



<b>Policy Title:</b>	<b>Reporting Suspected Abuse or Neglect</b>
<b>Policy #:</b>	<b>05-001-0045</b>
<b>Effective Date:</b>	01/29/2025
<b>Approved by:</b>	Telly Delor, Chief Operating Officer
<b>Functional Area:</b>	Office of Recipient Rights
<b>Responsible Leader:</b>	Sandy O'Neill, Recipient Rights Director
<b>Policy Owner:</b>	Sandy O'Neill, Recipient Rights Director
<b>Applies to:</b>	SCCCMH Staff, SCCCMH Board Members, All Direct Operated Programs, All Contracted Network Providers, Interns, Volunteers

**Purpose:** Per Mental Health Code 330.1722 Sec. 722. (1) A recipient of mental health services shall not be subjected to abuse or neglect.

### I. Policy Statement

In accordance with the Michigan Compiled Laws and Michigan Department of Health and Human Services (MDHHS) Administrative Rules, St. Clair County Community Mental Health (SCCCMH) requires all employees and volunteers of SCCCMH and its provider network to report all suspected incidents of *abuse*, *neglect*, exploitation, and endangerment of children and *vulnerable adults* residing independently, with family members, or in facilities licensed by Licensing and Regulatory Affairs to Protective Services, the *Office of Recipient Rights*, law enforcement, and/or Licensing and Regulatory Affairs, as applicable. For all instances of suspected and/or known criminal assault, criminal sexual conduct, or criminal homicide, a law enforcement agency must *immediately* be notified of the event.

### II. Standards

- A. A mental health professional, a person employed by or under contract with the MDHHS, a licensed facility, or a community mental health services program, or a person employed by a provider under contract with the MDHHS, 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.

- 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.
- E.** SCCCMH shall assure through its Chief Executive Officer and Office of Recipient Rights that appropriate action is taken against those who have engaged in abuse or neglect, and/or retaliation/harassment, and that the action taken will help prevent recurrence of the violation.

### III. Procedures, Definitions, and Other Resources

#### A. Procedures

##### Responsibilities

Position	Responsibilities
Staff Members/Volunteers	Reports, any known or suspected child or vulnerable adult abuse to Protective Services and/or Law Enforcement, and to the Office of Recipient Rights.

##### Actions – Initial Request

Action Number	Responsible Stakeholder	Details
1.0	Any Staff Member/Volunteer Providing Services	<ol style="list-style-type: none"> <li>1. Obtain knowledge of, suspects, or has reasonable cause to believe a <i>child</i>, vulnerable <i>adult</i>, or any SCCCMH recipient is being or has been abused, neglected, exploited or endangered shall immediately take steps to protect the recipient and report their concern to their supervisor/chain of command and the Office of Recipient Rights.</li> <li>2. Contact Protective Services immediately to make an oral report of the apparent or suspected abuse or neglect.</li> </ol>

Action Number	Responsible Stakeholder	Details
		<p><b>Note:</b> An employee who wishes their identity to remain confidential, subject only to disclosure with consent or by court order, shall state this when making their oral report to Protective Services.</p> <ol style="list-style-type: none"> <li>3. Contact law enforcement immediately to make an oral report in cases of suspected abuse, assault, criminal sexual conduct, or criminal homicide.</li> <li>4. Forward written report within 72 hours using Report of Actual or Suspected Child Abuse or Neglect (MDHHS 3200), and forwards form <a href="#">#0057 Incident Report</a>/electronic report (OASIS) to the Office of Recipient Rights before the end of their shift.</li> </ol>

**B. Related Policies**

N/A

**C. Definitions**

1. *Abuse:* 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.
  - a. *Abuse Class I:* 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.
  - b. *Abuse Class II:* Means any of the following:
    - i. A non-accidental act or provocation of another to act by an employee, volunteer, 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 caused or contributed to emotional harm to a recipient.
    - iv. An action taken on behalf of a recipient by a provider who assumes the 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.

- c. *Abuse Class III*: 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.
2. *Adult*: A person, 18 years of age or older.
3. *Adult Protective Services (APS)*: The Department of Health and Human Services program responsible for investigating suspected abuse and neglect of vulnerable adults.
4. *Agent*: Means an individual authorized to act on behalf of an entity including but not limited to an individual, contract provider, or intern/volunteer.
5. *Child*: A person, under 18 years of age.
6. *Children’s Protective Services (CPS)*: The Department of Health and Human Services program responsible for investigating suspected abuse and neglect of children.
7. *Degrade means*:
  - a. Treat humiliatingly: to cause somebody a humiliating loss of status or reputation or cause somebody a humiliating loss of self-esteem; make worthless; to cause a person to feel that they or other people are worthless and do not have the respect or good opinion of others. (syn) degrade, debase, demean, humble, humiliate. These verbs mean to deprive of self-esteem or self-worth, to shame or disgrace.
  - b. Degrading behavior shall be further defined as any language or epithets that insult the person’s heritage, mental status, race, sexual orientation, gender, intelligence, etc.
8. *Immediately*: Means without delay.
9. *Neglect*: An act or failure to act committed by an employee or volunteer of the Michigan Department of Health and Human Services (MDHHS), a community mental health services program (CMHSP), or a licensed hospital; a service provider under contract with the MDHHS, CMHSP, or licensed hospital; or an employee or volunteer of a service provider under contract with the MDHHS, CMHSP, or licensed hospital, that denies a recipient the standard of care or treatment to which he or she is entitled to receive.
  - a. *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 plans of service and caused or

- contributed 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.
  - b. 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 plans of service and that caused or contributed 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.
  - c. 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 plans 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.
10. *Office of Recipient Rights (ORR)*: The office created by the Michigan Mental Health Code that is subordinate only to the Chief Executive Officer and that is responsible for investigating, resolving, and assuring remediation of apparent or suspected recipient rights violations and assuring that mental health services are provided in a manner that respects and promotes the rights of recipients as guaranteed by Chapters 7 and 7A of the Michigan Mental Health Code, P.A. 258 of 1974.
11. *Recipient*: Means an individual who receives mental health services from the Michigan Department of Health and Human Services (MDHHS), a community mental health services program, or a facility, or from a provider that is under contract with MDHHS or a community mental health services program.
12. *Threaten*: Means to tell someone that you will hurt them or cause problems if they do not do what you want.
13. *Vulnerable Adult*: A condition in which an adult is unable to protect themselves from abuse, neglect, exploitation, or endangerment because of a mental or physical impairment, or because of advanced age.

**D. Forms**

[#0057 Incident Report](#)

**E. Other Resources** (i.e., training, secondary contact information, exhibits, etc.)

[Exhibit A: MDHHS Requirements for Reporting Abuse and Neglect poster \(06/2018\)](#)

**F. References**

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

**IV. History**

- Initial Approval Date: 10/1984
- Last Revision Date: 11/2023 BY:
- Last Reviewed Date: 12/2024 BY: Sandy O'Neill
- Non-Substantive Revisions: N/A
- Key Words: Reporting, Abuse, Neglect, Mandated