



Nursing Home Neglect

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Neglect is defined as a caregiver's failure to provide or meet a resident's basic needs such as food, clothing, shelter, proper hygiene, and medical care. Failure to ensure these needs are met, increases a resident's risk for infections, illness, deterioration and injury.¹ Neglect is often associated with a caregiver, but can also refer to self-neglect. Self-neglect is when a person is unable or unwilling to provide or maintain care for themselves.² Facilities have a responsibility to ensure an appropriate level of care is being provided to their residents, which includes implementing interventions for the individuals who can no longer care for themselves so that the persons basic needs are being met.

Under Federal Regulation §483.24 Quality of Life, "Each resident must receive, and the facility must provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being." The facility is responsible to create and sustain an environment that humanizes and individualizes each resident's quality of life.³

A facility has an important role in maintaining the health, well-being, and safety of its residents. This is accomplished by: ensuring a person receives adequate food to meet their nutritional needs, assisting and providing appropriate clothing, providing a safe environment in which to live, ensuring consistent and reasonable hygiene, and providing or coordinating medical care.

Food

A person may have a limited ability to make appropriate decisions related to nutritional needs, have difficulty chewing or swallowing, or lack the ability to feed his or herself. When this occurs, the resident requires assistance from a caregiver and dietician to ensure he or she is getting proper nutrition. Proper nutrition is important in maintaining a person's physical and mental health.

Long term care facilities are required under Federal Regulation §483.60 Food and Nutrition Services, to "provide each resident with a nourishing, palatable, well-balanced diet that meets his or her daily nutritional and special dietary needs , taking into consideration the preferences of each resident." In addition, the facility is also required

¹Centers for Disease Control and Prevention, Violence Prevention, Retrieved October 20, 2016, from http://www.cdc.gov/violenceprevention/pdf/ea_book_revised_2016.pdf

² U.S. Department of Health and Human Services. (2016, July 22). What is Elder Abuse? Retrieved October 20, 2016, from http://www.aoa.gov/aoa_programs/elder_rights/ea_prevention/whatissea.aspx

³ Quality of Life, 42 C.F.R. §483.24 (2017)



to provide residents with assistance in eating, special eating utensils and adaptive equipment in order to best meet their needs.⁴

Some warning signs that a person is not receiving proper food and nutrition may include unusual and unplanned weight loss, dehydration, falls, pressure ulcers, sudden change in mental status, and uncontrolled diabetes.

Clothing

A resident residing in a long-term care facility may have difficulty moving, stretching, bending and twisting. He or she may also have difficulty choosing or obtaining their clothing. The person may need to be provided with items such as adaptive clothing. Adaptive clothing can enhance the person's ability to self-dress and decrease the possibility of injury by making clothing easier to manage.

Under Federal Regulation 483.10 Resident Rights, the facility should encourage and assist "residents to dress in their own clothes appropriate to the time of day and individual preferences."⁵ A resident should have seasonally and environmentally appropriate clothing. Their clothing should not have labels that are visible externally.

The warning signs that a person is not receiving proper assistance with their clothing may include a wearing shorts and short sleeved shirts or going outside without a jacket when it is cold, having clothing that is tattered, stained or ill fitting. The person should not remain in night clothing or hospital gowns for the convenience of the caregiver.

Shelter

Persons not having or being provided appropriate shelter can lead to serious health risks and increases their risk for harm. Inadequate shelter can lead to severe health consequences including infections, acute illness, chronic illness, and death.

Long term care facilities are required under Federal Regulation §483.90 Physical Environment to maintain an appropriate physical environment for its residents. These requirements include meeting Life Safety Codes and providing rooms that are "designed and equipped for adequate nursing care, comfort, and privacy of residents." They must also provide a safe, clean, comfortable and homelike environment.⁶

Warning signs that a facility is not maintaining a proper environment include resident rooms and common areas being unclean, residents complaining that showers are cold, and clutter throughout the facility.

