




THE IDENTIFICATION AND REPORTING OF ABUSE



A TRAINING MANUAL FOR NURSING HOME AIDES

prepared by the
 Michigan Department of Public Health

Fall 1988

PD-11
1988



Item 8



PREFACE

Protecting people who cannot protect themselves is our shared responsibility. That makes preventing patient abuse in nursing homes a top priority.

This manual has been prepared to assist nursing home aides to recognize and report abuse. Please use this manual. Ensure that all those to whom we entrust the care of Michigan's nursing home residents are informed.

Raj M Wiener

INSTRUCTOR.

Section I
Definitions and Causes

Instructor

Definition & Causes

List of Competencies

1. The aide will be able to distinguish between behavior that is prohibited and that which is not.

2. The aide will identify possible causes of abuse, neglect, endangerment or exploitation.

Performance Objectives

- a. The aide will define and give an example of abuse.
 - b. The aide will define and give an example of neglect.
 - c. The aide will define and give an example of exploitation.
 - d. The aide will define and give an example of endangerment.
- a. The aide will discuss the following causes:
 - lack of training
 - short staffing
 - inadequate supervision
 - violent temperament
 - hazardous conditions in the environment

MALTREATMENT:

- An employee isolates and confines a patient in his or her room as a disciplinary action.

ENDANGERMENT. Life threatening situation caused by the inability of the threatened person to respond.

- An employee gives a wheelchair patient a shower in scalding water.

EXPLOITATION. Misuse of a patient's funds, property or personal dignity

- The facility combines money from patient trust funds with facility funds for facility use.
- A business office employee uses money from patient trust funds for purposes not authorized by the patients.
- A daughter, as representative payee for a Medicaid patient, signs her mother's Social Security check and spends it on herself rather than for the patient.
- A patient steals jewelry from another patient.
- A court appointed guardian uses the patient's money for personal gain rather than spending the money for the patient's benefit.
- The daughter of a patient sells off the patient's assets without the patient's knowledge.

NEGLECT. Harm to the patient's health or welfare caused by negligence on the part of a person responsible for that patient's care. . .

- Facility ownership allows the physical environment to deteriorate to the point that patients are subject to hazardous situations such as electrical, water or structural hazards.
- A nurse fails to administer a medication to a patient which has been ordered by a physician.
- A patient is left lying in urine soaked linen.
- Without a physician order, solely for an employee's own convenience, a patient is restrained.

Discussion points: Maria should not use her own responses or those of other aides to judge Jerry's conduct. Most patients are vulnerable and not easily able to defend themselves. Unwanted intimacy or contact which a competent adult can easily fend off or dismiss may be extremely upsetting to a vulnerable patient.

- Expressing appropriate affection for the patient with whom an aide works should be encouraged. This expression of affection, however, should not include touching the patient's erogenous zones, the breasts, or pubic and anal regions, for other than hygienic purposes.
- Maria should report this behavior despite the pressure from her co-workers.

Mrs. Fallows' Tray

Point of the Vignette: Is it ever appropriate to retaliate against a patient for something he or she may have done?

Discussion points: Abuse is not confined to grossly inappropriate treatment of a patient. The maltreatment which is illustrated above is also a form of abusive behavior.

- Actions which for an able bodied person are at worst an annoyance or insult, for a disabled patient may constitute a serious threat to health or well being. Placing a food tray out of reach means a disabled patient will not be able to eat.
- Aides are responsible for the patients that depend on them. They must at all times safeguard the patients' health and well being.
- In the vignette, Cheryl will have to share some of the responsibility for this incident because she allowed Don to assume her duties. Despite the reprimand she might receive, Cheryl should report this incident. It was fortunate that she was able to observe Don's behavior for it is not unlikely that such inappropriate, vindictive behavior may be repeated. Don clearly needs more training in proper patient care.

