

**PROPOSED REGULATION OF THE DIVISION OF
MENTAL HEALTH AND DEVELOPMENTAL SERVICES
OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

LCB File No. R063-10

Abuse and Neglect Regulation Information

In accordance with NRS 433.331 the Division of Mental Health and Developmental Services adopts the following definition of abuse and neglect of individuals served.

Section. 1. *Abuse: Any willful and unjustified infliction of pain, injury or mental anguish upon a client. Abuse may be physical, sexual, verbal, or financial in nature.*

Section. 1.1. *Examples of physical abuse include, but are not limited to: hitting, pinching, kicking, slapping, hair pulling, shoving, cutting, burning, or the use of arm bars or other holds designed to inflict pain. An allegation of physical abuse may be substantiated with out an observable injury.*

Physical restraint applied according to the protocol adopted by the Division does not constitute abuse.

Section. 1.2. *Examples of sexual abuse include but are not limited to: rape, sexual assault, or sexual exploitation, sexually degrading language or gestures, sexual touching or encouraging sexual contact between individuals served, encouraging a social or romantic attachment or relationship outside of boundaries; encouraging the client to solicit for or engage in prostitution. In cases in which the client is a minor, encouraging or allowing the viewing or production of pornographic materials is also an example of sexual abuse.*

Section. 1.3. *Examples of verbal abuse include but are not limited to: threats, name calling, mocking, humiliation, ridiculing, insults, yelling or swearing.*

Section. 1.4. *Financial abuse – illegal or improper use of a client’s funds, property, or assets without informed consent and resulting in monetary, personal, or other benefit, gain, or profit for the perpetrator, or monetary, personal or property loss by the client. Examples of financial abuse include but are not limited to: improper use of a client’s Social Security Number, improper use funds belonging to the client or diversion of state funds intended for client use.*

Section. 2. *Neglect: Any omission to act which causes injury to a client or which places the client at risk of injury whether due to indifference, carelessness or intention. This includes the failure to follow a treatment plan, failure to provide for the basic needs of an individual, failure to follow the agency procedures and failure to act to stop abuse as defined above.*

Section. 2.1. *In cases in which the client is a minor, neglect is also determined when due to the habits or faults of the person responsible for the child, said child is without proper care, subsistence, shelter, medical care or other care necessary for well being.*

Section. 3. *In the process of determining whether allegations meet the definition of abuse sources of such evidence include but are not limited to: photographs, medical reports, and statements of peers, staff, others present or involved. Client statements, both victim and witness, must be considered and should not be dismissed solely on the fact that they are clients.*

The definitions in sections 1,2, and 3 apply to staff of the Division and providers of contracted services.