8a. Abuse, Neglect and Exploitation

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Healthcare Consultlink
Abuse, Neglect, and Exploitation

Objectives

Identify the regulatory requirements for reporting ANE
Identify hiring practices to identify risk for ANE
Define relevant terms in the ANE reporting requirement
Describe the steps for proper reporting
Describe the role of complaint investigation
Define the Terms

“ELDERLY PERSON” MEANS A PERSON 65 YEARS OF AGE OR OLDER

“ABUSE” MEANS (A) THE NEGLIGENT OR WILLFUL INFLICTION OF INJURY, UNREASONABLE CONFINEMENT, INTIMIDATION OR CRUEL PUNISHMENT WITH RESULTING PHYSICAL OR EMOTIONAL HARM OR PAIN TO AN ELDERLY OR DISABLED PERSON BY THE PERSON’S CARETAKER, FAMILY MEMBERS, OR OTHER INDIVIDUAL WHO HAS AN ONGOING RELATIONSHIP WITH THE PERSON OR (B) SEXUAL ABUSE OF AN ELDERLY OR DISABLED PERSON, INCLUDING ANY IN VOLUNTARY OR NONCONSENSUAL SEXUAL CONDUCT THAT WOULD CONSTITUTE AN OFFENSE UNDER SECTION 21.08, PENAL CODE (INDECENT EXPOSURE) OR CHAPTER 22, PENAL CODE (ASSAULTIVE OFFENSES), COMMITTED BY THE PERSON’S CARETAKER, FAMILY MEMBER, OR OTHER INDIVIDUAL WHO HAS AN ONGOING RELATIONSHIP WITH THE PERSON.

“EXPLOITATION” MEANS THE ILLEGAL OR IMPROPER ACT OR PROCESS OF A CARETAKER, FAMILY MEMBER OR OTHER PERSON WHO HAS AN ONGOING RELATIONSHIP WITH THE ELDERLY OR DISABLED PERSON USING THE RESOURCES OF THE ELDERLY OR DISABLED PERSON FOR MONETARY OR PERSONAL BENEFIT, PROFIT, OR GAIN WITHOUT THE INFORMED CONSENT OF THE ELDERLY OR DISABLED PERSON

“NEGLECT” MEANS THE FAILURE TO PROVIDE FOR ONE’S SELF THE GOODS AND SERVICES, INCLUDING MEDICAL SERVICES, WHICH ARE NECESSARY TO AVOID PHYSICAL OR EMOTIONAL HARM OR PAIN OR THE FAILURE OF A CARETAKER TO PROVIDE SUCH GOODS OR SERVICES
The Regulation

AN AGENCY MUST ADOPT AND ENFORCE THE WRITTEN POLICY RELATING TO THE AGENCY’S PROCEDURES FOR REPORTING ALLEGED ACTS OF ABUSE, NEGLECT, AND EXPLOITATION OF A CLIENT BY AN EMPLOYEE OF THE AGENCY.

IF AN AGENCY HAS CAUSE TO BELIEVE THAT A CLIENT SERVED BY THE AGENCY HAS BEEN ABUSED, NEGLECTED, OR EXPLOITED BY AN AGENCY EMPLOYEE, THE AGENCY MUST REPORT THE INFORMATION IMMEDIATELY, MEANING WITHIN 24 HOURS TO:

- The Department of Family and Protective Services (DFPS) at 1-800-252-5400, or through the DFPS website [www.txabusehotline.org](http://www.txabusehotline.org);
- DADS at 1-800-458-9858

Definition

CAUSE TO BELIEVE MEANS THAT AN AGENCY KNOWS, SUSPECTS, OR RECEIVES AN ALLEGATION REGARDING ABUSE, NEGLECT, OR EXPLOITATION.
Steps to Prevention

RECRUIT WITH A VALUES BASED MESSAGE
INTERVIEW FOR VALUES, BELIEFS, AND PAST EXPERIENCES
USE MANDATORY BACKGROUND CHECKS

Steps to Prevention

IN-SERVICES FOCUSED ON CUSTOMER SERVICE AND SERVICE VALUES
POSITIVELY FOCUSED AFFIRMATIVE RESPONSE TO COMPLAINTS
TRANSPARENT APPROACH TO “INCIDENTS”
Approach to Complaints

Be grateful and express appreciation for the favor of the complaint.
Investigate objectively remaining constantly sensitive for what could be called any.
Record efforts and dates.
If any is a potential, file a report immediately.

