



KDADS does not tolerate any form of abuse, neglect, or exploitation. Confirmed instances of abuse, neglect, or exploitation may result in disciplinary action up to and including dismissal. If abuse, neglect, or exploitation is suspected, the employee shall immediately notify the Risk Manager. Failure to report suspected abuse, neglect, or exploitation could result in disciplinary action.

Abuse:

Abuse is defined as any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to a resident/patient, including: infliction of physical or mental injury; any sexual act with a resident/patient; unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm a resident/patient; unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician's orders or as a substitute for treatment, except where such conduct or physical restraint is in furtherance of the health and safety of the resident/patient or another resident/patient; a threat or menacing conduct directed toward a resident/patient that results or might reasonably be expected to result in fear or emotional or mental distress to a resident/patient; fiduciary abuse; omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness. Examples of physical abuse include, but are not limited to, striking a resident/patient failing to maintain reasonable resident/patient care and treatment or maltreatment. Examples of verbal abuse include, but are not limited to, use of profanity, insolent language or derogatory insulting remarks, racial and ethnic slurs, or sexual remarks directed toward a resident/patient or others.

Neglect:

Neglect is defined as the failure or omission by one's self, caretaker or another person with a duty to provide goods or services which are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness. Sleeping on duty is an example of a serious omission of duty whether directly caring for KDADS residents/patients or not. Neglecting to perform duties appropriately may be viewed as seriously as overt abusive acts.

Exploitation:

Exploitation is defined as misappropriation of resident/patient property or intentionally taking unfair advantage of an adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person. Exploitation also applies to State property.

Reference: K.S.A. 39-1401(f)(1)-(7), (g), (i); K.S.A. 39-1402; K.S.A. 65-49(a)(2) Kansas Civil Service Act, in part, K.S.A. 75-2949f.