



# Abuse and Neglect



## Learner's Guide

Everyone has the right to respectful treatment. Abuse is any mistreatment or neglect, either physical or emotional, of a vulnerable person or someone in your care. Abusing the client is like the bullying of a smaller, younger child on the playground. The older person who cannot stand up for himself verbally or physically is an easy target. The client, like the young child, may not know how to stop the abuse and therefore suffers.

Client abuse has reached epidemic proportions in the United States. Older people may be more susceptible to abuse because of social isolation and mental impairment. Federal programs help prevent and resolve abuse of the client. States have penalties for client abuse.

There is no acceptable excuse for abuse or neglect of any client. However, a caregiver may feel unable to cope with the demands of caring for a client. Recognizing and preventing the problem of caregiver stress may help prevent some client abuse.

## Types of Abuse



**Healthcare abuse or fraud** is abuse or neglect of clients in a care setting, such as:

- Not providing healthcare but charging for it
- Double charging
- Any kind of abuse when Medicaid funds the care.

Those who carry out healthcare abuse can be doctors, caregivers, medical professionals, and nonprofessional healthcare providers.

**Exploitation** is stealing or mismanaging the money, property, or belongings of a client. Stealing goods or money while caring for a client is a crime. Deceiving a client into giving you money or goods is exploitation, and is a crime.



**Emotional abuse** is causing emotional or psychological pain (including isolation, verbal abuse, threats, and humiliation). Emotional neglect is a lack of basic emotional support, respect, and love, such as:

- Ignoring moans, calls for help, or call bells.
- Inattention to the client's need for affection.
- Lack of assistance in doing interesting activities such as watching preferred TV programs or going out for activities.



**Sexual abuse** is forcing sexual contact without the client's consent, including touching or sexual talk.

**Physical abuse** is physical force that results in injury, impairment, or physical pain. The *threat* of physical force is also abuse. Physical violence against a client in the home is a form of domestic violence. Injury from physical abuse may be from physical punishment of any kind such as:



- Beating, hitting with or without an object, slapping or punching.
- Pushing, shoving, shaking, choking, or throwing.
- Kicking, pinching, biting, or scratching.
- Spitting, force-feeding, hair-pulling, or burning.
- Inappropriate use of drugs and physical restraints.
- Rough handling during caregiving or when moving the body.

## What is Client Neglect?

Neglect may be physical or emotional. Some overlap exists between the definitions of abuse and neglect. Both emotional and physical neglect are also client abuse. The caregiver who physically neglects a client does not provide for basic physical needs. Some examples include:

- Lack of monitoring
- Inappropriate housing or shelter
- Inadequate provision of food or water
- Lack of assistance with eating or drinking
- Denial or delay of medical care
- Physical restraint
- Inadequate help with hygiene or bathing
- Inadequate hand washing on the part of the caregiver, which leads to infections
- Incorrect body positioning, which can lead to limb and skin damage
- Lack of access to the toilet or inadequate changing of diapers or disposable briefs that can lead to incontinence, agitation, falling when trying to get to the bathroom unassisted, skin damage from sitting in urine and feces, and indignity
- Lack of help in moving around
- Failure to provide something necessary for health, comfort, and safety, such as personal care, food, shelter, or medicine.
- Confining someone against his will, or strictly controlling the client's behavior.
- Improper use of restraints and medications to control difficult behaviors.
- Overmedicating
- Denying aids such as walkers, eyeglasses, or dentures
- Dirty living conditions
- Inadequate heating and air conditioning





## Victims and Abusers

### Who Are the Victims?

- The typical abuse victim lives with and depends on a family member for daily care, but abuse is also a problem in institutional settings.
- Most victims are female, age 75 or over, with a mental or physical illness.
- Most are completely dependent on the abuser.

### Who Are the Abusers?

- Most abusers are relatives who take care of the client.
- Many times abusers need as much help as the victim.
- In care facilities the abusers may be employees, visitors, family, other clients, or intruders. Anyone associated with a client might abuse them.

### Characteristics of Caregiver Abusers:

In a care facility, a client can experience abuse from three sources:

- Staff-to-client abuse
- Client-to-client abuse
- Visitor-to-client abuse

Caregiver stress can be a problem for anyone caring for the client, and this can lead to abuse. Caregivers who are feeling too much stress are more likely to be abusive or neglectful of the people in their care. To be a good caregiver, you must care for yourself as well as others.



