

## **WORK**

### **Independent Living Counselor Responsibilities as a Mandated Reporter**

#### **Responsibility**

Kansas statute states that Independent Living Counselors are among those professionals who are mandated reporters of adult abuse, neglect, exploitation or fiduciary abuse of certain adults.

#### **Definitions**

**"Abuse"** means any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to a consumer, including:

- ◆ infliction of physical or mental injury;
- ◆ any sexual act with a consumer when the consumer does not consent or when the other person knows or should know that the consumer is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship;
- ◆ unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm a consumer;
- ◆ 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 consumer or another consumer;
- ◆ a threat or menacing conduct directed toward a consumer that results or might reasonably be expected to result in fear or emotional or mental distress to a consumer;
- ◆ fiduciary abuse; or
- ◆ omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness.

**"Neglect"** means 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.

**"Exploitation"** means misappropriation of consumer 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.

**"Fiduciary abuse"** means a situation in which any person who is the caretaker of, or who stands in a position of trust to, a consumer, takes, secretes, or appropriates the consumer's money or property, to any use or purpose not in the due and lawful execution of such person's trust.

#### **Reporting**

If the vulnerable adult is in immediate danger, contact the local law enforcement agency immediately.

If the vulnerable adult is not in immediate danger, but there is a reason to believe that they are experiencing abuse, neglect, exploitation or fiduciary abuse, contact **Kansas Protection Report Center at 1-800-922-5330** - Telephone lines are staffed 24 hours a day.

As a mandated reporter, I have read, understand, and agree to meet my responsibilities to report abuse, neglect, exploitation, or fiduciary abuse.

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Signature

Date