

Abuse, Neglect, Exploitation, and Misappropriation of Property

Federal law gives each nursing home resident the right to quality care and quality of life. This includes freedom from neglect, abuse, exploitation, and misappropriation of property.

What are Abuse, Neglect, Exploitation, and Misappropriation of Property?

Abuse is the deliberate infliction of injury, unreasonable confinement, intimidation, or punishment, which results in physical harm, pain, or mental anguish. This includes verbal, sexual, physical, or mental abuse, as well as abuse enabled through the use of technology.

Examples include:

- Hitting, pinching, shoving, force-feeding, scratching, slapping, and spitting;
- Scolding, ignoring, ridiculing, or cursing a resident,
- Threats of punishment or deprivation;
- Non-consensual sexual contact of any type including rape, improper touching or forcing a resident to perform sexual acts;
- Rough handling during caregiving or moving a resident;
- Taking, using, and/or sharing photographs or recordings of residents that would demean or humiliate them.

Neglect is the failure to provide goods and services to a resident that are necessary to avoid physical harm, pain, mental anguish or emotional distress. Neglect may or may not be intentional.

Examples include:

- Incorrect body positioning – leads to limb contractures and skin breakdown;
- Lack of assistance with toileting or changing of disposable briefs – causes

- incontinence, a resident sitting in urine and feces, increased falls and agitation, indignity and/or skin breakdown;
- Lack of assistance with eating and drinking – leads to malnutrition and dehydration;
- Lack of assistance with walking – leads to lack of mobility;
- Lack of bathing – leads to indignity, and poor hygiene;
- Lack of assistance with participating in activities of interest – leads to withdrawal and isolation;
- Ignoring call bells or cries for help.

Exploitation means taking advantage of a resident for personal gain through the use of manipulation, intimidation, or coercion.

Misappropriation is the deliberate misplacement, misuse, or exploitation of a resident's belongings or money without the resident's consent.

Examples include:

- Not placing resident funds in separate interest-bearing accounts where required;
- Threatening or coercing a resident to give money in order to receive care or services;
- Stealing or embezzling a resident's money or personal property, such as real estate, jewelry, or clothing;
- Using a resident's personal property such as a TV, phone, or clothing.

Reporting Abuse, Neglect, Exploitation, and Misappropriation

If you, or a resident you know, have been the victim of abuse, seek help right away! You are not alone! It is a violation of State and Federal law for any person, including facility staff, volunteers,

visitors, family members or guardians, or another resident, to neglect or abuse a resident. Facilities, and most licensed professionals providing care and services, are required to report allegations of abuse, neglect, exploitation, and misappropriation.

- Anyone can and should report abuse! If you suspect neglect, abuse, or exploitation; if your money or property has been stolen or misappropriated; or if a resident tells you they are experiencing these problems, it is important to believe the resident and **report the allegation immediately**. This will help prevent further suffering by any resident.
- Put your report in writing, date it, and keep a copy. Provide as much background information as possible. A thorough report will help the investigator to address the situation quickly.

Remember to include:

WHO – The name and address of the victim; the name of the facility and the people responsible for the victim’s care; and the identity of the person who you believe abused, neglected, or exploited the resident.

WHAT – The nature and extent of harm and any physical signs of abuse or neglect; any previous incidents; and a description of what happened, if you witnessed the incident. If possible, and only if you have the resident’s permission, document any visible signs of harm with photographs.

WHERE and WHEN – The place, time, and date of any incident or concern.

- The nursing home’s administrator, director of nursing, and social worker
- The state survey agency that licenses and certifies nursing homes (often in the state Health Department) and investigates complaints
- The local police or State law enforcement – since mistreatment with willful intent could be a crime
- A Protection and Advocacy or Adult Protective Services agency
- The Long-Term Care Ombudsman Program – advocates for residents in long-term care facilities
- A citizen advocacy group, or other church or community group that visits regularly

After the report:

- Follow up with the resident and facility to make sure the neglect or abuse has stopped.
- Follow up with the person or agency conducting the investigation. Ask for written copies of findings if allowed by law.
- Follow up with licensing authorities to ensure they are aware of any charges against a perpetrator. Substantiated findings by a State survey agency, or a finding of guilt by a court, of any time of abuse of a resident by a nurse aide or licensed staff person must be reported to the State nurse aide registry or the State licensing board. Facilities must not engage individuals with these findings, or who have had a disciplinary action taken against his/her professional license, meaning facilities must not hire the individual or allow them to volunteer.

For more information and resources on abuse, neglect, exploitation, and misappropriation of property go to theconsumervoice.org.



The National
CONSUMER VOICE
for Quality Long-Term Care

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