#### Some problems with caregiver abusers:

- Caregiver stress
- Emotional or mental illness
- Alcohol or drug use
- Some caregivers are not suited to the job
- Some allow themselves to vent their impatience, frustration, and anger on the client they are supposed to be protecting and nurturing

#### Some staff may be prone to client abuse because of:

- Insufficient staffing
- Lack of training
- Stressful working conditions
- Burnout or depression

## Recognizing Abuse and Neglect

*Everyone who provides care for clients must be alert to these signs of abuse or neglect:*

### Personality and behavior changes:

- Becoming withdrawn, unusually quiet, depressed, or shy
- Becoming anxious, worried, or easily upset
- Refusing care from caregivers
- Not wanting to be around people, not wanting to see visitors





**Physical signs:**

- Bruises or burns
- In a woman, vaginal bleeding or bruising of the genitals or thighs
- Fractures
- Unreasonable or inconsistent explanations for injuries
- Frequent emergency room visits



**Signs of possible neglect:**

- Weight loss, malnutrition, or dehydration
- Insufficient clothing, shoes, or basic hygiene items
- Medications not filled or taken
- Doctor visits not scheduled or kept
- Unclean appearance or smell
- Skin ulcers or sores
- Declining health

Too often clients lose the most basic rights when they live in a care setting: privacy when they bathe, dress, and sleep, choice of what they eat or wear, control of their money, the right to choose their own doctor or make decisions about medical treatment. The Resident/Patient/Elder Bill of Rights helps people keep their privacy and dignity. It protects rights as basic as whether or not staff knocks on the door before entering a client's room. These rights apply to all clients who live in licensed care facilities. You should become familiar with any statements of rights that your state has issued to protect the clients—ask your supervisor for a copy.

While most of these things do not usually happen in a care facility, it is possible for any of them to occur anywhere. Abusive or neglectful caregivers can be professionals as well as family members. It is important for everyone to be alert to the signs.

## Reporting Abuse and Neglect

Anyone who knows of a client experiencing abuse or neglect is obligated to notify the proper authorities. Reporting procedures vary by state. In a care facility, anyone who suspects abuse of a client by either a family member or another professional caregiver should first report it to his or her supervisor.

Every state has an office or department that deals with abuse and neglect of the client. Write the name and number of your state agency here:

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## Preventing Client Abuse and Neglect

- Educate seniors, professionals, caregivers, and others about client abuse
- Enforce state and federal penalties
- Intervene. Report abuse to the proper authorities.

### Criminal Penalties an Abuser Faces



Many states have or are establishing registries to help monitor and identify caregivers and medical personnel convicted of client abuse. This will help employers conduct background checks on employees applying for a position related to care of the client.

Crimes against the client have led the nation's legislative bodies to develop and implement policies and laws to prevent this abuse. Physical, sexual, and financial abuses are crimes in all states. Certain other abuses are subject to criminal prosecution. Many states mandate that medical professionals, healthcare providers, and others report evidence that makes them *reasonably believe* that a client is the victim of abuse or neglect.

These statutes include penalties for those who fail to report suspicious or questionable cases. Many statutes provide immunity from prosecution to individuals who make the reports in *good faith*, even if the report eventually proves to be false. As a measure to decrease abuse, provisions protect employees who report abuse they see at their workplace. These provisions protect *whistle blowers* from retaliation of abusive coworkers.

Congress is considering legislation that would establish federal criminal penalties for abuse and neglect in care facilities. If convicted, it could result in prison terms for individuals, in addition to corporate fines of up to \$3 million. Criminal penalties vary from state to state, depending on the specific charges and circumstances. Sentences may include:

- Probation
- Court supervision
- Restitution
- Community service
- Counseling
- Jail or prison term

### Some Examples of Abuse Cases:

- An owner of a care facility pleaded guilty to 15 counts of abuse and neglect. She received 15 years probation and 500 hours of community service.
- A care facility worker was convicted of manslaughter after a client died of septic shock because bedsores had continued to go untreated.
- A medical director and nursing director were charged and convicted with involuntary manslaughter in the heat-related death of a client. Prosecutors alleged the facility lacked air conditioning and fans and the windows would not open.

