

What Is Resident Mistreatment?¹

Mistreatment is anything that causes physical, mental and/or emotional harm and includes abuse, neglect and exploitation.



ABUSE means causing intentional harm and includes physical, mental, verbal, and sexual abuse.

NEGLECT is the failure to provide care for a resident in order to avoid harm and pain.

EXPLOITATION is when someone illegally or improperly uses your moneys or belongings for their personal use.¹

IDENTIFY Abuse or Mistreatment

All residents have the right to live in a safe environment that supports each resident's individuality and ensures they are treated with respect and dignity. If you have experienced any of the following examples of mistreatment you have the right to report it and facility staff are required to investigate all reports.

- **Physical assault-** kicking, hitting, slapping, grabbing, pushing, biting, spitting, throwing items
- **Sexual assault-** unwanted sexual advances/touching, rape
- **Verbal and Mental abuse-** name calling, yelling, cussing, racial slurs, unwelcome verbal sexual advances, threats
- **Neglect-** lack of assistance with eating and drinking, not answering call lights, improper use of restraints, lack of assistance using the restroom
- **Invasion of personal space-** unwanted sexual exposure, use of personal items without permission, theft and/or destruction of personal items, entering room without permission

KNOW Your Rights²

Federal nursing home regulations provide the following resident rights and facility requirements (state nursing home regulations may provide additional protections):

Residents have the right to:

- Be free from verbal, sexual, physical and mental abuse, neglect, exploitation.
- Be treated with dignity and respect.
- Be fully informed of a change in services, care or treatment, benefits or roommate or room.
- Security of personal possessions.
- Privacy and confidentiality of personal information.
- Complain without fear of reprisal.

The facility is required to:

- Develop policies and procedures that prohibit abuse, neglect, and exploitation.
- Investigate and report all allegations of abuse and to protect residents from mistreatment.
- Provide individualized care to support or improve each resident's well-being.
- Provide care that maintains or enhances each resident's quality of life.
- Provide reasonable accommodation of individual needs or preferences

¹ <http://theconsumervoice.org/issues/other-issues-and-resources/financial-exploitation>

² 42 CFR 483.10 Resident Rights <http://www.gpo.gov/fdsys/granule/CFR-2011-title42-vol5/CFR-2011-title42-vol5-sec483-10/content-detail.html>

What Is Resident-to-Resident Mistreatment?

Resident-to-resident mistreatment is defined as negative, often aggressive, interactions between residents in long-term care communities. These incidents include physical, verbal and sexual abuse and are likely to cause emotional and/or physical harm. Other examples of resident-to-resident mistreatment include:

- Roommate conflicts
- Invasion of privacy and personal space
- Verbal threats and harassment
- Unwanted sexual behavior
- Using personal property without permission
- Destroying personal property

Some residents may have dementia or another mental health issue that impacts their choices and behavior. However, even if they don't understand what they are doing, all residents have the right to be protected from mistreatment.

If you feel that you have been mistreated by another resident, you have the right to report it regardless of the other resident's intent or the type of mistreatment. Your facility is required to ensure the safety of all residents and investigate reports of abuse.

Seek HELP and REPORT

Help is available and there are agencies responsible for investigating reports of resident abuse and mistreatment. If you have experienced abuse or mistreatment you can:

- Tell the **facility administrator, social worker** or a **staff person**.
- Contact your **Local Long-Term Care Ombudsman (LTCO) Program**. LTCO are advocates for residents in long-term care facilities. For additional information about the LTCO program and contact information visit www.ltcombudsman.org/ombudsman. Contact information for your local LTCO should also be posted in your facility.
- Contact your **state licensing and certification agency**. Each state has an agency responsible for the licensing, certification and regulation of long-term care facilities and investigations of complaints. To locate your state licensing and certification agency visit www.ltcombudsman.org/ombudsman.
- Contact **Adult Protective Services (APS)**. APS investigates reports of abuse, neglect and exploitation of elders and, in many states, individuals with disabilities. To locate APS services in your area, visit www.napsa-now.org/report.
- Contact **local law enforcement**. It could be a crime if there is willful intent.
- Seek additional information regarding elder abuse, neglect, or exploitation from the **National Center on Elder Abuse (NCEA)** www.ncea.aoa.gov or call 1-855-500-3537.

Contact **Eldercare Locator** to locate resources in your state. Eldercare Locator is a national public service to help older adults and caregivers connect with local aging and disability services. Call **1-800-677-1116** or visit www.eldercare.gov.

