

1620-O - ABUSE, NEGLECT, AND EXPLOITATION REPORTING STANDARD

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03/04/21, 05/16/24

I. PURPOSE

This Policy applies to ALTCS E/PD and DES DDD (DDD) Contractors; and Fee-For-Service (FFS) Program Tribal ALTCS; excluding Federal Emergency Services Program (FESP). (For FESP, refer to AMPM Chapter 1100). This Policy establishes requirements regarding reporting abuse, neglect, and/or exploitation of a member. Refer to ACOM Policy 103 for provider practices involving fraud, waste, and abuse.

II. DEFINITIONS

For purposes of this Policy, the following terms are defined as:

ABUSE (OF A CHILD)

The infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual who has the care, custody, and control of a child. As specified in ARS 8-201(2), abuse includes:

1. Inflicting or allowing sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, incest, or child sex trafficking as those acts are described in the ARS 13, Chapter 14.
2. Physical injury that results from permitting a child to enter or remain in any structure or vehicle in which volatile, toxic, or flammable chemicals are found, or equipment is possessed by any person for the purpose of manufacturing a dangerous drug as defined in ARS 13-3401.
3. Unreasonable confinement of a child.

ABUSE (OF MEMBER)

Abuse of a Vulnerable Adult or the Abuse of a Child who is a member as specified in ARS 46-451(A)(1), ARS 8-201(2) and ARS 46-451(A)(10).

ABUSE (OF A VULNERABLE ADULT)

Intentional infliction of physical harm, injury caused by negligent acts or omissions, unreasonable confinement, and sexual abuse or sexual assault as specified in ARS 46-451(A)(1).

**ADULT PROTECTIVE
SERVICES (APS)**

A Program within the Arizona Department of Economic Security (DES) that investigates allegations and provides service referrals to protect vulnerable adults from abuse, neglect, or exploitation.

**ARIZONA DEPARTMENT OF
CHILD SAFETY
(DCS)**

The department established pursuant to ARS 8-451 to protect children and to perform the following:

1. Investigate reports of abuse and neglect.
2. Assess, promote, and support the safety of a child in a safe and stable family or other appropriate placement in response to allegations of abuse or neglect.
3. Work cooperatively with law enforcement regarding reports that include criminal conduct allegations.
4. Without compromising child safety, coordinate services to achieve and maintain permanency on behalf of the child, strengthen the family and provide prevention, intervention, and treatment services pursuant to this chapter.

**EXPLOITATION (OF A
VULNERABLE ADULT)**

The illegal or improper use of a vulnerable adult or their resources for another's profit or advantage as specified in ARS 46-451(A)(6).

**NEGLECT (OF A VULNERABLE
ADULT)**

The deprivation of food, water, medication, medical services, shelter, supervision, cooling, heating or other services necessary to maintain a vulnerable adult's minimum physical or mental health as specified in ARS 46-451(A)(9).

SELF-NEGLECT

An adult's inability, due to a physical or mental impairment or diminished capacity to perform essential self-care tasks, including:

1. Obtaining essential food, clothing, shelter, and medical care.
2. Obtaining goods and services necessary to maintain minimum physical health, mental health, or general safety.
3. Managing one's own financial affairs.

VULNERABLE ADULT

As specified in ARS 46-451(A)(10), an individual who is 18 years of age or older and who is unable to protect himself/herself from abuse, neglect, or exploitation by others because of a physical or mental impairment (ARS 46-451). Vulnerable adults include an incapacitated person as specified in ARS 14-5101.

Additional terms can be found in the [AHCCCS Contract and Policy Dictionary](#).

III. POLICY

REQUIREMENTS FOR REPORTING

The suspected cases of abuse, neglect, and exploitation of a member shall be reported to Adult Protective Services (APS) or Arizona Department of Child Safety (DCS) as appropriate based on member's age, as well as any other applicable authorities, by the case manager. The Contractor shall comply with requirements as specified in AMPM Policy 960 and AMPM Policy 961, which outline the reporting, tracking, and trending of member and provider issues, including but not limited to investigation and analysis of quality-of-care concerns, abuse, neglect, exploitation, and unexpected deaths.

For Tribal ALTCS members residing on Tribal lands, Tribal ALTCS case managers shall determine which Tribal program is responsible for handling these issues in their area. APS may have jurisdiction to investigate reports that occurred on tribal land involving non-tribal vulnerable adults with the written invitation of the tribal council, as specified in AAC R6-8-204. In the instance APS holds an Intergovernmental Agreement (IGA) with a Tribe, APS may also conduct investigations of tribal vulnerable adults on tribal land. The DCS program does not have jurisdiction on reservation land to intervene in cases of abuse, neglect, or exploitation.

The documentation related to the suspected abuse, neglect, or exploitation, including the reporting of such, shall be kept in a file, separate from the member's case file, that is designated as confidential. The confidentiality of this information is protected under ARS 36-2917 and AAC R9-22-512.

The Quality of care concerns related to members enrolled with a Contractor shall be reported to, and a resolution coordinated with, the Contractor's Quality Management Unit and AHCCCS Quality Management via the AHCCCS Quality Management System Portal (AHCCCS QM Portal). Refer to AMPM Policy 960 for more information on the Contractor's responsibilities related to these issues.

The Tribal ALTCS quality of care concerns shall be reported to, and a resolution coordinated with, AHCCCS/DFSM through the AHCCCS Quality Management System Portal (AHCCCS QM Portal). Refer to AMPM Policy 830 for more information on the Tribal ALTCS Program's responsibilities related to these issues.

Refer to AMPM Policy 1620-E for additional ALTCS Case Manager requirements as it relates to educating members/HCDMs about fraud, waste, and abuse including how to report abuse, neglect, exploitation, and other critical incidents.