

ZERO TOLERANCE

A Statewide Initiative Developed by the Agency for Persons with Disabilities to End Abuse, Neglect, and Exploitation Committed Against Floridians With Developmental Disabilities

DOMAIN I: TRAINING AND EDUCATION

Activity*	Comments
Review national research studies and Florida-specific data to identify patterns and potentially high-risk situations where intervention efforts would be best directed.	While this activity was completed prior to implementation of the Zero Tolerance Initiative in 2003, new research and incidents will continue to be monitored and guide our efforts in this area.
Provide Agency monitoring staff (particularly licensure staff and Medical Case Management Nurses) with information on recognizing the signs and symptoms of potentially abusive situations and environments.	
Develop Zero Tolerance training program (classroom and on-line versions) for APD-contracted service providers.	The updated classroom and on-line Zero Tolerance training curricula were completed and released in early 2008.
Provide guidance to APD area office staff on when to exercise broad termination authority under the Medicaid waiver (as well as the residential facility licensure rule) in cases where abuse/neglect/exploitation is confirmed.	
Issue directive to APD area offices and all service providers regarding the Agency's zero tolerance policy on the abuse, neglect, and exploitation of persons with developmental disabilities.	

<p>Obtain and share information with DCF protective investigators and law enforcement officials on interviewing tips and techniques to be used with individuals with developmental disabilities during the course of their investigations. Provide information to DCF protective investigators and law enforcement officials regarding the signs and symptoms of abuse, neglect and exploitation of individuals with developmental disabilities.</p>	<p>The Office for Victims of Crime within the U.S. Department of Justice released a new video, <i>Victims with Disabilities: The Forensic Interview—Techniques for Interviewing Victims With Communication and/or Cognitive Disabilities</i>. The 57-minute (free) DVD provides a specific set of guidelines for law enforcement officers, prosecutors, victim advocates, forensic interviewers, and others for interviewing adults and children with communication and/or cognitive disabilities. Additional information can be obtained at: www.ojp.usdoj.gov/ovc/publications/infores/other.htm#forensicinterview</p> <p>APD has provided this DVD and other pertinent literature and information to staff working in DCF child and adult protective services (for incorporation into their respective training curricula for field investigators).</p> <p>APD has also proposed legislation to require that more extensive information about crime victims with developmental disabilities be incorporated into the core training curriculum for Florida law enforcement officers. While such legislation has not yet passed, that proposal will again be considered for the 2009 legislative session.</p>
<p>Work with prosecutors to develop and implement a template for a settlement agreement that would permanently exclude certain individuals (who have been determined to be responsible for the abuse, neglect, or exploitation of an individual with a developmental disability) from APD's service delivery system.</p>	<p>APD is scheduled to meet with the Statewide Prosecuting Attorneys Association in Spring 2013 to discuss and implement this proposal.</p>

<p>Provide training and training materials on recognizing the signs and symptoms of abuse, neglect, and exploitation of persons with developmental disabilities to support coordinators, contracted quality assurance monitors (such as Delmarva staff*), guardians, self-advocacy groups (such as the Southern Movement for Independence), provider associations, all service providers, and other identified individuals and organizations who have regular contact with individuals with disabilities. * (The Agency for Health Care Administration entered into a contract with the Delmarva Foundation on 9/18/01 for the implementation of a Statewide Quality Assurance Program for the Developmental Services Home and Community Based Waiver Program).</p>	
<p>Post training opportunities and materials on Agency's website.</p>	<p>A major revision of the Zero Tolerance Section of APD's public website was completed in Spring 2007 and the website now includes the latest training information.</p>
<p>Conduct a "train the trainer" session for APD area office staff (and others who will be involved in conducting ongoing training programs) using a uniform Zero Tolerance training curriculum.</p>	<p>A statewide train-the-trainer session was conducted with trainers in the area APD offices in Spring 2008.</p>
<p>Seek grant money to purchase a set of consumer education materials (to be housed within each area office) for the purposes of creating a lending library whereby providers, area staff, families, self-advocates, waiver support coordinators, etc. can borrow these materials for use with audiences comprised of persons with developmental disabilities</p>	<p>Research has demonstrated that consumer education and empowerment is the single most effective means by which to prevent abuse, neglect, and exploitation.</p>
<p>Provide training and information to domestic/sexual violence shelters throughout the state on the unique needs of individuals with developmental disabilities who may be in need of their services.</p>	<p>APD has partnered with the Florida Coalition Against Sexual Violence and the Florida Council Against Domestic Violence in this area.</p>

