



What You Need to Know About Nursing Home Abuse & Neglect

KG

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"Nursing homes are being bought by venture capitalists and other out-of-state interests. They are stripping away assets from homes, decreasing staff-to-resident ratios, and moving money to their other businesses."

Lenny Jones, Missouri State Director of SEIU Healthcare

The Issue...

Over 1.4 million Americans live in nursing homes and assisted living facilities. These facilities provide housing solutions for the aging and the disabled. Over the next several decades, the number of adults, 65 years old and older is expected to increase, placing additional stress on an already troubled industry.

Overworked caregivers and crowded facilities will increase the risk for abuse and neglect. It is critical to do thorough research before selecting a care facility for yourself or your loved one. Informed families can positively impact not only the lives of their parents but those of elders everywhere.

What is Neglect?

Types

- Medical Neglect
- Neglect of Basic Needs
- Neglect of Personal Hygiene
- Social/Emotional Neglect

Consequences

- Amputation
- Dehydration
- Bedsores
- Sepsis
- Malnutrition
- Death

Signs

- Unkept Residents
- Dirty Living Conditions
- Unexpected Weight Loss
- Loss or Change in Mobility
- Unexplained Injuries
- New Psychological Symptoms

Medical neglect occurs when staff fails to properly attend to or present a resident's medical concerns such as inadequate diabetic care, bedsores, infections and mobility issues. Failure to provide adequate food, water or a clean and safe living environment is the **neglect of basic needs**. **Neglect of personal hygiene** includes the failure to properly assist residents with dental care, laundry and bathing. **Social/Emotional neglect** occurs when social interactions are not facilitated between residents by failing to provide mobility devices and assistance to non-mobile residents.



Causes

The three leading contributors to nursing home neglect are understaffing, negligent hiring and inadequate training. Overburdened employees lack the time to properly care for residents and through negligent hiring, unlicensed or repeat offenders slip through the cracks in order to fill shifts. Caregivers who are not properly trained are more likely to slip into patterns of neglect, make medication errors and mishandle frail and mobility challenged residents.

TIPS for Safety

- Carefully review nursing home facilities – look for the signs of poor care. The price, appearance, and online ratings are useful, but not always indicative of quality care.
- Regularly contact your loved ones – you are more likely to notice any changes in mood or behavior.
- Be familiar with the warning signs.
- Believe your loved one – do not dismiss complaints. Acknowledge concerns and investigate.





What is Abuse?

- Physical
- Emotional
- Financial
- Sexual

Nursing home abuse is unintentional or intentional harm to a resident by the hands of a caretaker or facility employee. Abuse can result in trauma, medical emergencies and death. Abuse remains a prevalent problem due to understaffing, improper training and exhausted workers.

Emotional abuse can include verbal abuse such as screaming, taunting and talking down to residents, as well as isolation from friends and family. This type of abuse does not leave physical marks, but is just as detrimental, often resulting in anxiety, depression and failure to thrive. **Physical** abuse results from a deliberate assault such as pushing, kicking or hitting. Any form of unwanted sexual activity or sexual activity with a mentally disabled or incapacitated adult equates to **sexual** abuse. The elderly are at risk for **financial** exploitation due to challenges with memory and declines in cognitive function.

Signs of Abuse

- Fractures
- Bruises, Burns or Welts
- Altered Mental State
- Head or Dental Trauma
- Aggressive/Violent Behavior
- Trauma or PTSD Symptoms
- Unexplained STDs
- Visible Injuries to Genitalia
- Unauthorized Changes to POAs, Opening of New Accounts or Cards and Suspicious Charges





Signs Among Staff

- Ignoring Requests for Help
- Improper Administration of Medication
- Failure to Notify Emergency Medicine Services
- Failure to Notify Family of Incidents or Injuries
- Show of Disrespect or Poor Attitudes Toward Residents
- Not Responding to Conflicts Between Residents

Reporting Resources

Missouri

Department of Health & Senior Services

apps4.mo.gov/APS_Portal/

Adult Abuse and Neglect Hotline - (800) 392-0210

State Long-Term Care Ombudsman Program - (800) 309-3282

Kansas

Abuse, Neglect or Exploitation Hotline - (800) 842-0078

Adult Protective Services - (800) 922-5330

Kansas Aging and Disability Resource Center - (855) 200-2372

Kansas Long-Term Care Ombudsman Program - (877) 662-8362



Nebraska

Department of Aging and Disability Services - (800) 842-0078

Adult Protective Services and Elder Abuse Hotline - (800) 652-1999

Complaint Intake Line - (402) 471-0316

Protection Report Center - (800) 922-5330

Colorado

Adult Protective Services

cdhs.colorado.gov/aps

Colorado Coalition for Elder Rights and Adult Protection -
(800) 773-1366

Residents' Rights

- **Right to a Dignified Existence** – to be treated with consideration, respect and dignity, recognizing each resident's individuality, freedom from abuse, neglect, exploitation and misappropriation of property, freedom from physical or chemical restraints, quality of life is maintained or improved, exercise rights without interference, coercion, discrimination or reprisal, a homelike environment and use of personal belonging when possible, equal access to quality care and security of possessions.
- **Right to Self-Determination** – choice of activities, schedules, health care, providers, reasonable accommodation of needs and preferences, participation in the development and implementation of person-centered care plan incorporation personal and cultural preferences, designation of a representative to exercise his or her rights, organize and participate in resident and family groups and request, refuse and/or discontinue treatment.
- **Right to be Fully Informed** – of care to be provided, changes to care plans, rules and regulations, written notice before changes in room or roommate and information in his or her native language.
- **Right to Raise Grievances** – without fear of retaliation and prompt staff efforts to resolve all issues.
- **Rights of Access to** – individuals, services, community members, activities, visitors, refusal of visitation, assistance with sensory impairments and social, religious and community activities.
- **Rights Regarding Financial Affairs** – manage his or her affairs, information about available services and applicable charges and not to be charged for services covered by Medicare or Medicaid.
- **Rights to Privacy** – personal, financial, medical, unrestricted communication and during treatment and care of personal needs.
- **Rights During Discharge/Transfer** – appeal transfer or discharge, receive 30-day written notice, preparation and orientation for a safe and orderly transition and notice of the right to return to the facility after hospitalization or therapeutic leave.

*****More information and resources regarding residents' rights can be found at regarding residents' rights can be found at ltcombudsman.org.***

Legal Options

If a loved one has experienced abuse or neglect in a nursing home or assisted living facility, there may be other legal options to hold the facility accountable. In addition to reporting abuse and neglect to the proper authorities, you may also want to consult with a lawyer who is experienced in litigation against nursing homes and assisted living facilities. Cases involving serious personal injury or wrongful death can be brought against the facility, depending on the circumstances.

More than most areas of the law, the lawyer's experience matters in cases against a nursing home or assisted living facility. Many states have adopted regulations that apply to these facilities' operations, which are complicated and intricate. In addition, Missouri and many other states classify cases involving injury and death in these facilities as medical malpractice cases with unique rules and deadlines.

Our team at Kendall Law Group LLC has the experience, knowledge and aggressive approach in handling cases involving nursing home abuse and neglect.



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