

Caregiver's Corner Column (June 2007)

Resident Rights and Elder Abuse

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Resident Rights

If you are considering placing a loved one in a nursing home or know of someone already receiving care, it is important to know under Michigan law, residents of long term care are guaranteed certain rights.

Here is a listing of those rights:

A Right to Dignity – the right to:

1. Live in a clean and safe place
2. Be listened to carefully and spoken to respectfully
3. Have meals that meet my needs and preferences
4. Receive proper medical and personal care, including treatment for pain, based on my needs and preferences
5. Be protected from abuse, harsh treatment and neglect
6. Privacy in receiving care
7. Be free from any physical or chemical restraint used only for discipline or staff convenience
8. My own possessions and clothing as space permits.

A Right to Know – the right to:

1. Written information of all available services and costs
2. Information from the nursing home on how to get help to pay for my care
3. Be informed of my health and the health care I am receiving
4. Be informed of my care plan before it goes into effect, and whenever I ask about it
5. Look at all my medical records
6. Allow my family, friends or an ombudsman to look at my records
7. Receive notice before my room or roommate is changed
8. Receive a copy of the nursing home rules about resident care and conduct

A Right to Choose – the right to:

1. Participate in choices about food, activities and health care
2. Choose my own doctor
3. Refuse treatment, including drugs
4. Decide about future care

A Right to Participate – the right to:

1. Visit privately any time with friends, family, my doctor, or an ombudsman
2. Attend social and religious activities, inside or outside the nursing home, and to vote

3. Join resident and family groups
4. Send and receive mail unopened and use the phone privately

A Right about Money - the right to:

1. Handle my own money
2. Choose not to deposit my funds with the nursing home
3. Choose to have the nursing home manage my money
If my funds are managed by the nursing home, the home must –
Keep funds over \$50 in an interested bearing account, and give me a written account of all transactions every three months
4. If I have a court appointed conservator, the conservator must provide me an annual account

Rights Regarding Discharge – the right to:

1. Remain in the nursing home unless it is –
Not in my best interest to stay; not suitable for medical reasons; or, for non-payment of my bill
2. Appeal the discharge
3. Be safe during discharge
4. Receive 30 days notice about –
When the discharge will happen; where I will be going; my right to appear; and, the name and phone number of the State Long Term Care Ombudsman

A Right to Complain –

The right to voice concerns about the quality of care or violation of rights without fear of punishment or discharge.

Complainants may:

1. Contact the nursing home administrator, and I can expect a prompt response
2. Ask for assistance by calling the Michigan Long Term Care Ombudsman Program, toll free at **1-866-485-9393**
3. File a complaint with the State of Michigan by calling the Department of Community Health **1-800-882-6006**

Federal and State Laws Protect My Rights

The rights as a resident of a nursing facility are guaranteed by the federal 1987 Nursing Home Reform Law. The law requires nursing homes to promote and protect the rights of each resident and places a strong emphasis on individual dignity and choice.

Living in a nursing home, one maintains all rights they had before becoming a resident.

Nursing homes are required to provide services and activities to help attain the highest practical physical and mental well-being, in accordance with a written plan of care prepared with input from the resident, family or legal representative.

Knowing these rights before you begin dealing with an impossible situation in which a mother, father, grandparent, spouse or friend must leave your loving arms and enter an unfamiliar world. For further information, feel free to call Citizens for Better Care, your local long term care ombudsman at 616-245-9451 or 800-782-2918.

Elder Abuse

Most adults are free to make decisions about their own lives. However, some adults live in situations where others may control their choices.

The various types of mistreatment experienced by adults are generally put into three categories – **abuse, neglect and exploitation:**

Abuse is any harm or threatened harm to an adult's health or welfare caused by another person, including physical injury or mental torment and sexual abuse.

Neglect is any harm to an adult's health or welfare caused by his or her own inability to respond to a harmful situation (sometimes called self-neglect) or by the behavior of another person responsible for the adult's health or welfare. Neglect also includes the failure to provide the adequate food, clothing, shelter medical care, and/or neglect of equipment.

Exploitation is any action that involves the misuse of an adult's funds, property or personal dignity by another person.

How Can I Recognize When Abuse, Neglect or Exploitation Is Occurring?

Physical Abuse involves acts of violence resulting in pain, injury or disease. Signs of physical abuse you might see include:

- Scratches, welts, or burns
- Bruises, lacerations, or fractures
- Multiple injuries in various stages of healing
- Favoring areas of the body
- Lack of eye contact

Psychological Abuse is behavior that causes mental suffering. Signs in an older adult might include:

- Confusion
- Withdrawal
- Depression
- Fear
- Agitation
- Crying

Verbal Abuse consists of yelling, conniving, verbal threatening, humiliation or threats of violence. Signs of verbal abuse include:

- Yelling or using a loud voice while talking to a person or an angry loud tone of voice in dealing with the elderly
- Verbal threatening
- Humiliation or making statements that belittle the person
- Threats of violence

Sexual abuse is the abnormal use of sexual activities with an elderly person without their consent. Signs of sexual abuse include:

- Penetration
- Fondling, bruising of genitalia
- Sexual intercourse against a persons will

Drug Abuse occurs when a person who is responsible for medications does not give the medications or over medicates an elderly person. Some signs that drug abuse may be happening include:

- Cutting down or skipping medications
- Overmedication for any reason

Abandonment is taking the person away from their environment and leaving them to fend for themselves. Incidents of abandonment may include:

- Taking a person somewhere, promising to come to get them and, not returning
- Leaving a person alone in an unfamiliar environment

Physical and Equipment Neglect is the failure of the responsible person to provide goods or services needed for the adult to function or to prevent harm. It may also include failure to use available funds for appropriate care. Note that vulnerable adults who cannot care for themselves may neglect themselves. Some signs of physical and equipment neglect include:

- Dehydration or malnutrition
- Poor personal hygiene including soiled clothing and body odor
- Weight loss
- Bed sores (decubitus ulcers)

Exploitation involves misuse of the adult's financial and material resources. Signs may include:

- Unusual activity in bank accounts
- Transfer of assets to other individuals
- Theft from a financial institution without the adult's knowledge
- Substandard care or services despite adequate financial resources
- Misrepresentation to obtain consent of an adult to sign over money or other assets
- Missing valuables (jewelry or antiques) or clothing
- Lack of spending money

Which Adults Are Most Likely To Be Abused, Neglected or Exploited?

Adults most likely to be at risk of harm are often:

- Very old
- Live Alone
- Developmentally disabled
- Severely physically disabled
- Without close friends or relatives willing or able to assist
- Confused and not capable of caring for their own basic needs
- Withdrawn from social activities and interaction

Who Can Report Situations of Suspected Abuse, Neglect or Exploitation?

Any concerned citizen can and should report situations of adults at risk. Relatives, friends, neighbors and other community members may be aware of the needs of vulnerable adults and take the responsibility to notify Adult Protective Services (APS) workers at the local county Department of Human Services office about these needs. In Kent County the number is 616-247-6300.

Certain persons, however, are required under the Michigan APS law to report suspected abuse, neglect or exploitation of adults to APS. These are generally those employed, licensed, registered or certified to provide health care, social services or mental services.

For further information on where and when to report abuse, call your local Department of Human Services APS or Citizens for Better Care at 800-782-2918 or 616-245-9451.