<p>In order to facilitate successful prosecution of cases involving abuse, neglect, and exploitation committed against this population, provide information and training to state attorneys throughout Florida regarding recent statutory changes in this area.</p>	<p>Click on the following link to read a letter that was sent from APD's General Counsel to every state attorney's office in Florida: http://apd.myflorida.com/zero-tolerance/docs/state-attorney-letter-crimes-against-dd.pdf</p> <p>This letter was accompanied by a DVD called "Crime Victims with Disabilities: What the Prosecutor Needs to Know About Autism, Cerebral Palsy, Mental Retardation & Traumatic Brain Injury". APD worked with the Florida Bar so that Florida-licensed attorneys may earn 3.0 hours of general CLER credit by viewing this DVD training program.</p>
<p>Provide training and information to Sexual Assault Nurse Examiners working in hospital emergency rooms regarding persons with developmental disabilities.</p>	
<p>Work with Florida Department of Education to explore the feasibility of (1) conducting ESE teacher in-service trainings and (2) disseminating abuse, neglect, and exploitation prevention information to students with developmental disabilities.</p>	

DOMAIN II: MONITORING AND QUALITY IMPROVEMENT

Activity*	Comments
Require APD monitoring staff to observe APD-licensed facilities when consumers and staff are present (and interacting with each other) to assist in the identification of potential signs of abuse, neglect, and exploitation.	
Meet and partner with Florida Association for Behavior Analysis (FABA) leadership in the development of policies and procedures by which certified behavior analysts (CBAs) can work in conjunction with Agency monitoring staff in the identification of abuse (particularly in cases involving non-verbal individuals where certain behaviors may be manifested in lieu of physical indicators).	
Develop a statewide uniform procedure/process by which information obtained from Delmarva and other monitoring & data collection sources will be used to (1) identify potentially abusive situations and environments and (2) initiate appropriate and immediate follow-up investigation.	

<p>Conduct risk assessments to identify inappropriate or high-risk staffing arrangements in public and private residential facilities serving individuals with developmental disabilities:</p> <ul style="list-style-type: none"> • Review appropriateness of staff serving individuals with developmental disabilities. • Review overnight staffing arrangements for consideration of required supervision of opposite sex direct care staff members. • Monitor all incident reports of individuals with developmental disabilities for patterns and/or warning signs which may indicate potential abuse, neglect or exploitation. 	
<p>Amend Agency monthly health & safety monitoring checklists used in APD-licensed facilities to include review items specifically intended to identify abuse, neglect, and exploitation.</p>	<p>APD area office staff and support coordinators previously monitored health & safety issues, but requiring more specific focus in this area was intended to strengthen current efforts.</p>
<p>Utilize local APD Medical Case Management nurses to assist licensure staff in identifying the physical signs and symptoms of potential abuse and neglect exhibited by APD consumers living in licensed residential facilities.</p>	
<p>Develop “best practices” guidelines for APD monitors and operators of APD-licensed facilities relating to staffing and individual placements, which will include exploration of the feasibility of:</p> <ul style="list-style-type: none"> • Risk reviews for roommate and housemate arrangements (especially when consumers have limited communication or physical capabilities). • Encouraging or requiring same sex direct care workers within APD-licensed facilities (particularly during overnight shifts). 	
<p>Partner with provider associations in the development of additional proactive steps that can be used to prevent abusive situations from occurring.</p>	

<p>During the course of Agency monitoring, ensure that all providers who are required by law to undergo Level 2 background screenings through the Agency (including all drivers who transport consumers) have the appropriate papers in their personnel files indicating they have been cleared to provide services to people with developmental disabilities.</p>	
<p>Encourage crisis counseling where available and appropriate to facilitate the healing and recovery process for individuals with developmental disabilities who have experienced abuse, neglect, and/or exploitation.</p>	

