

Speak Out Against Elder Abuse

October is National Residents' Rights Month, a national effort to celebrate, honor, educate, and protect those living in long-term care homes and their families. The goal is to help not only the residents themselves but their families and communities recognize the rights of long-term care residents and learn how to speak up if they or someone they love are not receiving these rights. Each year the Department of Aging releases a theme in connection with National Residents' Rights Month. This year's theme is "Speak Out Against Elder Abuse!"

Elder abuse and neglect is a common problem plaguing our nation's elderly. Sometimes it is difficult to see the abuse and neglect that is happening. Other times we choose to ignore it because either it doesn't seem relevant or we just don't know what we can do about it. It is important that residents, care recipients, and their family members understand not only what is entailed in the categories of 'abuse' and 'neglect' but what they can and should do to prevent it.

The Difference between Neglect and Abuse

[The Consumer Voice](#) - an organization formerly known as the National Citizens' Coalition for Nursing Home Reform – was founded in 1975 because of public concern about substandard care in nursing homes. Our firm's founding attorney, Scott R. Severns, served as President of this national group from 1994 – 1998. They define neglect and abuse as the following:

Neglect is the failure to care for a person in a manner which would avoid harm and pain, or the failure to react to a situation which may be harmful. Neglect may or may not be intentional. For example, a caring aide who is poorly trained may not know how to provide proper care.

Abuse means causing intentional pain or harm. This includes physical, mental, verbal, psychological, and sexual abuse, corporal punishment, unreasonable seclusion, and intimidation.

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.

Reporting Neglect and/or Abuse

While it may seem unlikely and even impossible that your loved one could suffer from neglect or abuse while under care, unfortunately, it does sometimes happen. Many policies have been put in place by a number of different organizations to stop this inappropriate behavior in its tracks and prevent it from happening in the first place. But the best sources of prevention are your own eyes and ears. Neglect and abuse should be reported immediately and should never be put off because you feel you need more information or evidence before reporting. If you even have a suspicion of abuse, report it. This month is about learning to speak up. If the elderly can't or won't speak up for themselves then don't hesitate to speak up for them and prevent further pain.

If you know enough details and information to file an official report, the consumer voice suggests the following:

Put your report in writing, date it, and keep a copy. Convey as much information as you can about the situation. Remember to include:

WHO – The name of the victim, including age and address; the name of the facility and/or people responsible for the victim's care; the identity of the person who you believe abused or neglected the resident

WHAT – The nature and extent of harm and any physical signs of abuse or neglect; any previous incidents; what happened

WHERE and WHEN – The place where the incident happened and time and date of the incident. Provide as much background information as possible. A thorough report will help the investigator to address the situation quickly.

File this report to any of the following groups or people:

- Nursing home's administrator, director of nursing, and/or social worker
- Indiana Long Term Care Ombudsman (800) 622-4484
- Local police or state law enforcement or Adult Protective Services (800) 992-6978
- Indiana State Department of Health (800) 246-8909
- Local Citizen Advocacy Groups such as United Senior Action (317) 687-3659

If you don't know where to begin or don't think you have enough information/details to file an official report, contact the Eldercare Locator at (800) 677-1116. The Eldercare Locator has a team of specially trained operators who can refer you to the local agency that can help you.

When you call to report abuse, you do not have to prove the abuse is happening. Leave that up to the investigators. Answer their questions and give as many details as you can.

If you are in or have been made aware of an emergency abuse or neglect situation in which someone could be seriously harmed if action is not taken immediately then call 9-1-1.

Assisted Living and Nursing Home Abuse Prevention

Assisted living facilities are covered by individual state regulations rather than federal regulations. Nursing home facilities are governed by federal laws and regulations. Residents of nursing homes have certain rights that were put into place in 1987 with the Nursing Home Reform Law. Residents and their families need to be aware of their rights so as to be able to report any abuse or neglect occurring in violation of those rights. The following are the general rights of residents in a nursing home:

- Right to be fully informed

- Right to complain
- Right to participate in one's own care
- Right to privacy and confidentiality
- Right to visits
- Rights during transfers and discharges
- Right to make independent choices
- Right to dignity, respect, and freedom

In addition to knowing the regulations, residents and their families should be aware of two key contacts in case they have any questions or need to report abuse, neglect, or violation of rights:

Citizen Advocacy Groups are groups of concerned citizens who work to improve the quality of care for facility residents in communities, states, or regions. Learn more about Citizen Advocacy Groups and the help they can provide for you:

www.theconsumervoice.org/advocate/advocacy-group-center

Long-term Care Ombudsman advocate for individuals in assisted living and nursing home facilities. They provide information about rights and work to resolve complaints. They are empowered by the law to serve as advocates for residents and they can and will assist you if you contact them. In addition to being residents' advocates, ombudsman also educate residents, family, and friends on their rights and the laws applicable to their facilities.