**Section II
Reporting**

Instructor

Reporting

- Background:** To urge aides to report each other as well as other abusers is an especially sensitive undertaking. From one perspective it could seem detrimental to the team spirit essential for the smooth working of the health care team. To counter this problem and the common reluctance to inform on a co-worker, you will want to emphasize the aide's primary responsibility to the patient. Help the aides appreciate that they are in a privileged position because they have the most continuous contact with patients and can observe the quality of care the patients receive. Because of this privileged position in overseeing the patients' welfare, aides must put responsibility to patients above loyalty to co-workers.
- It should also be made clear that the aide has a legal responsibility to report abuse and that failure to do so could result in a \$500 fine.
- Process:** The steps for reporting abuse are clearly outlined in the student materials. You should add the telephone numbers of the local Adult Protective Services and Child Protective Services offices of the local Department of Social Services.
- Confidentiality:** Anyone who reports abuse, neglect, exploitation or endangerment is guaranteed confidentiality and is protected from discriminatory action by an employer unless he or she committed the abuse. If it is determined that the incident did take place and legal action is brought against the abuser, the aide may be compelled to testify against the accused employee in a court of law.

Discussion of Anna

- Point of Vignette:** Should the aide's loyalty to co-workers come before responsibility to the patient?
- Discussion Points:** The aides should be instructed about the facility's policy in regard to investigating and making decisions about such incidents.
- It should be emphasized that it is not the aide's responsibility to assess the role of extenuating circumstances in determining the significance of a particular incident. Instead, the aide should always report any suspicions of abuse, neglect, endangerment or exploitation to the director of nursing or administrator.

INVESTIGATIONS**List of Competencies**

1. The aide will understand the process of investigating incident reports.

Performance Objectives

The aide will describe his/her responsibilities in an investigation after a report is made.

Section IV
Questions and Answers

Instructor

Point of Scenario #4:

Is an aide ever justified in punishing a patient?

Discussion Points:

- Aides should discuss their feelings about dealing with difficult patients.
- They should be encouraged to emphasize the frustrations of a disabled and perhaps confused patient who has lost most of the control over his or her life and may in addition feel abandoned by relatives.

4. (COMPLETE THE SENTENCE). IF AN AIDE SEES OR SUSPECTS ABUSE, HE/SHE SHOULD

5. IF AN AIDE'S BEST FRIEND IS ABUSING A PATIENT, HE/SHE SHOULD (CIRCLE THE CORRECT ANSWER).

- A. TELL THE FRIEND TO STOP.
B. LOOK THE OTHER WAY.
C. TELL THE DIRECTOR OF NURSING OR ADMINISTRATOR.

6. TRUE OR FALSE. AN AIDE MAY BE FIRED FOR REPORTING ABUSE.

7. TRUE OR FALSE. THE AIDE WHO REPORTS ABUSE HAS THE RESPONSIBILITY TO INVESTIGATE THE REPORT.

8. LIST THREE OTHER KINDS OF NURSING HOME EMPLOYEES WHO ARE REQUIRED TO REPORT ABUSE, NEGLECT, ENDANGERMENT, EXPLOITATION.

- A. _____
B. _____
C. _____

9. GIVE AN EXAMPLE OF AN INCIDENT IN WHICH THE POLICE SHOULD BE CALLED.

STUDENT

INTRODUCTION

AS A MEMBER OF THE NURSING TEAM AND A HEALTH CARE PROVIDER, YOU HAVE LEARNED THAT THERE ARE MANY RESPONSIBILITIES IN THE WORK OF A NURSE AIDE. THESE INCLUDE:

- CARING FOR THE PATIENT
- MAINTAINING THE PATIENT'S ENVIRONMENT
- PROVIDING PERSONAL CARE
- ASSISTING THE PATIENT IN EATING
- ASSISTING THE PATIENT IN ELIMINATION
- REHABILITATION

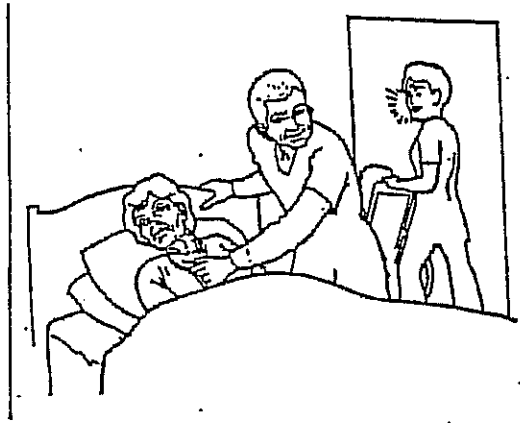
TO THESE WE WILL NOW ADD:

