

Abuse & Neglect

Required Vendor Training

Disclaimer: Unless otherwise stated, the content in this course is sourced from Appendix PP Guidance to Long Term Care Surveyors published by the Centers for Medicare & Medicaid Services, or CMS (2017).



About this course

- ▶ Recognize situations that indicate abuse
- ▶ Recall how to report suspected abuse
- ▶ And be able to explain your role in preventing abuse



Overview

- ▶ 90,000 confirmed cases of elder abuse in 2004
- ▶ 1 in 6 cases of abuse actually get reported to proper agencies
- ▶ Why
 - ▶ Fearful
 - ▶ Embarrassed
 - ▶ Isolated
 - ▶ Dependent
 - ▶ Incapable



Recognition

Risk Factors

- ▶ Physical impairment
- ▶ Dependence on others
- ▶ History of abuse
- ▶ Age
- ▶ Mental impairment
- ▶ Gender
- ▶ Lack of social support

At Risk Behaviors

- ▶ Verbally aggressive
- ▶ Physically aggressive
- ▶ Sexually aggressive
- ▶ Lack of respect
- ▶ Wandering
- ▶ Resistance to care
- ▶ Communication barriers
- ▶ Extensive nursing requirements



What is abuse

The Centers for Medicare & Medicaid Services defines abuse as the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish. Willful, as used in this definition, means the individual must have **acted deliberately**, not that the individual

intended to cause injury or harm. **Abuse also includes:**

- ▶ Deprivation
- ▶ Exploitation
- ▶ Verbal
- ▶ Sexual
- ▶ Physical
- ▶ mental
- ▶ Physical and Chemical restraints used inappropriately



Physical Abuse

Physical abuse is the use of or threat of physical force to cause injury, pain, or impairment. Examples of physical abuse include pinching, slapping, pushing, pulling, shoving, burning, shaking, or hitting.

Less obvious actions that constitute physical abuse include the inappropriate use of physical and chemical restraints and force-feeding. Handling a person roughly during care can also be physical abuse.

Corporal punishment is a type of physical abuse. Corporal punishment is the intentional punishment of a person in order to change a behavior. For example, slapping Mr. O'Hare's mouth for cursing is an example of corporal punishment.



Sexual Abuse

Sexual abuse is non-consensual sexual contact, harassment, or coercion. Sexual abuse includes unwanted touching, inappropriate comments, requests of a sexual nature, and sexual assault and battery. Sexual assault and battery includes rape, sodomy, coerced nudity, and sexually explicit photography. Sexual coercion involves persuading a person to perform sexual acts by the use of physical force or verbal threats including observation of masturbation and/or pornography.

Sexual abuse includes consideration of whether the activity was consensual or non-consensual. Sexual activity that occurs against an individual's will or occurs despite an individual's inability to give consent because of physical or mental limitations is **non-consensual**. This means that consent from individuals to engage in sexual activity is **not** valid if that individual lacks the capacity to consent.

Sexual activity is also considered non-consensual if it is gained by intimidation, coercion, or fear as expressed by the individual or suspected by staff. Any forced, coerced, or extorted sexual activity with an individual, regardless of the existence of a preexisting or current sexual relationship, is considered to be sexual abuse.



Mental Abuse

Mental abuse is the use of verbal or nonverbal acts which cause the individual to be humiliated or experience intimidation, fear, shame, agitation, or degradation. You may hear mental abuse referred to as emotional or psychological abuse.

Mental abuse includes humiliation, intimidation, harassment, taking away privileges, or threats of harm or punishment. It also includes acts intended to frighten a person, such as telling a vulnerable adult that they will never see their family members again. Mental abuse also includes an employee taking or using photographs or recordings of an individual in any manner that would demean or humiliate the individual. Mental abuse can be very subtle and difficult to recognize.



