

Chapter 8

Equipping California Long-Term Care Ombudsman Representatives for Effective Advocacy: A Basic Curriculum

RESPONDING TO ELDER AND DEPENDENT ADULT ABUSE IN LONG-TERM CARE FACILITIES TEACHING NOTES

Curriculum Resource Material for
Local Long-Term Care Ombudsman Programs

Developed by Sara S. Hunt, Consultant

Office of the State Long-Term Care Ombudsman

California Department of Aging
1300 National Drive, Suite 200
Sacramento, California 95834
Telephone: (916) 419-7510

www.aging.ca.gov
stateomb@aging.ca.gov

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INTRODUCTION

PURPOSE

This chapter provides basic information about the long-term care ombudsman representative (LTCO) role with abuse, neglect, and exploitation.

LEARNING OBJECTIVES

At the conclusion of this chapter, LTCO will know:

- The definitions of elder abuse under California law and regulations,
- The responsibilities of LTCO regarding mandatory reporting,
- Six indicators of abuse or neglect or exploitation,
- How to apply the problem-solving process to abuse, neglect, or exploitation cases; and
- Where and when to make a referral to another agency or program.

SUGGESTION FOR USING THE CURRICULUM

Combination of self-study and class room: Distribute the curriculum resource material and ask students to read it before class. Ask them to make a note of any questions they have.

Use two hours of class room time to discuss and reinforce the salient points in this chapter. Refer to the Teaching Outline for tips on covering this content in class. Rely on the curriculum chapter for the content.

Supplies You Will Need

- Flip chart and markers
- Copies of handouts 
 - ► If possible, have an excerpt from a medical record that has been redacted or blank pages (forms) from the primary sections of a medical record such as the medication records or a face sheet.
 - ► If possible, have a referral to the Long-Term Care Ombudsman Program (LTCOP) or from the LTCOP to another agency to show students. Choose a somewhat simple example to avoid digressing into case details instead of focusing on the process.
 - Is this abuse? developed by the Oregon Long-Term Care Program and is an appendix to these teaching notes.

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Purpose

This chapter provides an understanding of the LTCO role with abuse, neglect, and exploitation.

Learning Objectives

At the conclusion of this chapter, LTCO will know:

- The definitions of elder abuse under California law and regulations,
- The responsibilities of LTCO regarding mandatory reporting,
- Six indicators of abuse or neglect or exploitation,
- How to apply the problem-solving process to abuse, neglect, or exploitation cases; and
- Where and when to make a referral to another agency or program.

(Two hours. Allow time to address questions as they arise or areas where it becomes apparent that some teaching points need to be covered.)

I. Types of Abuse, Neglect and Exploitation Found in Long-Term Care Facilities

(15 minutes)

A. Ask students to name the types of abuse, neglect, and exploitation that may be encountered in LTC facilities. List their responses on a flip chart. Add any categories that have not been named.

1. Physical abuse
2. Sexual abuse
3. Verbal and mental abuse,
4. Financial abuse,
5. Neglect,
6. Self-neglect,
7. Isolation and violation of rights,

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8. Institutional abuse and neglect,
 9. Abduction, and
 10. Abandonment.
- B. Ask students to describe (define) each of the categories.
1. You could provide a brief example and ask students which type of abuse it is and why. OR
 2. Ask students to define each category.
 - a. Write key words for the correct definition under the category.
 - b. Make students think by asking them to tell you the difference between a few categories, such as mental abuse and isolation.
 - c. Give brief, typical LTCO examples to add clarity.

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II. Investigation of Abuse and Mandated Reporting

(10 minutes)

A. Supported in Law

1. What is the legal basis for reporting and investigating abuse? List and briefly discuss.
 - a. Federal OAA provisions
 - b. California Welfare and Institutions Code
2. Which agencies/programs accept and investigate reports of abuse, neglect, and exploitation?
 - a. LTCO
 - b. Adult Protective Services
 - c. Law enforcement
3. When are mandated reporters required to make a report? List the reasons on flip chart.
4. What is the process for reporting?
5. Under certain circumstances, LTCO and other mandated reporters are not required to report or investigate certain types of injuries.

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- a. What are these?
- b. List and briefly discuss or give examples.

III. Conducting a LTCO Investigation

(30 minutes)

- A. Remind students that they have learned the problem-solving process as a way to methodically conduct an investigation in order to resolve a situation to achieve resident satisfaction. Tell them you will be focusing on aspects of the process that may be different in investigations of abuse, neglect, or exploitation.
 1. Ask, "When and why LTCO might review a medical record in this type of investigation." List answers or ask further questions to elicit correct responses.
 - a. Discuss the key elements to look for in reviewing medical records.
 - i. ►  If possible, distribute sample pages of key areas of a medical record, either blank or redacted.
 - ii. Ask students what each might contain and how the information might be useful in an investigation of this nature.
 2. Discuss key points regarding strategies in conducting an investigation.
 - a. Point out actions that are the same as LTCO use in any investigation.
 - b. Point out differences.
 - c. Remind students about confidentiality provisions.
 - i. Provide tips and guidance regarding how to deal with ethical issues such as undue influence (including the LTCO exerting undue influence) and respecting cultural differences regarding decision making and

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autonomy.

