

## Who Investigates ANE

### Local Law Enforcement:

Local law enforcement investigates an allegation of a crime that may have occurred in a facility.

### HHS Regulatory Services:

Regulatory Services investigates an allegation of ANE if the incident occurred while the resident was in the facility or if the incident occurred while the facility was responsible for the resident. HHS Regulatory Services also investigates resident financial exploitation if the alleged perpetrator is affiliated with the facility such as employee, contractor, or volunteer.

### Adult Protective Services (APS):

APS investigates an allegation of ANE if the incident occurred outside of the facility, the alleged perpetrator is not facility staff, and the facility was not responsible for supervision or service delivery at the time the incident occurred.



## Service Area

We serve seven counties of Brazos Valley Region of Texas that are Brazos, Burleson, Grimes, Leon, Madison, Robertson, and Washington.

### Need Volunteers

We have 21 nursing homes and 18 assisted living facilities in the Brazos Valley Region. A strong volunteer force helps us ensure that every resident has a voice.



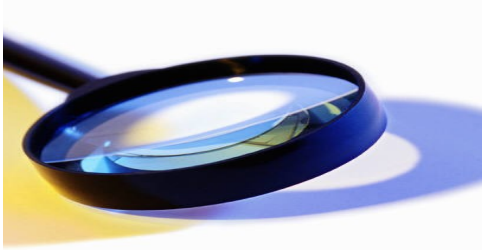
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## ABUSE, NEGLECT, & EXPLOITATION IN LONG-TERM CARE FACILITIES



## Texas Long-Term Care Ombudsman Program

Brazos Valley Area Agency on Aging  
Brazos Valley Council of  
Governments



## Recognize Abuse, Neglect and Exploitation (ANE)

### Abuse:

Abuse is the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Abuse also includes the deprivation by an individual, including a care-taker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain or mental anguish. It includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or enabled through the use of technology. Willful, as used in this definition of abuse, means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm.

### Neglect:

Neglect is the failure of the facility, its employees or service providers to provide goods and services to a resident that are necessary to avoid physical harm, pain, mental anguish, or emotional distress.

### Exploitation:

Exploitation means taking advantage of a resident for personal gain through the use of manipulation, intimidation, threats, or coercion.

## Residents' Rights

According to federal regulations (42 CFR § 483.12), each resident has the right to be free from abuse, neglect, misappropriation of resident property, and exploitation. This includes but is not limited to freedom from corporal punishment, involuntary seclusion and any physical or chemical restraint not required to treat the resident's medical symptoms.

According to The 1987 Nursing Home Reform Law, the Resident has right to:

- Present grievances to staff or any other person, without fear of reprisal and with prompt efforts by the facility to resolve those grievances
- Complain to the ombudsman program
- File a complaint with the state survey and certification agency (HHS Regulatory Services)

## Facility Responsibilities

Every facility has a responsibility to protect residents.

### Employee Screening

Before hiring, the facility must search the employee misconduct registry (EMR) and

nurse aide registry (NAR) to determine if the person is unemployable.

### Employee Training

ANE training for staff must include how to recognize and report incidents. Each facility must have a formal reporting system that is known to staff.

### Resident Screening and Assessment

The facility must assess potential resident's needs before a facility accepts a resident and conduct a comprehensive resident assessment after the resident's admission. Unmet needs can lead to abuse and neglect.

### Facility Incident Reporting

A facility must immediately report allegations or suspicions of ANE to Regulatory Services immediately. For some types of ANE allegations, they must also report to local law enforcement.

### Protecting Alleged Victims

The facility must prevent further potential abuse, neglect, exploitation, or mistreatment while an investigation of the ANE is in progress.

**Texas has mandatory reporting laws that require facility staff to report suspected ANE. However, state law does not require an ombudsman to report suspected ANE. By federal law, an ombudsman is prohibited from the disclosure of the identity of a complainant or resident without appropriate consent.**