Hygiene

⁴Food and Nutrition Services, 42 C.F.R §483.60 (2017)

⁵ State Operations Manual Appendix PP – Guidance to Surveyors for Long Term Care Facilities, Resident Rights, 42 C.F.R. §483.10 (2017)

⁶ Physical Environment, 42 C.F.R. §483.90 (2017) and 42 C.F.R. §483.10 Safe Environment (2017)



Poor hygiene may be an indicator of a more serious issue such as an underlying medical issue such as Alzheimer's/dementia, physical disability or medical ailments preventing them from maintaining good hygiene. A lack of proper hygiene may not only lead to medical issues but may also decrease a person's feelings of self-respect, pride and self-worth.

Under Federal Regulation §483.20 Resident Assessment, when a person's care needs change due to either behavioral or medical changes, the facility is required to assess and implement appropriate care interventions to best meet the needs of the resident.⁷ The assistance includes receiving the necessary care to maintain appropriate grooming and hygiene.

The warning signs that a facility is not providing proper hygiene assistance may include a person having a foul body odor, appearing greasy or dirty, having unkempt hair, dirty and ragged clothing, tooth loss and decay, frequent infections, and pressure ulcers.

Medical Care

Providing appropriate medical care is essential in assisting residents to maintain a good quality of life. The most minor of health issues can quickly become serious if left untreated.

Residents of long-term care facilities have the right under Federal Regulation §483.30 Physician Services to have access and be seen by a physician. This regulation states, "The resident must be seen by a physician at least once every 30 days for the first 90 days after admission, and at least once every 60 days thereafter and the facility must provide or arrange for the provision of physician services 24 hours a day, in case of an emergency."⁸ Medical care that may be offered includes physician services, dental care, ophthalmology, mental health, and specialty medical care.

Warning signs that facility is not providing appropriate medical care and follow-up can include issues such as non-age-related deterioration of health, frequent hospitalizations, and unexplained and unplanned weight loss, frequent infections, pressure ulcers, and depression.

Internal Investigations of Allegations of Neglect

Facilities are required to internally investigate allegations of neglect when an incident occurs or when an allegation is reported. A facility may be alerted to a possible problem or suspicion of neglect by a variety of sources including the direct care givers, ancillary staff, family, friends, visitors, and most importantly, through direct observation of their residents. Once there has been an allegation of neglect, an internal investigation is

⁷ Resident Assessment, 42 C.F.R. §483.20 (2017)

⁸ Physician Services, 42 C.F.R §483.30 (2017)



initiated immediately. An investigation is a process through which the facility gathers facts related to the incident.

Under Federal Regulation §483.12 Freedom from Abuse, Neglect, and Exploitation, a facility must have evidence that all allegations are thoroughly investigated, and the results of the investigation must be reported to the administrator and to other officials in accordance with State law.⁹

Investigations may take different forms depending upon the circumstances of the case but typically, begins with a review of the reported incident. During the fact gathering process, the person(s) conducting the investigation review the staffing records to identify the staff assigned to the resident as well as ancillary staff in the facility during the time frame. They also engage in a process of interviewing and obtaining written statements from any staff that had possible contact with the resident, ancillary staff on duty, the alleged victim, possible witnesses, or the person making the report. A full review of the alleged victim's medical record is also conducted. Once all facts have been gathered, the data is analyzed and evaluated. A facility must have evidence that all allegations are thoroughly investigated, and the results of the investigation must be reported to the administrator and to other officials in accordance with State law within five working days of the incident.

In conclusion, nursing home neglect may be difficult to identify. Depending on the type, there may or may not be outward signs and symptoms of neglect. An expert in nursing home care has the education, training and experience to determine whether the abuse occurred and to also determine if the facility staff followed the established standards of care and regulations.

⁹Freedom from Abuse, Neglect, and Exploitation, 42 C.F.R. §483.12 (2017)