

Elder Abuse & Neglect

Medicaid Patient Abuse or Neglect

Physical abuse or neglect is any action or failure to act that causes unreasonable suffering, misery, injury or harm to a resident of a health care facility.

It includes anything from striking or sexually assaulting a patient to withholding adequate food, physical care or medical attention. Financial abuse includes the misuse of a resident's trust funds to pay for nursing home services already being paid for by the Medicaid program or for uses of a patient's funds not authorized by either the resident or the resident's guardian.

Some Medicaid patients, especially the elderly, are physically and sexually abused or neglected by health care workers. In many cases, an abused person is totally dependent on the abuser and is afraid or physically unable to complain.

Warning signs of physical abuse, sexual abuse and criminal neglect:

- Cuts, black eyes, bruises and burns, that the caregiver cannot adequately explain
- Patient's fear of being alone with caregivers
- Reports of physical abuse, such as:
 - Hitting a resident
 - Kicking a resident
 - Throwing an object at a resident
 - Spitting at a resident
 - Burning a resident
 - Pulling on a part of the resident's body
 - Any form of retaliation against a resident
 - Inappropriate touching of a resident's body or inappropriate kissing.

Unjustified physical contact involves, but is not limited to:

- Excessive force in the course of a prescribed treatment or therapy
- Unnecessary physical contact when providing care, comfort or assistance.
- Retaliation against the resident
- Physical signs of sexually transmitted diseases or of injury to genital areas
- Difficulty sitting or walking

What is Drug Diversion?

Drug diversion is another form of abuse, since it deprives the patient of proper medication. **Drug diversion can include:**

- A health care worker throwing away a patient's medication, selling it or using it himself/herself
- A doctor selling prescriptions
- A nurse ordering medication for patients without a doctor's approval

Neglect is the failure of an individual or facility to provide treatment or services necessary to maintain the health or safety of a resident.

Neglect includes, but is not limited to:

- Failing to provide medical, dental, nursing, physical therapy, pharmacy, psychological, speech or other treatments or services
- Failing to carry out care plans or specific treatments
- Failing to provide for the dietary requirements of a resident
- Failing to provide safety measures

Arkansas Adult Protective Services Hotline 1-(800) 482-8049

The Elder Law Series is produced by the Center for Arkansas Legal Services, Legal Aid of Arkansas, Inc., and Arkansas Volunteer Lawyers for the Elderly. These agencies provide free legal services to eligible Arkansans. Legal services may include advice and counsel, brief services, or full representation consistent with case priorities and case acceptance criteria. Additional information can be found at: <http://www.arlegalservices.org> or call 1-800-9LAW AID.

*This fact sheet is given to you as a guide to help you generally understand the way legal matters are handled. Local courts interpret things differently. The information and statements of law contained in this fact sheet are not intended to be used as legal advice. Before you take any action, talk to an attorney and follow his or her advice. **Always do what the court tells you to do.***

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