Technology

CMS now defines mental abuse as including abuse that is enabled through the use of technology, including smartphones, computers, or other electronic devices. Using social media or electronic messaging to share or store humiliating or degrading photographs or videos is mental abuse. This includes photos or videos that:

- Contain nudity
- Show sexual or intimate relations
- Show the individual receiving personal care such as bathing, showering, toileting, or perineal care
- Show an employee, or any other person, agitating an individual to evoke a response
- Contain derogatory or insulting statements
- Show body parts without the face
- Show an individual in inappropriate positions
- Show an employee, or any other person, instructing an individual to use inappropriate language

These acts are considered mental abuse even if:

- The individual does not have the ability to understand or relate to what has occurred.
- The individual is unable to express distress related to the act.
- The picture or video is not shared, such as on social media.



Verbal Abuse

A type of mental abuse is verbal abuse, which is the use of oral, written, or gestured language or sounds directed toward another person or within hearing distance of that person. Verbal abuse includes communication made about an individual regardless of their age, ability to comprehend what has been communicated, or their disability. It includes:

- Harassing
- Mocking or ridiculing
- Yelling
- Intimation such as hovering over the person
- Threatening to withhold contact from others
- Talking disrespectfully
- Scolding



Involuntary Seclusion

Involuntary seclusion is another type of mental abuse involving the intentional separation of a person from other people or certain places against that person's will or the will of their legal guardian. It includes separating an individual from their room and confinement to their room.

Here are some examples of involuntary seclusion:

- An individual repeatedly blocks the television so that others cannot see the screen. The individual is placed in another room with the door closed without addressing the individual's behavior.
- In an effort to keep an individual in a specific area, the doorway is blocked with furniture such as chairs and a table.
- To keep an individual from leaving a room, a chair is placed behind a door to shut that individual in the room.
- An individual is placed in a dark room for punishment or to ease caregiving burdens.
- An individual is secluded in an area without a means of communicating with other or ability to call for help.



Misappropriation of Property

One of the most common types of misappropriation is using a vulnerable adult's money for something other than their expenses. Other examples of misappropriation include:

- Stealing or “borrowing” money or property
- Identity theft
- Forcing someone to change legal documents
- Charging for services not rendered or not needed
- Convincing someone to give you access to financial accounts.
- Unauthorized or coerced purchases on an individual's credit card or with their funds
- Gifts given to staff to make sure that care continues
- Individuals providing monetary assistance to staff to help with staff's financial situation



Neglect

Neglect is the failure to provide the goods and services necessary to avoid physical harm, pain, emotional distress, or mental anguish. Neglect is a failure to act, an omission, or something not done. It occurs when a person or their environment does not get the proper attention, resulting in the endangerment of that person's physical or mental health.



Can you Recognize Abuse

- ▶ Mr. Black has a dx of Alzheimer's disease, unable to communicate and does not understand. You overhear his daughter saying (Look at me having to feed you just like a baby has to be fed
 - ▶ Is there a suspicion or allegation of abuse here?
- ▶ You notice Mr. Hernandez has a new tablet sitting on his bedside table. You comment you have been thinking about purchasing one. Mr. Hernandez tells you to take it home overnight to see if you like it. You do.
 - ▶ Is there a suspicion or allegation of abuse here?



Can you Recognize Abuse Cont....

- ▶ Ms. Flannigan has dementia and wandering behaviors. Every evening she makes repeated attempts to go outside. Staff tell her “you’ll be hit by a car if you go out that door”
 - ▶ Is there a suspicion or allegation of abuse here?
- ▶ Mr. Connor wanders around in his wheelchair, makes a mess of anything he encounters. To keep a better eye on him, you decide to put him in front of the TV with his wheelchair locked
 - ▶ Is there a suspicion or allegation of abuse here?



Can you Recognize Abuse Cont....

- ▶ After taking Ms. Walters to the bathroom about 1 hour ago, she is asking to go again. You tell her you are too busy right now, so she will have to wait a few minutes. Thirty minutes later you find Ms. Walters on the floor in the bathroom. She fell trying to transfer herself to the toilet.
 - ▶ Is there a suspicion or allegation of abuse here?
- ▶ You're sitting on the couch at home one evening scrolling the Fb and see a post from Rachel, a co-worker. The post is a video of an older adult screaming and crying about having to take a shower with the comment "This is too funny not to share". It hits you the person in the video is Mrs. Tubers, a resident.
 - ▶ Is there a suspicion or allegation of abuse here?



