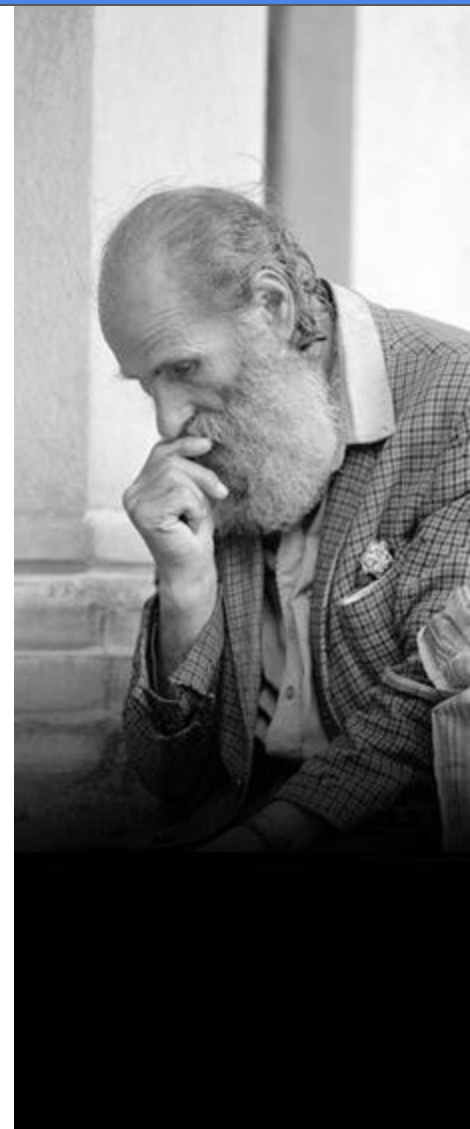


How to Prevent and Identify Nursing Home Neglect and Abuse

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Ways to **Prevent** NH Abuse and/or Neglect:

- Before resident is admitted, review www.Medicare.gov/care-compare and www.nursinghome411.org for the history of complaints/inspections and staffing indicators. Visit facility unannounced. Ask to see the unit resident will be in.
- Be **involved** in the resident's care; ask questions; attend care plan meetings; join family council.
- **Don't leave the room** when the resident is being changed/given care.
- Find out about the resident's **diet**, **activities**, and **medications**. Ask to see the **MARS** (Medication Administration Records).
- Ask for meetings with the **Director of Nursing** or **Administrator** if you don't feel the resident is being properly cared for. Contact **Ombudsman**.
- **Visit** resident as often as possible and at different times of day.



Ways to **Identify** Abuse and/or Neglect:

Look -

- Is resident well cared for?
- Has resident lost weight?
- Does resident have bruises or bed sores?

Listen —

- What is the resident saying? Complaints?
- Do you hear staff engaging in verbal abuse?
- Is the resident no longer interested in pursuing activities he/she used to participate in?

Smell -

- Is there a urine odor in the resident's unit or when you step off the elevator?
- Are there foul smells in the resident's room?



Pressure Ulcers: What do we often hear?

- We just found out that resident developed bed sores at the nursing home and they are at an advanced stage.
- We never knew resident had bed sores even though we visited often.
- The nurse at the hospital just told us about them.
- Common misconception: Pressure ulcers will develop because residents are in bed or sitting all day.
- Nursing homes often claim: Pressure ulcers are unavoidable and develop due to co-morbidities, without addressing the care that was or wasn't provided to the resident.

New York Codes, Rules and Regulations

Regulation 10 NYCRR 415.12 **Quality of Care**

(c) **Pressure sores**. Based on the comprehensive assessment of a resident, the facility shall **ensure** that:

- ❑ (1) a resident who *enters the facility without pressure sores* does not develop pressure sores unless the individual's clinical condition demonstrates that they were unavoidable *despite every reasonable effort to prevent them*; and
- ❑ (2) a *resident having pressure sores* receives necessary treatment and services to promote healing, prevent infection and prevent new sores from developing.

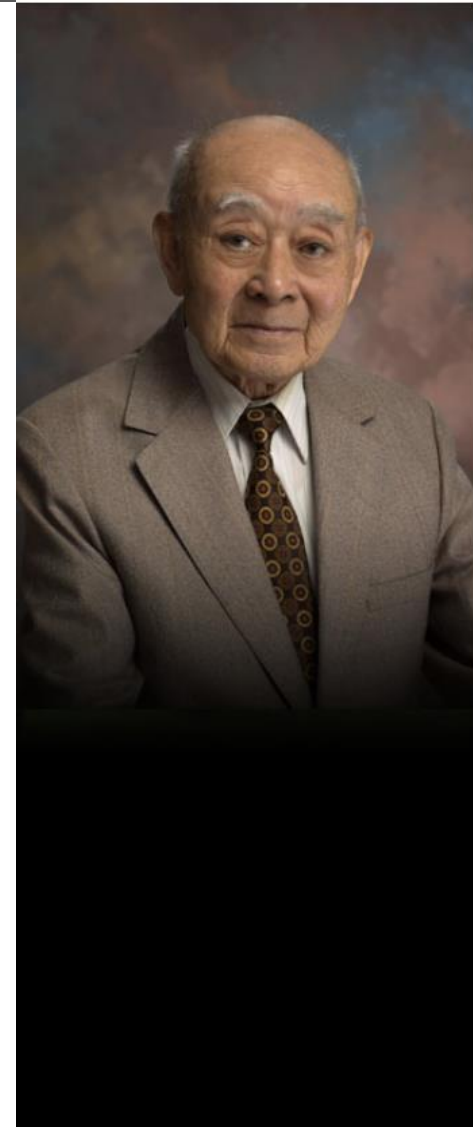
Possible Pressure Ulcer Interventions*:

- *Pressure reducing/relieving devices such as special mattresses, chair cushions, heel booties, wedges, and elbow pads;*
- *Proper incontinence care;*
- *Proper nutrition and hydration;*
- *Turning and positioning every two (2) hours in bed and every one (1) hour in chair;*
- *Limiting time out of bed if resident has pressure ulcer(s);*
- *Avoid positioning on existing pressure ulcers;*
- *Proper treatments to heal wounds.*

**Each resident's particular condition/needs will determine which interventions are appropriate.*

Falls: What do we often hear?

