

### **10A NCAC 28C .0103 REPORTING ABUSE, NEGLECT OR EXPLOITATION**

(a) The State Facility Director shall develop a written policy specifying procedures for reporting and investigating all cases of alleged or suspected abuse, neglect or exploitation occurring when the client is under the supervision of the state facility. The policy shall be in accordance with G.S. 122C-66 and shall include at least the following provisions:

- (1) specifications of the progressive steps in the reporting and investigation process for all cases of alleged or suspected abuse, neglect or exploitation, staff positions responsible for investigation, and time periods to be observed for each step;
- (2) a requirement for immediate intervention by any state facility employee witnessing abuse, neglect or exploitation;
- (3) a system of immediate reporting of any suspected abuse, neglect or exploitation which includes but is not limited to the internal client advocate and appropriate state facility employees and provisions for confidential reporting;
- (4) the arrangement for immediate medical evaluation where major physical injury is involved or suspected;
- (5) the designation of a state facility employee or position to conduct a preliminary investigation, including the review of written reports by all state facility employees involved;
- (6) in the event that a complete investigation is indicated, the notification of the State Facility Director, the legally responsible person of a minor or incompetent adult client, and the internal client advocate. The Human Rights Committee may be notified that there is a complete investigation indicated; however, Human Rights Committee involvement shall be in accordance with 10 NCAC 16G .0209.
- (7) a requirement for immediate reporting of any alleged or suspected abuse, neglect or exploitation whenever there is a reasonable cause to believe that the client is in need of protective services (as defined in G.S. Chapter 108A, Article 6 and G.S. Chapter 7A, Article 44) to the county department of social services by the State Facility Director or designee as specified in G.S. Chapter 108A, Article 6 or G.S. Chapter 7A, Article 44;
- (8) a provision to allow an independent investigation by the internal client advocate and Human Rights Committee, when in accordance with 10A NCAC 28A .0209, reporting directly to the State Facility Director; and
- (9) a provision to ensure that all state facility employees remain aware of the procedures and are aware of their rights and responsibilities if they are witness to, or aware of, or accused of abuse, neglect or exploitation.

(b) Cases of suspected abuse, neglect or exploitation occurring when the client is not under the direct or immediate supervision of the state facility shall be reported to the county department of social services by any state facility employee suspecting the abuse, neglect or exploitation as specified in G.S. Chapter 108A, Article 6 or G.S. Chapter 7A, Article 44.

*History Note: Authority G.S. 7A, Article 44; 108A, Article 6; 122C-51; 122C-59; 122C-65; 122C-66; 122C-67; 131E-67; 143B-147; Eff. October 1, 1984; Amended Eff. July 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*