

Golden Gate Regional Center
Board of Directors
Zero Tolerance Policy for Abuse or Neglect
Approved on November 19, 2013

1. **Scope.** Pursuant to the requirements in Article 1, Section 17 of GGRC’s Master Contract with the State of California, the Board of Directors hereby adopts the following Zero Tolerance Policy for Abuse or Neglect (the “**Policy**”). This Policy applies to (i) all of GGRC’s vendored service providers that provide direct services and supports (as defined by Welfare & Institutions Code section 4512(b)) to individuals with developmental disabilities within GGRC’s catchment area (“**Individuals**”), (ii) all long-term health care facilities serving GGRC’s Individuals and (iii) those GGRC employees who are considered “Mandatory Reporters” under either of the Reporting Laws described in Sections 4 and 5 below.
2. **Effective Date.** This Policy shall become effective as of November 19, 2013.
3. **Background.** The California Legislature has adopted various laws to protect all children, dependent adults and elders from various types of abuse and neglect. These laws also apply to individuals with developmental disabilities. This Policy concerns the application of such laws to Individuals.
4. **The Adult Reporting Law.** California Welfare and Institutions Code sections 15600-15675, known as the Elder Abuse and Dependent Adult Civil Protection Act (the “**Adult Reporting Law**”) provides (among other things) that any person who has assumed responsibility for the care or custody of an adult Individual, including administrators, supervisors, and any licensed staff of a facility that provide care or services for adult Individuals, is a “**Mandated Reporter**”.¹ Under the Adult Reporting Law, any Mandated Reporter who (i) has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect of an adult Individual (each, an “**Adult Abuse**”), or (ii) is told by an adult Individual that he or she has experienced Adult Abuse, or (iii) reasonably suspects the existence of Adult Abuse, shall report the Adult Abuse to the applicable governmental authorities (subject to certain limited exceptions described in the Adult Reporting Law).²
5. **The Child Reporting Law.** California Penal Code sections 11164 – 11174.3., known as the Child Abuse and Neglect Reporting Act (the “**Child Reporting Law**”) provides (among other things) that various categories of persons who interact with an Individual under the age of 18 are “**Mandated Reporters**”.³ Under Penal Code section 11166, any Mandated Reporter who has knowledge of or observes a person under 18 whom the Mandated Reporter knows or reasonably suspects has been the victim of child abuse or neglect (“**Child Abuse**”), shall report the Child Abuse to the applicable government

¹ The definition of “Mandated Reporter” under the Adult Reporting Law is found in Welf. & Inst. Code Section 15630(a). The list of care custodians who are Mandated Reporters is found in Welf. & Inst. Code Section 15610.17.

² Definitions of elder and adult abuse are found in Welf. & Inst. Code sections 15610-15610.67.

³ Penal Code section 11165.7 identifies those individuals who are Mandated Reporters under the Child Reporting Law.

authorities (subject to certain limited exceptions described in the Child Reporting Law).⁴ Note that the list of Mandated Reporters who are obligated to report Child Abuse is different than the list of Mandated Reporters obligated to report Adult Abuse.

6. **Purpose.** The purpose of this Policy is to protect the interests of GGRC's Individuals and their families by (i) educating all Mandated Reporters about their legal obligation to report Adult Abuse and Child Abuse (collectively, "**Individual Abuse**"), (ii) requiring Mandated Reporters to fully comply with the Adult Reporting Law and the Child Reporting Law (collectively, the "**Reporting Laws**"), (iii) providing information to assist Mandated Reporters in reporting Individual Abuse to the proper authorities and (iv) describing the consequences resulting from a Mandated Reporter's failure to comply with the Reporting Laws and this Policy. The implementation of this Policy will assist in ensuring a safe and healthful environment to all individuals with a developmental disability who are provided services or supports by a service provider or a long-term health care facility.
7. **Responsibility for Enforcement of Policy.** GGRC's Board of Directors has general oversight of this Policy. The Board of Directors hereby delegates the oversight and implementation of this Policy to GGRC's Executive Director.
8. **The Policy**
 - A. **Duty to Comply with Reporting Laws.** All service providers and long-term health care facilities shall insure all of their employees and contractors who are Mandated Reporters strictly comply with the Reporting Laws at all times. All of GGRC's employees who are Mandated Reporters shall also strictly comply with the Reporting Laws at all times. A Mandated Reporter must (unless exempt under law) report all Individual Abuse to the applicable governmental authorities immediately or as soon as practicably possible after his or her discovery or reasonable belief of Individual Abuse.
 - B. **Service Provider/Health Care Facility Compliance Policies.** Each service provider and long-term health care facility shall ensure maximum compliance with the Reporting Laws by developing its own written compliance policy for its respective employees and contractors (the "**Provider Compliance Policy**") within 120 days after the effective date of this Policy. Each Provider Compliance Policy shall incorporate all of the following information:
 1. The types and signs of Individual Abuse.
 2. The responsibility to protect Individuals from Individual Abuse.
 3. The process for reporting Individual Abuse to applicable authorities under the Reporting Laws.

⁴ "Child abuse or neglect" is defined in Penal Code section 11165.6, which in turn references specific forms of abuse and neglect, which are defined in Penal Code Sections 11165.1-11165.5.

4. Identification of the entities entitled to receive reports of Individual Abuse under the Reporting Laws.
 5. A requirement that this Policy be provided to all employees upon hire.
 6. A requirement that this Policy be reviewed annually by all employees.
 7. The consequences of failing to follow the Reporting Laws and this Policy.
- C. Delivery of Provider Compliance Policy to GGRC. All service providers and long-term health care facilities shall provide their Provider Compliance Policies to GGRC upon request.
- D. Taking Action to Ensure Individual Health and Safety. If GGRC, a service provider or a long-term health care facility becomes aware of Individual Abuse, such entity shall take immediate action, to the extent permitted by law, to ensure the health and safety of the affected Individual and all other Individuals receiving services and supports from GGRC, e.g., filing Special Incident Report (SIR), retraining staff. This obligation is in addition to a Mandated Reporter's obligation to report Individual Abuse under the Reporting Laws.