- REPORTING PATIENT ABUSE, NEGLECT, ENDANGERMENT OR EXPLOITATION YOU HAVE OBSERVED OR HAVE REASON TO SUSPECT HAS TAKEN PLACE

ALL PATIENTS HAVE A RIGHT TO BE FREE FROM ABUSE. THIS MANUAL WILL HELP YOU IDENTIFY BEHAVIOR THAT IS CONSIDERED ABUSE, NEGLECT, ENDANGERMENT OR EXPLOITATION SO THAT YOU CAN IDENTIFY AND REPORT THIS BEHAVIOR TO THE PROPER AUTHORITIES.

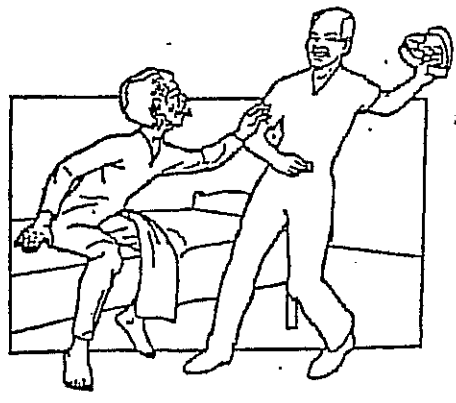
WHAT ARE ABUSE, ENDANGERMENT, EXPLOITATION, AND NEGLECT?

ABUSE IS:
HITTING A PATIENT



SEXUALLY MOLESTING A PATIENT

MENTALLY ABUSING A PATIENT



HOW DO I KNOW IF AN ACTION IS ABUSE, ENDANGERMENT, EXPLOITATION, OR NEGLECT?



REMEMBER A PATIENT BY LAW HAS A RIGHT TO APPROPRIATE TREATMENT. THIS MEANS A PATIENT HAS A RIGHT TO BE FREE FROM MENTAL AND PHYSICAL ABUSE, TO BE CARED FOR WITH CONSIDERATION AND RESPECT, AND TO RECEIVE ADEQUATE AND APPROPRIATE CARE. THIS CARE CANNOT BE DENIED ON THE BASIS OF RACE, RELIGION, COLOR, NATIONAL ORIGIN, SEX, AGE, HANDICAP, MARITAL STATUS, SEXUAL PREFERENCE, OR SOURCE OF PAYMENT. THE PATIENT HAS MANY ADDITIONAL RIGHTS.

WHAT IF I AM UNSURE IF ONE OF THESE HAS HAPPENED?

IF YOU HAVE A REASONABLE SUSPICION, LET THE ADMINISTRATOR OR DIRECTOR OF NURSING DECIDE WHETHER IN FACT SOMETHING HAS OCCURRED REQUIRING FURTHER ACTION. THAT IS HIS OR HER RESPONSIBILITY.

REMEMBER, IT IS PART OF YOUR RESPONSIBILITY AS A MEMBER OF THE HEALTH CARE TEAM TO SAFEGUARD YOUR PATIENT'S WELFARE. YOU MAY BE ONE OF THE ONLY PEOPLE WHO CARES ABOUT THAT PATIENT. HE OR SHE

THE FACILITY ALSO HAS MANY RESPONSIBILITIES TO THE PATIENT,
INCLUDING:

- THE RESPONSIBILITY TO PROVIDE ADEQUATE CARE
- THE RESPONSIBILITY TO PROVIDE ADEQUATE TRAINING TO THE EMPLOYEES WHO PROVIDE THAT CARE
- THE RESPONSIBILITY TO PROVIDE STAFFING LEVELS SUFFICIENT TO MEET THE PATIENT'S NEEDS, WITH MINIMUM LEVELS SET BY LAW

THE STORY OF JERRY



MARIA: . HAVE YOU NOTICED THAT EACH TIME JERRY GETS MRS. LITTLE READY FOR BED. HE TOUCHES HER BREASTS?

