

# POLICY & PROCEDURE



<b>TITLE: Abuse / Neglect</b>				
<b>Scope/Purpose:</b> To consistently screen, document and report suspected or alleged incidences of child abuse and/or neglect affecting children who receive care at any HealthPoint facility.				
<b>Division/Department:</b> All HealthPoint facilities			<b>Policy/Procedure #:</b>	
<b>Original Date:</b> 10/5/2009			<input type="checkbox"/> <b>New</b> <input checked="" type="checkbox"/> <b>Replacement for: Same</b>	
<b>Date Reviewed:</b>	<b>Date Revised:</b>	<b>Implementation:</b>	<b>CPIC Approved:</b>	<b>Board Approved:</b>
4/13/2011	06/09/2014	10/05/09; 07/03/14	July 3, 2014	
<b>Responsible Party: Director of EHR; Director of Compliance/QA</b>				

## PHILOSOPHY:

The law requires any person who believes that a child, a person 65 years or older, or an adult with disabilities is being abused, neglected, or exploited to report the circumstances to the Texas Department of Family and Protective Services (DFPS). A person making a report is immune from civil or criminal liability provided they make the report in good faith. Any person suspecting abuse and not reporting it can be held liable for a misdemeanor or state jail felony. Time frames for investigating reports are based on severity of allegations. Reporting suspected child abuse makes it possible for a family to get help.

Professionals, including health clinic staff, are required by law to make a report **within 48 hours of first suspecting abuse, neglect or exploitation of children**. Relevant definitions can be found in the Texas Family Code<sup>1</sup>. Persons suspecting abuse or neglect of an elderly or disabled person are required to report the information immediately. Relevant definitions can be found in the Texas Human Resources Code<sup>2</sup>.

## DEFINITIONS:

Child abuse is defined as “mental and/or emotional injury to a child and /or physical injury that result in substantial harm to the child or the genuine threat of substantial harm from physical injury to the child.” This is a type of family/interpersonal violence. Sexual abuse is another type of child abuse and is defined as:

- a. Sexual conduct harmful to the child’s mental, emotional or physical welfare.
- b. Failure to make a reasonable effort to prevent sexual conduct harmful to a child.
- c. Compelling or encouraging a child to engage in sexual conduct.

<sup>1</sup> [Texas Family Code §261.001](#) Last accessed February 1, 2011.

<sup>2</sup> [Texas Human Resource Code Chapter 48](#) Last accessed February 1, 2011.

- d. Any client younger than **17 years of age** who has sexual relations with a person more than three years older than they are.
- e. Sexual activity in which a person of any age uses duress, force, or threat.

The Texas Family Code, Chapter 261, requires other reporting of other instances of sexual abuse. Other types of reportable abuse may include, but are not limited to, the actions described in:

- a. Penal Code 21.11 relating to indecency with a child;
- b. Penal Code 21.01 (2) defining “sexual contact”;
- c. Penal Code, 43.01 (1) or (3) – (5)
- d. Penal Code, 22.01(a)(2) relating to sexual assault of a child; or
- e. Penal Code, 22.021 relating to aggravated sexual assault of a child.

POLICY:

- I. HealthPoint adopts the DSHS Child Abuse Screening, Documenting, and Reporting Policy for Contractors/Providers by reference in our internal policy and will comply with all provisions of the DSHS policy.
- II. Employees and agents (contract persons, volunteers, etc.) of HealthPoint, and its community health centers, shall report suspected sexual abuse of a child as described in this policy and as required by law.

PROCEDURE:

- I. Tracking – Internal Audits will be conducted by the Compliance/QA Department no less than on a daily basis to ensure compliance with Texas State Law and Regulation. Auditing of electronic records will be accomplished using established report tools.
  - a. Audits may also be conducted when information indicates either a general or focused audit is appropriate.
  - b. Audits may also be conducted when credible authority e.g. Medical Director, COO or Clinic Manager requests a focused audit.
  - c. Records of Audits will be maintained in the Compliance/QA Department.
- II. Training will be provided as required by Texas State Law and Regulations.
  - a. Each new employee will be trained on this policy as required by DSHS as part of their New Employee Orientation (NEO). The completion of this training will be documented on the NEO Training Schedule for the employee. This documentation will be maintained in the Human Resources Department.

- b. All HealthPoint staff will be retrained each year and a record of that training will be maintained in the Human Resources Department.
- c. Any published changes to the Texas State regulations regarding this subject must be implemented immediately and staff will be trained within 30 days of receiving official notice from DSHS or other appropriate State authority. Records of those trainings will be maintained in the Human Resources Department
- d. Training will also be conducted if any audit indicates it is appropriate and necessary.

RELATED POLICY:

I. Intimate Partner Violence

REFERENCES:

See also

<http://www.statutes.legis.state.tx.us/SOTWDocs/FA/htm/FA.261.htm>

<http://www.statutes.legis.state.tx.us/SOTWDocs/PE/htm/PE.21.htm>

Penal Code 21.11 relating to indecency with a child;

Penal Code 21.01 (2) defining “sexual contact”;

<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.43.htm>

Penal Code, 43.01 (1) or (3) – (5)

<http://www.statutes.legis.state.tx.us/SOTWDocs/PE/htm/PE.22.htm>

Penal Code, 22.01(a)(2) relating to sexual assault of a child; or

Penal Code, 22.021 relating to aggravated sexual assault of a child.

REQUIRED BY:

DSHS

ATTACHMENTS/ENCLOSURES:

DSHS Child Abuse Screening, Documenting, and Reporting Policy for  
Contractors/Providers

Abuse/Neglect Reporting Flow Diagram

Abuse Screening Report Methodology – eClinicalWorks documentation

Notice to Victims of Family Violence – English & Spanish

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4/13/2011	10/15/2013 06/09/14	07/03/14	07/03/14	
<b>Date of Revision</b>		<b>Description of Changes</b>		
10/15/2013		New formatting, was not able to load diagram or screenshots from original policy's appendix 2-4		