3. Ask, "What are the differences between conducting investigations in residential care facilities and conducting investigations in nursing facilities?" List each type of facility on a flip chart in parallel columns and capture the primary points under each.

IV. Identifying Signs and Symptoms of Abuse and Neglect

(30 minutes)

- A. Ask students to refer to the pages in the chapter that list the signs and symptoms of abuse and neglect.
 1. Ask them if there are any surprises.
 2. Ask questions to see if the students know what to do to sort out whether a bruise is due to abuse or due to medications and skin conditions. Use some simple examples. Listen to determine if students know when to:
 - a. obtain permission to look at records or
 - b. look at areas of the resident's body that might not be observable without changing the resident's position or clothing.
 3. Make teaching points.
 4. Listen for indications that students are making assumptions of abuse or neglect without obtaining the resident's perspective and gathering adequate information.
 5. Integrate tips of good LTCO practice and adherence to the Code of Ethics with this discussion.
 6. Ask students if, when, and how they might contact the family of a resident who has experienced abuse or neglect.
 7.  Ask students to complete, "Is this abuse?"

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- a. Discuss the answers.
- b. Make teaching points as appropriate.

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- A. Discuss the primary points in this section, engaging students in a dialogue as much as possible.
 1. Remind students of the connection to content previously discussed in the problem-solving process. Point out any key aspects that differ.
 2. Focus on providing enough information to equip students to follow good protocol but not so many details and complexities that they become overwhelmed and fearful of doing the wrong thing or of breaking a law.
 3. Keep students focused on the role of the LTCO in working on behalf of residents.

VI. Resolution*(15 minutes)*

A. Point out the “Practice Principles” and remind students where to go for feedback and guidance within the LTCOP as questions or uncertainties arise.

B. Reporting

1. List the primary agencies for reporting.
2. Ask students what each agency does and when to report to each agency.
3. ►  Distribute a copy of a LTCO report to another agency as an example.

C. Working with:

1. Facilities.
 - a. Discuss how to report to the facility and
 - b. How to work with the facility or residents within the facility after a report has been made

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and the facility has been notified.

- c. Connect the potential of using a care planning meeting to the previously discussed information about care planning as an advocacy tool (residents' rights chapter).

2. Residents and their families.

- a. Decision-making mechanisms were previously discussed. Point out any differences specific to dealing with abuse, neglect or exploitation.

- b. Provide encouragement to students by reminding them that they have already learned some of the tools they will be using in these types of cases.

C. Referring to other community agencies

1. Ask students to list some of the other agencies or programs that might be helpful.
2. List and discuss.
3. Provide tips on establishing a working relationship with these other agencies.
4. Discuss the potential for creating an ongoing dialogue with others who do, or need to have a role in preventing and addressing abuse, neglect, and exploitation.
5. Provide tips on when and how to participate in a joint investigation.
6. Remind students who to contact if they have any questions regarding their responsibilities or how to proceed in this area.

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VII. Other Considerations

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(5 minutes)

- A. Discuss any other considerations or practice tips

VIII. Summary

(5 minutes)

- A. Summarize the key points.
 1. The role of the LTCO as a mandated reporter.
 2. The confidentiality provisions and the role of the LTCO.
 3. Key indicators to be alert to notice.
 4. When, where, and how to report.
 5. Primary agencies and others to work with when abuse, neglect or exploitation is an issue.
 6. The process that LTCO use is similar to the standard process you follow with any case.
 7. LTCO work on or behalf of residents and continue to work with residents even after other agencies such as law enforcement or APS finish their role with a case.

APPENDIX

Is this Abuse?
From the Oregon Long-Term Care Ombudsman Program

- | | | |
|-----|----|--|
| Yes | No | A resident is not given his money upon request. Is this abuse? |
| Yes | No | A resident who cannot feed herself is not offered water as required and becomes dehydrated. Is this abuse? |
| Yes | No | Four residents on one wing of the facility have unexplained bruises. Is this reportable abuse? |
| Yes | No | There is a cat with fleas roaming the hall. Is this abuse? |
| Yes | No | A resident trips over the cat in the hall. Is this abuse? |
| Yes | No | The floors have been sticky in the facility for two days. A resident's slipper "catches" on the sticky floor. The resident falls and is bruised. Is this reportable abuse? |
| Yes | No | An RN slaps and bruises a resident who took a swing at her. Is this abuse? |
| Yes | No | An ambulatory (with no assist) resident falls while waling down the hall and breaks her hip. Is this abuse or neglect? |
| Yes | No | A resident tells you that they are not feeding him lunch. Is this reportable abuse or neglect? |
| Yes | No | A "combative" resident hits his roommate for a second time during a game of poker. Is this abuse? |