WANDA: WELL YES, BUT JERRY IS SO FRIENDLY, HE FOOLS AROUND WITH ALL OF US. MRS. LITTLE IS SO OUT OF IT SHE WOULDN'T NOTICE IT, AND I'M SURE JERRY DOESN'T MEAN ANY HARM.

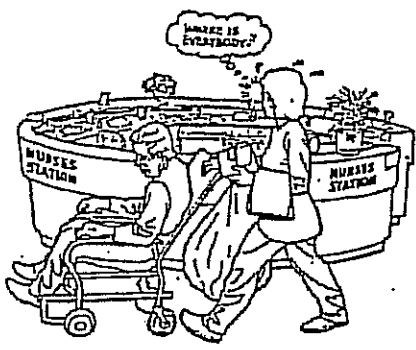
MARIA: BUT MRS. LITTLE CAN'T SPEAK FOR HERSELF. IF I WERE SHE, I WOULD BE MAD.

WANDA: WELL JERRY IS NOT A SEX PERVERT. DON'T GO GETTING HIM IN TROUBLE.

WHAT SHOULD MARIA DO?

WHAT CAUSES ABUSE, ENDANGERMENT, EXPLOITATION, OR NEGLECT?

NO ONE KNOWS FOR SURE WHAT CAUSES THESE BEHAVIORS, BUT HERE ARE SOME LIKELY EXPLANATIONS:



SHORT STAFFING

LACK OF TRAINING



PEOPLE WITH VIOLENT TEMPERAMENTS



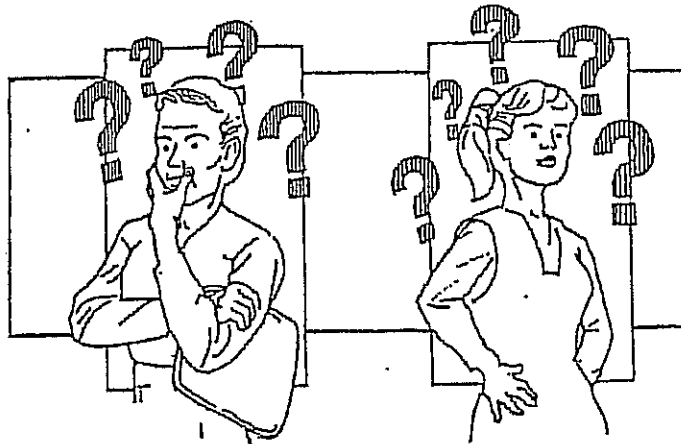
INADEQUATE ADMINISTRATIVE SUPERVISION

HAZARDOUS CONDITIONS IN THE FACILITY'S ENVIRONMENT



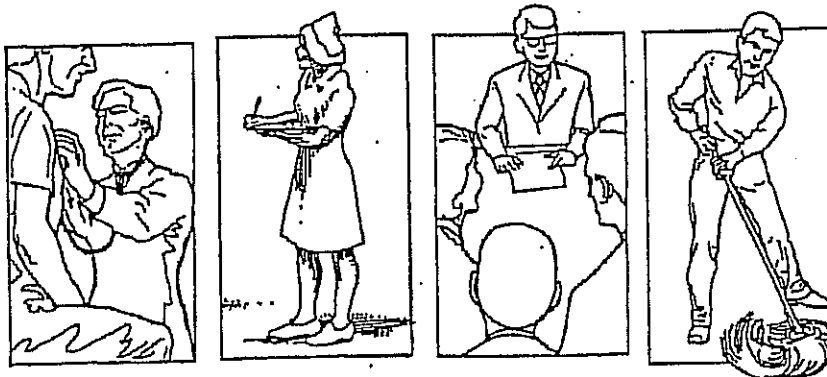
WHO MUST REPORT ABUSE, NEGLECT, EXPLOITATION, OR ENDANGERMENT:

YOU AS A NURSE AIDE LEGALLY MUST REPORT ALL OBSERVED OR SUSPECTED INCIDENTS OF ABUSE, ENDANGERMENT, EXPLOITATION OR NEGLECT.



WHO ELSE MUST REPORT?

ALL LICENSED, CERTIFIED, AND CONTRACT EMPLOYEES OF A NURSING HOME ARE LEGALLY OBLIGATED TO REPORT ABUSE, ENDANGERMENT, EXPLOITATION, OR NEGLECT OF PATIENTS.*



*The physician as an employee and as a licensed health professional has a duty to report abuse and neglect.