- Resident fell multiple times at the nursing home and this latest fall resulted in a fractured hip.
- They called us three times in the past month about resident getting up and they kept reminding him to use the call bell.
- Resident had unexplained bruises on her legs or face.
- Common misconception: Residents will fall because they are frail and have unsteady gait and nothing can be done to prevent falls.



New York Codes, Rules and Regulations

Regulation 10 NYCRR 415.12 **Quality of Care**

(h) **Accidents**: The facility shall *ensure* that:

- ❑ (1) the resident environment remains as free of accident hazards as is possible; and
- ❑ (2) each resident receives adequate supervision and assistive devices to prevent accidents.

Possible **Fall Interventions***:

- *Low Bed;*
- *Mats on the floor if resident non-ambulatory;*
- *Bed alarm/Chair alarm;*
- *Toileting schedule;*
- *Not leaving awake resident with cognitive issues in bed unattended;*
- *Non-skid socks;*
- *Moving resident's room closer to nurse's station.*

**Each resident's particular condition/needs will determine which interventions are appropriate.*

Malnutrition/Dehydration: What do we hear?

- Resident lost 20 pounds and her weight loss is not being investigated.
- When I visit, I see food tray out of resident's reach and untouched.
- Staff is removing food tray and only half of the food has been eaten.



New York Codes, Rules and Regulations

Regulation 10 NYCRR 415.12 **Quality of Care**

- (i) **Nutrition**: Based on a resident's comprehensive assessment, the facility shall *ensure* that a resident:
 - ❑ (1) Maintains acceptable parameters of nutritional status, such as body weight and protein levels, unless the resident's clinical condition demonstrates that this is not possible; and
 - ❑ (2) Receives a therapeutic diet when there is a nutritional problem.
- (j) **Hydration**: The facility shall provide each resident with sufficient fluid intake to maintain proper hydration and health.

Possible Nutritional Interventions*:

- *Speech/Swallow Evaluation if resident not eating sufficient amount;*
- *Providing residents with foods based upon their preferences (likes/dislikes);*
- *Taking appropriate amount of time to feed resident if resident needs assistance;*
- *Performing three (3) day calorie count to determine resident's actual caloric and protein intake;*
- *Supplements if resident not receiving enough calories or protein;*
- *Psychological evaluation to determine if depression is cause;*
- *Artificial nutrition or hydration.*

**Each resident's particular condition/needs will determine which interventions are appropriate.*

Where to report Abuse or Neglect in New York State?

- **NYS Department of Health:**
 - Link for Nursing Home Complaint Form: <https://apps.health.ny.gov/surveyd8/nursing-home-complaint-form>. You may submit this form multiple ways:

Call the Nursing Home Complaint Hotline at 1-888-201-4563.

Fill out the online Nursing Home Complaint Form.

Print out the Nursing Home Complaint Form which is available in the multiple languages and Mail to: NYSDOH DRS/SNHCP

MAILSTOP: CA/LTC

EMPIRE STATE PLAZA

ALBANY, NEW YORK 12237

Fax the Complaint form: 518-408-1157.

Scan the form and E-mail to: nhintake@health.ny.gov.

*Complaints will be accepted if the occurrence is within the past year of the submission of the complaint.

Where to report Abuse or Neglect in New York State? (Continued)

Medicaid Fraud Control Unit of the NYS Attorney General's Office:

- Link for Medicaid fraud complaint form: <https://ag.ny.gov/nursinghomes>.
- Call the Medicaid fraud helpline: 1-212-417-5397.

Nursing Home Staff:

- Social worker
- DNS (Director of Nursing Services)
- Administrator

Where to report Abuse or Neglect in New York State? (Continued)

Long Term Care Ombudsman Program:

- Link to find your ombudsman by County in New York State:
<https://aging.ny.gov/locationsearch/ombudsmen>.
- Local ombudsman can help the resident/family to address problems with the nursing home.
- Local ombudsman can also help with filing a complaint with the Department of Health.

What if a person is no longer able to sign a Health Care Proxy?

New York State's Family Health Care Decisions Act:

- Establishes the authority of a patient's family member or close friend to make health care decisions for the patient in cases where the patient no longer has decision making capacity and did not appoint a health care agent.
- This "Surrogate" decision maker would also be empowered to direct the withdrawal or withholding of life-sustaining treatment when standards set forth in the statute are satisfied.

The key provisions of the FHCDA became effective on June 1, 2010.

For further information:

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212.880.6496
contact@yournyadvocate.com

We welcome residents and their families to contact us if they have questions or concerns regarding residents' rights or care, and to view our website: www.yournyadvocate.com where we have answers to many frequently asked questions regarding Neglect and Abuse and other topics.

Thank you for your time and attention!