevented this?

# Case Scenario

- A person in care who uses a wheel chair died as a result of faulty tie-down straps that caused her wheel chair to tip over while in transit.
- What could have prevented this from happening?

# Questions on Abuse Prevention Policy?

# Self-Assessment for an Abuse Free Environment (SAAFE)



# Self-Assessment Framework

## Framework

- *Nursing Home Abuse Risk Profile and Checklist* developed by the National Association of States United on Aging and Disabilities (NASUAD) for the U.S. Administration on Aging: [www.ncea.aoa.gov/Resources/Publication/docs/NursingHomeRisk.pdf](http://www.ncea.aoa.gov/Resources/Publication/docs/NursingHomeRisk.pdf)
- Risk factors for programs/facilities, people receiving services, and interpersonal relationships



# SaAFE Components

- Three Categories that include a total of eleven risk factors
  1. Program/Facility Risk Factors
  2. People Receiving Services Risk Factors
  3. Interpersonal Relationship Risk Factors
- Strategies to Mitigate Risk of Abuse

# Program/Facility Risk Factors

1. Abuse Prevention Policy
2. Staff Training
3. Staff Screening
4. Staff Wellness
5. Staff to Participant Ratio/Turnover
6. History of Deficiencies/Complaints
7. Culture/Management
8. Physical Environment

# Interpersonal Relationship Risk Factors

## 9. Personal Conditions

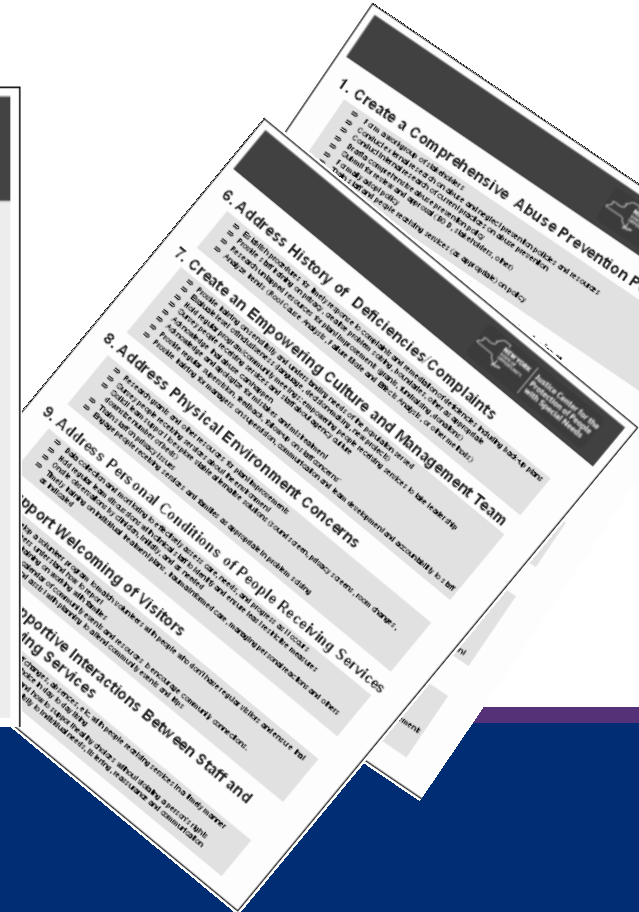
- Assess and address personal conditions

# People Receiving Services Risk Factors

10. Visitor Interactions

11. Participant-Staff Interactions

# Best Practices To Promote an Abuse Free Environment



# Next Steps

# Have at it!

- Share and review the Model Abuse Prevention Policy and modify as needed to support your agency abuse prevention efforts
- Take the self-assessment
  - Gather your team: quality assurance, human resources, direct support staff, and others
- Review the recommended strategies for abuse prevention
- Review the resources on abuse prevention available at: [www.justicecenter.ny.gov](http://www.justicecenter.ny.gov)
- Provide feedback at: [prevention@justicecenter.ny.gov](mailto:prevention@justicecenter.ny.gov)

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# JUSTICE CENTER

Report abuse or neglect:

1-855-373-2122

Information and referral:

1-800-624-4143

General information line:

1-518-549-0200

Individual and Family Support Unit:

1-800-624-4143

Website:

[www.justicecenter.ny.gov](http://www.justicecenter.ny.gov)

Abuse prevention:

[prevention@justicecenter.ny.gov](mailto:prevention@justicecenter.ny.gov)

**Thank you**