Section II: Student

WHAT IF CRIMINAL ACTIVITY SUCH AS A RAPE HAS OCCURRED?

IF YOU SUSPECT THAT ANY CRIMINAL ACTIVITY HAS TAKEN PLACE, YOU
MUST REPORT TO THE DIRECTOR OF NURSING OR ADMINISTRATOR. YOU
SHOULD ALSO CALL THE POLICE. 911

WHAT HAPPENS IF I DON'T REPORT?

IF YOU DON'T REPORT AN INCIDENT OR A SUSPICION OF ABUSE, NEGLECT, EXPLOITATION, OR ENDANGERMENT TO SOMEONE WHO HAS THE AUTHORITY TO CORRECT THE PROBLEM, THE SITUATION MAY NEVER BE KNOWN. THE ABUSIVE BEHAVIOR MAY NOT STOP UNLESS SOMEONE TAKES ACTION AND MAKES A REPORT.

FURTHER, YOU WILL BE LIABLE FOR A FINE OF UP TO \$500 FOR EACH TIME YOU FAIL TO REPORT. THIS FINE COMES FROM THE ADULT PROTECTIVE SERVICES ACT, P.A. 519 OF 1982, WHICH REFERS TO THE NURSING HOME EMPLOYEE REPORTING REQUIREMENTS MANDATED BY THE PUBLIC HEALTH CODE, P.A. 368 OF 1978.

WHAT HAPPENS IF THE ADMINISTRATOR DOES NOT REPORT?

IF THE ADMINISTRATOR FAILS TO REPORT TO THE PROPER AUTHORITIES AND IT IS DETERMINED THAT ABUSE, NEGLECT, EXPLOITATION, OR ENDANGERMENT DID OCCUR, THE NURSING HOME WILL BE FINED \$1,500 OR \$15.00 PER PATIENT BED, WHICHEVER IS LESS.

WHAT PROTECTION IS THERE FOR ME WHEN I DO REPORT?



YOU ARE LEGALLY PROTECTED WHEN YOU REPORT YOUR OBSERVATIONS OR SUSPICIONS.

- YOUR EMPLOYER MAY NOT DISCHARGE, THREATEN, OR OTHERWISE DISCRIMINATE AGAINST YOU FOR MAKING THE REPORT.

- WHEN YOU REPORT YOUR OWN ACTION, HOWEVER, YOU ARE LIABLE FOR THAT ACTION, AND MAY BE DISCIPLINED FOR IT.

- YOU MAY HAVE ADDITIONAL PROTECTION UNDER A UNION CONTRACT AND/OR THE HOME'S EMPLOYEE MANUAL

- THE IDENTITY OF A PERSON MAKING A REPORT SHALL BE CONFIDENTIAL UNLESS YOU PERMIT YOUR NAME TO BE USED OR A COURT OF LAW REQUIRES YOU TO TESTIFY ON THE MATTER.

WHO IS RESPONSIBLE FOR INVESTIGATING THE REPORTS OF ABUSE, ENDANGERMENT, EXPLOITATION OR NEGLECT?

YOU ARE NOT RESPONSIBLE FOR THE INVESTIGATION. SEVERAL DIFFERENT STATE AGENCIES ARE RESPONSIBLE DEPENDING ON THE AGE OF THE PATIENT AND WHERE THE INCIDENT TOOK PLACE AND HOW SERIOUS THE INCIDENT WAS. USE THE CHART BELOW TO DETERMINE WHICH AGENCY IS RESPONSIBLE.

PROBLEM	WHO INVESTIGATES
AN INCIDENT INVOLVING A PATIENT 18 YEARS OR OLDER WHICH OCCURS WITHIN A FACILITY	THE DEPARTMENT OF PUBLIC HEALTH IS RESPONSIBLE FOR INVESTIGATING ALL SUCH INCIDENTS WHICH OCCUR IN NURSING HOMES.
AN INCIDENT INVOLVING A PATIENT UNDER 18 WHICH OCCURS IN A FACILITY	THE LOCAL CHILDREN'S PROTECTIVE SERVICES OFFICER WILL ASSIST THE DEPARTMENT OF PUBLIC HEALTH IN THE INVESTIGATION

WHAT IS THE PURPOSE OF THESE INVESTIGATIONS?