DOMAIN III: POTENTIAL RULE AND STATUTORY CHANGES

Activity*	Comments
Incorporate changes into Chapter 65G-2, F.A.C. (which is the administrative rule which delineates the standards for APD-licensed residential facilities) to require successful completion of APD's Zero Tolerance training curricula for all direct care staff as a condition of initial and continued employment.	The proposed changes have been added to the draft licensure rule text
Incorporate changes into Chapter 65G-2, F.A.C. (which is the administrative rule which delineates the standards for APD-licensed residential facilities) to require that licensed residential facilities develop policies regarding sexual activity involving residents and train all direct care staff on such policies. Such policies must be submitted to the local APD office for review as a condition of licensure.	The proposed changes have been added to the draft licensure rule text
Incorporate changes into Chapter 65G-2, F.A.C. (which is the administrative rule which delineates the standards for APD-licensed residential facilities) which will ensure that residents with previously-documented histories of having committed acts of sexual violence will be provided with an appropriate level of supervision and environmental modification(s) to prevent the recurrence of such acts.	The proposed changes have been added to the draft licensure rule text
Propose legislative changes to strengthen Chapter 393 licensure requirements to enhance APD's ability to deny license applications and license renewals whenever the health and safety of consumers may be in jeopardy due previous abuse, neglect or exploitation committed by the licensee.	Legislation was proposed by APD for consideration during the 2008 legislative session and was subsequently passed by the Legislature that allows APD to deny or revoke licenses for residential facilities in cases where the licensee has verified indicators of abuse, neglect, or exploitation. After signature by the Governor, the bill became law (effective July 1, 2008).

<p>Prohibit direct care staff from working directly and alone with persons with developmental disabilities until federal background screenings are successfully completed.</p>	<p>This legislative change (to s. 393.0655, F.S.) was passed by the legislature and signed into law by Governor Bush following the 2006 legislative session.</p>
<p>Modify Florida Statutes to allow employers to view all relevant abuse registry information to assist them in making hiring decisions involving direct care staff.</p>	<p>Pursuant to 415.107(8), information contained in the Department's abuse hotline database is expressly prohibited from being used for the purposes of employment screening of prospective direct care staff (although APD can use hotline data which pertains directly to a licensee, as opposed to staff employed by that licensee).</p>
<p>Create a new crime of "sexual misconduct" which would pertain to sexual activity between a service provider and the person with a developmental disability to whom they are rendering services.</p>	<p>The sexual misconduct legislation was signed into law (s. 393.135, F.S.) by Governor Bush in 2004.</p>
<p>Amend Florida Statutes to permit APD to access abuse registry information currently maintained by the Department of Children and Families.</p>	<p>This legislation was passed during the 2005 legislative session and subsequently signed into law by Governor Bush.</p>
<p>Amend Florida Statutes to require APD-contracted providers to undergo an additional background screening if they have had a break in employment of more than 90 consecutive days.</p>	<p>This legislation (to amend 393.0655, F.S.) was passed during the 2008 legislative session and became law effective 7/1/2008.</p>

DOMAIN IV: PUBLIC AWARENESS

Activity*	Comments
In order to raise awareness of the issue of sexual abuse of individuals with developmental disabilities, as well as explore solutions to the problem, hold a statewide conference with a panel of experts during Sexual Violence Awareness Month (April), inviting media to cover the event.	APD conducted the first Zero Tolerance Summit in April 2004.
Develop an e-mail group of those who have expressed an interest in or have contributed to the development of the Zero Tolerance Initiative to keep them abreast of new developments as they occur.	
Create a workgroup comprised of community members from various professions involved in aiding victims of abuse, neglect or exploitation (i.e., law enforcement, prosecutors, medical professionals, rape crisis professionals, etc.) for the purpose of raising awareness in their professions of the needs of crime victims with disabilities.	
Disseminate press releases to media and submit op-ed columns to newspapers (from the Agency Director) describing the issues surrounding abuse, neglect, and exploitation committed against this population.	
Create a Zero Tolerance section on APD's public Internet site which will provide consumers, families, service providers, and the general public with comprehensive and practical information necessary to protect this population from abuse, neglect, and exploitation.	A major revision of the Zero Tolerance Section of APD's website was completed in Spring 2007.

<p>Conduct a Zero Tolerance session for families of persons with developmental disabilities at the annual Family Café conference.</p>	<p>APD first began offering a Zero Tolerance session at the Family Café in 2006 and has been an annual presenter of such information at every Café since that time. Click here for a copy of APD's slideshow presentation:</p>
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*For a variety of reasons (including staff turnover and changes in laws, rules, and policies), most of the activities described within this action plan represent ongoing efforts by Agency staff members.