



Ohio Administrative Code

Rule 5122-3-14 Abuse/neglect of patients receiving services in regional psychiatric hospitals.

Effective: August 25, 2011

(A) The purpose of this rule shall be to define patient abuse and neglect for persons receiving Ohio department of mental health (ODMH) services in regional psychiatric hospitals (RPHs); to establish policies to prevent abuse and neglect of persons served; to provide guidelines for preventive and corrective measures; and to establish policies and procedures regarding reports and investigations of abuse or neglect of persons served.

(B) The provisions of this rule shall be applicable to all RPHs providing services under the managing responsibility of the department.

(C) Central office employees shall adhere to abuse/neglect policies as determined by the director.

(D) The following definitions shall apply to this rule in addition to or in place of those appearing in rule 5122-1-01 of the Administrative Code:

(1) "Abuse" means any act or absence of action caused by an employee inconsistent with rights which results or could result in physical injury to a client; any act which constitutes sexual activity, as defined under Chapter 2907. of the Revised Code, where such activity would constitute an offense against a client under that chapter; insulting or coarse language or gestures directed toward a client which subjects the client to humiliation or degradation; or depriving a client of real or personal property by fraudulent or illegal means.

(2) "Neglect" means a purposeful or negligent disregard of duty imposed on an employee by statute, rule, RPH policy, position description, or professional standard and owed to a client by that employee.

(E) The department shall promote policies governing patient services that assure protection of persons served from abuse or neglect caused by employees, other persons served, programs, and procedures. Protection shall include informing employees of their duty to prevent and report abuse or



neglect of persons served and disciplinary action against employees who have abused or neglected persons served. Volunteers, contractors and other on-grounds non-employees are covered by this rule and are subject to civil/criminal statutes.

(F) Standards.

(1) The standard and quality of care owed to a person served shall be in keeping with current professional standards of care, federal and state laws and regulations, administrative rules of the department, accreditation standards of the joint commission (TJC), as applicable, and instructions, guidelines, or procedures and requirements of court as applicable.

(2) Each employee shall be responsible for safeguarding persons served from abuse or neglect which could be self-inflicted or caused by other persons served, other employees, or other non-hospital persons.

(G) Duties of the chief executive officer (CEO).

(1) The CEO or designee shall adhere to the guidelines established under rule 5122-3-13 of the Administrative Code including, but not limited to, reporting of incidents and providing for investigative and follow-up procedures to ensure that preventive measures take place to reduce the occurrence of future incidents.

(2) The CEO shall be responsible for making every effort to assure the prevention of patient abuse or neglect by the following measures:

(a) Provision of a safe and quality environment for persons served through the physical environment, good maintenance, housekeeping practices, adequate equipment, buildings, grounds, culture, and therapeutic milieu;

(b) Establishment of a policy that requires assigned personnel to know the whereabouts of each person served at all times;

(c) Provision of quality clinical services that meet the individual medical, psychological, personal



needs, choices and promotes individual recovery of persons served; and

(d) Periodic determination of trends related to patient abuse or neglect.

(3) The CEO shall be responsible for reporting and investigating procedures for inpatient services as follows:

(a) Requiring the RPH police chief to:

(i) Thoroughly investigate reports of alleged patient abuse or neglect in accordance with rule 5122-7-04 of the Administrative Code, submit a written report on a security report form to the CEO or designee within forty-eight hours of the reported incident, and determine if the conduct of the employee is in violation of any standard of care under paragraph (F) of this rule;

(ii) prior to any interviews or conversations regarding the allegation of abuse/neglect, persons served are to be provided any reasonable accommodation, close-captioned TV, qualified interpreter, reader, communication device or other communication assistance; and

(iii) Based on the provision of the reasonable accommodation outlined in paragraph (G)((3)(a)(ii) of this rule, advise the person served of his/her right to request the presence of the client rights advocate during the interview.

(b) Notifying the following persons and agencies:

(i) The deputy director of hospital services of ODMH;

(ii) The Ohio state highway patrol immediately, and sheriff, or police if applicable when there are allegations of criminal acts;

(iii) With appropriate authorizations for release of information, the patient's family, next of kin, or guardian(s) of the person as soon as possible but no later than twenty-four hours and, when completed, of the results of the investigation; and



(iv) The RPH client rights specialist.

(c) Immediately removing an employee alleged to be involved in suspected patient abuse or neglect from direct patient care until completion of the investigation when the incident dictates such action.

(4) Each CEO or designee shall promulgate procedures for reporting, investigating, and resolving incidents of alleged abuse and neglect for community support network employees.

(5) The CEO or designee shall be responsible for implementing prompt employee disciplinary action pursuant to departmental policy and under section 124.34 of the Revised Code when a charge of patient abuse or neglect by an employee is substantiated.

(H) Employee responsibility

(1) Each employee who has knowledge of apparent or alleged abuse or neglect of a person served shall be obligated to report such incidents to his or her immediate supervisor, or designee, who will immediately inform the CEO and the security/police department. Any injury to a person served shall be reported immediately to a physician.

(2) The employee shall follow through by completing the appropriate ODMH designated incident form. Failure to do so shall be considered neglect of duty and the employee will be subject to disciplinary action.