THE PURPOSE OF INVESTIGATIONS IS:

- TO DETERMINE IF ABUSE, ENDANGERMENT, EXPLOITATION, OR NEGLECT HAS ACTUALLY TAKEN PLACE AND TO MAKE RECOMMENDATIONS FOR CORRECTIVE ACTION OR ENFORCEMENT.

- TO DETERMINE IF CRIMINAL ACTIVITY HAS TAKEN PLACE AND TO TAKE APPROPRIATE LEGAL ACTION.

COMMON QUESTIONS AND ANSWERS

WHAT HAPPENS TO AN EMPLOYEE WHO ABUSES A PATIENT?

AN EMPLOYEE WHO ABUSES A PATIENT WILL BE SUBJECT TO DISCIPLINE, UP TO AND INCLUDING TERMINATION. YOU SHOULD CHECK YOUR EMPLOYEE PERSONNEL MANUAL OR UNION CONTRACT FOR FURTHER INFORMATION. IN ADDITION, THE ATTORNEY GENERAL MAY PROSECUTE AN INDIVIDUAL WHO ABUSES A PATIENT.

WHAT HAPPENS TO PEOPLE CONVICTED OF THESE BEHAVIORS?

A PERSON FOUND GUILTY OF PATIENT ABUSE IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE (1) YEAR AND A FINE OF NOT LESS THAN \$1,000 NOR MORE THAN \$10,000 OR BOTH.

DOES IT HAVE TO BE A REALLY BAD THING TO REPORT?

IF YOU ARE IN DOUBT, LET THE DIRECTOR OF NURSING OR THE ADMINISTRATOR DECIDE.

DO I REPORT INCIDENTS INVOLVING PEOPLE OTHER THAN EMPLOYEES?

YOU SHOULD REPORT ANYONE THAT YOU SUSPECT OF ABUSE, ENDANGERMENT, EXPLOITATION, OR NEGLECT OF A PATIENT INCLUDING FAMILY MEMBERS OR FRIENDS.

IS THE USE OF PHYSICAL RESTRAINTS CONSIDERED ABUSE?

THE USE OF PHYSICAL RESTRAINTS MAY BE CONSIDERED ABUSE IN CERTAIN CIRCUMSTANCES, SUCH AS:

- WHEN THE RESTRAINT IS USED SOLELY FOR THE CONVENIENCE OF THE STAFF.
- WHEN THE RESTRAINT IS USED AS A MEANS OF PUNISHMENT.
- IN CERTAIN INSTANCES WHEN LOCKED GARMENTS OR DEVICES ARE USED AND ARE NOT APPROPRIATE.
- WHEN A PATIENT IS LOCKED IN A ROOM IN ISOLATION.
- WHEN A LESS RESTRICTIVE MEANS OF DEALING WITH THE PATIENT WOULD BE MORE APPROPRIATE. (YOU SHOULD CHECK THE PATIENT CARE PLAN FOR SUGGESTED ALTERNATIVES.)

SCENARIO #3

MRS. CLARK APPROACHES MARY, HER AIDE, DISTRAUGHT BECAUSE HER DRESS WAS GIVEN TO MRS. MOORE BY THE LAUNDRY. MRS. MOORE IS WEARING THE DRESS AND MRS. CLARK WANTS IT REMOVED IMMEDIATELY. MARY THINKS THE WHOLE THING IS FUNNY, BUT CLARA, ANOTHER AIDE WHO IS WATCHING, DOES NOT. (ROLES: MRS. CLARK, MARY, CLARA).

SCENARIO #4

MR. YOUNG SWORE AT DICK WHILE DICK WAS GIVING HIM HIS BREAKFAST AND LATER THREW HIS COFFEE AT DICK. TO PUNISH HIM, DICK TAKES MR. YOUNG'S CIGARETTES AWAY FROM HIM. MR. YOUNG COMPLAINS TO ANN, ANOTHER AIDE. (ROLES: MR. YOUNG, DICK, ANN).