Signs of Abuse

- ▶ Fear of a person or place, being left alone, in the dark, and/or disturbed sleep with nightmares
- ▶ Extreme changes in behavior toward a specific person
- ▶ Running away, withdrawal, isolating self, feeling of guilt and shame, depression, crying, talks of suicide or attempts



Where, When, and Who

Abuse can be committed anywhere at any time by anyone. It can occur in the person's home, in a family member's home, at a day center, at a hospital, at a residential community, or anywhere else that a vulnerable adult may frequent. Caregivers, family members, friends, and even strangers are all capable of abusing vulnerable adults. If the person lives in a residential community, even another resident can be the abuser.



Reporting and Preventing Abuse

▶ Responding

- ▶ Ensure the person's safety ***FIRST***
- ▶ It ***IS NOT*** your responsibility to determine whether abuse has occurred, but it ***IS*** your responsibility to report your suspicions
- ▶ Better to report and find out you were wrong than not to report and find out your suspicion was right
- ▶ Remember, you must make an ***IMMEDIATE REPORT, no later than 2 HOURS*** after you suspect abuse has occurred.
- ▶ ***DO NOT*** wait until the end of your shift.
- ▶ ***DO NOT*** wait until you see your supervisor again.
- ▶ If your supervisor is not immediately available you must report to the next person in charge



Elder Justice Act

- ▶ The Elder Justice Act *requires covered individuals of long-term care facilities to report any reasonable suspicion of a crime* that occurs against a resident of the facility.



More about the Elder Justice Act

- ▶ What does the Elder Justice Act have to do with Abuse?
- ▶ I'm not sure how long I have to make my report under the Elder Justice Act. I've heard 2 hours, then I heard something about 24 hours. What is the time frame?
- ▶ Instead of making a report to the state survey agency and the local law enforcement agency, can I just report my suspicions to my Administrator?



Abuse Prevention

- ▶ Identify situations that may foster abuse
- ▶ Identify situations that increase caregiver's stress levels
- ▶ Recognize the signs of burnout
 - ▶ Feeling tired or drained most of the time
 - ▶ A change in appetite or sleep habits
 - ▶ Feeling lonely or helpless
 - ▶ A lack of emotion
 - ▶ A pessimistic, distrustful attitude
 - ▶ A decrease in job satisfaction
 - ▶ Taking frustrations out on others
 - ▶ Attendance problems
 - ▶ Using food, drugs, or alcohol to cope



What can you do?

- ▶ Know the signs of burnout
- ▶ If you see burnout or experience it yourself get help, talk to a supervisor, or reach out to your employee assistance program
- ▶ Get enough sleep, exercise and eat a healthy well-balanced diet
- ▶ Take your breaks!!!
- ▶ Avoid working excessive number of hours in one day or in one week
- ▶ If you feel anger or frustration building up make sure you remove yourself from the situation, tell a supervisor, and take time to calm yourself. Remember the vulnerable adult is not intentionally trying to aggravate you



Consequences of Abusive Behavior

- ▶ If an individual has an allegation of abuse brought against them, your organization will take needed steps to ensure the safety of those it cares for. This will vary depending on the specific circumstances, but the important thing to remember is that preventing further incidences of abuse is crucial. If you have been found guilty of abuse, neglect, exploitation, misappropriation of property, or mistreatment, there are serious consequences. Those found guilty may have their name entered into their state's registry, lose their license or certificate to practice, and even face criminal charges. Organizations must not employ those who have been found guilty of abuse or had disciplinary action taken against them by their state licensure board for abuse.



Congratulations!

Congratulations! Now that you've finished reviewing the course content, you should have learned the following:

Many healthcare workers think that abuse is not their business, but think again. Abuse *is* your business. You are the first line of defense for vulnerable adults and it is your job to help protect the health and well-being of these individuals. Abuse is *never* acceptable, so make sure you are able to recognize and report situations that indicate potential abuse. Remember, it's better to report your suspicions and be wrong than to not report and be right! As a healthcare worker who has day-to-day contact with vulnerable adults, you are the most important element in preventing abuse and maintaining the individual's safety and security.