In order to help prevent abuse and neglect from ever occurring, carefully select the facility in which you or your loved one will be living. Before selecting a facility, consider alternatives. Make certain that the care your loved one needs can only be performed in a facility. Sometimes it is the better option to remain at home if the only care that is needed can be done by a registered home care agency or a family caregiver.

Research the facility. Contact staff and set-up a visit. Make sure both parents and concerned children are satisfied with the care that will be provided in the facility, that it meets the needs of the one needing care, and that the facility seems like a safe and healthy environment.

Whether you think you've found a good facility or you still just don't know where to begin your search, consult an expert. Citizen advocates are often available in your local area as well as your local area on aging. The Indiana State Department of Health, Long Term Care Division publishes [Nursing Home Report Cards](#), which help consumers evaluate the quality of care provided by Indiana's Medicare and Medicaid certified nursing homes. The Division inspects nursing homes at least every 9-15 months to assess compliance with federal standards of care such as adequacy of staffing, quality of care, and cleanliness of facilities. In addition, as necessary, the Division investigates complaints and serious incidents occurring within a nursing home.

Another Resource: Care Managers

Care managers are an excellent resource to use when trying to find an appropriate facility. Care managers bridge the gap between you and the facilities by easily helping you find the perfect place that meets all of your needs. Severns Associates works regularly with [Clarity Personal Care Services' Jane Malkoff](#) who is a nurse care manager specializing in caring through elder advocacy. By both training and experience, she is able to help match care with the person in need and get to personally know both the family and the patient, so that if anything should happen, she is fully prepared to be there as an advocate.

Home Care, Adult Day Care, and Family Care Abuse Prevention

While there are regulations governing both professional Home Care and Adult Day Care providers, there is little guidance or supervision given to families who are taking care of their loved one at home. Oftentimes it is much more difficult to report abuse and neglect occurring

from a family caregiver or family member. Many times in the case of family caregivers, the abuse or neglect is not so much intentional as it is a natural side effect of all the stress and responsibility that come with the family caregiver role. If this is the case, seek help as a caregiver. Take some time off. Find a way to manage your stress effectively. Even hiring an independent home care agency or adult day care service to care for your loved one for part of the day can help reduce the chances of unintentional abuse and neglect.

As a family caregiver, you are the person most invested in your loved one's care and needs. It would be wise if you had another more neutrally invested family member handle the finances of your elderly loved one so that financial abuse does not unintentionally occur. Another way to help prevent abuse is to have the elder set-up advance directives for health care.

An Advance Directive for Health Care or Health Care Power of Attorney authorizes the person you choose (called a health care representative) to make health care decisions for you in case you are in an accident or are too ill or too disabled to make those decisions yourself. You can also use the advance directive to give your doctors and other health care providers instructions about the types of end-of-life care that you do want and that you do not want. An advance directive does not include the authority to make financial decisions. If you want to authorize someone to make financial decisions for you, you should sign a Durable Financial Power of Attorney. Both the Health Care Directives and Powers of Attorney are documents that we create at Severns Associates, and recommend that they are kept up to date. Please contact us if you need more information about them.

If the decisions are already made and the power to carry out those decisions is in the hands of a single neutral family member trusted by the elder then the chances of financial abuse as well as abuse of the elder's final wishes is much less likely.

Family and Community Involvement

In preventing and reporting abuse and neglect, it is essential that the family and community be involved. The elderly are not always willing or able to report the abuse or neglect themselves. It is then the burden of neighbors, family, and friends to be watchful and report any signs of abuse occurring.

If you are the family of an elderly loved one in a facility, visit them often. Check up on their care. Ask them questions but also listen to what they're not telling you through observation. Do their clothes seem to be fitting a little looser than usual from possible malnutrition? Do they seem more tired, or more secluded than normal from possible emotional abuse? Are their lips cracked and dry from possible dehydration? Pay attention. You could be the one who saves them from enduring a lot more pain and possibly from becoming physically and emotionally harmed.

If you have concerns, speak up. Get to know the staff or the caregiver and let them know what you think. If nothing changes from speaking up, then it's time to report it. Don't wait. Document problems as you see them with details and dates that you could later put into a report if needed. Start having family council meetings to discuss needs with all parties emotionally involved so when there is a problem, everyone knows about it and everyone can work to fix it.

Elder abuse and neglect are a growing concern among the elderly. It is preventable, and it can be stopped. Not just this month, but every single month, remember to speak out against elder abuse. You hold the power.