Policy Requirements

Must have a written policy outlining procedures consistent with the regulations.
Upon receipt of allegation regarding employees, contractor or volunteer agency, must file DADS’ provider investigation report.
Provider Investigation Report Form Containing

<table>
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<th>INCIDENT DATE</th>
<th>ANY ASSESSMENTS MADE</th>
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<tbody>
<tr>
<td>THE ALLEGED INCIDENT</td>
<td>ANY TREATMENT REQUIRED</td>
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<tr>
<td>THE ALLEGED PERPETRATOR</td>
<td>THE INVESTIGATION SUMMARY; AND</td>
</tr>
<tr>
<td>ANY WITNESSES</td>
<td>ANY ACTION TAKEN</td>
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<tr>
<td>THE ALLEGATION</td>
<td></td>
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<tr>
<td>ANY INJURY OR ADVERSE EFFECT</td>
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Next Steps

SEND THE COMPLETED DADS PROVIDER INVESTIGATION REPORT TO DADS COMPLAINT INTAKE UNIT NO LATER THAN THE 10TH DAY AFTER REPORTING THE ACT TO THE DFPS AND DADS. DADS WILL FOLLOW UP WITH AN ONSITE INVESTIGATION OR A DESK REVIEW.
Mrs. Johnson calls to complain that her caregiver is lazy and rude. She says, “she won’t do a thing on her own, just waits until I tell her to do something. I think she is just sitting out the hours.”

You thank Mrs. Johnson for bringing this to your attention. When you ask if she would like another worker she states, “No, I don’t want to train another one. I just want her to do her work.”

What do you do?
Scenario One

The daughter of Mrs. Johnson calls to report that the caregiver failed to return change when she went to the store for her mother. The worker was given three $20 bills, the grocery receipt was for $54 and there was no change in the envelope with the receipt.

What do you do?

Scenario Two

The daughter of Mrs. Johnson calls to report that the caregiver failed to return change when she went to the store for her mother. The worker was given three $20 bills, the grocery receipt was for $54 and there was no change in the envelope with the receipt.

What do you do?
Mrs. Valdez is admitted for nursing and physical therapy following a total replacement of her right knee. The day after her initial therapy evaluation, her son called to say he was very upset that after the therapist visit, his mother’s knee hurt and was swollen and warm. He stated “your therapist must have been too rough with her because yesterday she was able to go with me to her doctor’s office and the grocery store and was hardly even using her walker. She wasn’t swollen then.”

You thank him for the call and promise to talk to the doctor and to the therapist.

What do you do?
Scenario Three

COMPLAINT          YES | NO
ABUSE              YES | NO
NEGLECT            YES | NO
EXPLOITATION       YES | NO
FIR FILED          YES | NO

When your PAS Supervisor makes her supervisory visit, she discovers that the attendant has not been performing one of the tasks on the Individual Service Plan – vacuuming the client’s bedroom carpet.

What do you do?

Scenario Four
Scenario Four

The caregiver assigned to Mrs. Gordon tells you she worried about her client, as she has seen her husband become very frustrated with her inability to remember things he has just told her, and she has seen several bruises when she helps Mrs. Gordon with her bath. She is afraid that if she tells you this, and you do anything about it, Mr. Gordon will get angry and cancel the service, which the family really needs.

What do you do?
Scenario Five

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<thead>
<tr>
<th>Scenario</th>
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<tbody>
<tr>
<td>Complaint</td>
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<td>PIR Filed</td>
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Summary

STAY ALERT

TREAT COMPLAINTS AS A GIFT AND LISTEN CAREFULLY AND NON-DEFENSIVELY FOR ANY INFORMATION SUGGESTING ANE

DOCUMENT, INVESTIGATE AND RESOLVE COMPLAINTS WITHIN TIMELINES ESTABLISHED BY TEXAS REGULATION-10 DAYS, 30 DAYS

IF CAUSE TO BELIEVE ANE MAY HAVE OCCURRED – REPORT WITHIN 24 HOURS TO DFPS AND DADS

SUBMIT COMPLETED PIR WITHIN 10 DAYS AND EXPECT SITE VISIT OR DESK REVIEW.