

Nursing Homes: The Best Place to Commit a Crime and Get Away With It?

Are nursing homes the best places to commit a crime and still get away with it? That seems to be the conclusion of a recent report of a study by the U.S. General Accounting Office on nursing home abuse. The report to the Senate Special Committee on Aging was based on interviews and examinations of nursing homes in Pennsylvania, Georgia, and Illinois over an 18-month period and found that crimes committed against nursing home residents are reported to police only sporadically and rarely prosecuted.

Investigators found that 30% of the homes had been cited for violations that either harmed residents or put them in immediate danger of harm. In half of the cases of abuse the police were notified only days or weeks after the incident actually occurred. This despite the fact that all states require that suspicion of abuse is immediately reported. Under Arkansas law failure to report abuse is considered a misdemeanor and the person who fails to do so may be held liable in civil as well as criminal action.

Abuse is defined by Arkansas law as a willful action or inaction that inflicts pain or causes injury or which subjects an endangered or impaired adult to ridicule or psychological injury in a manner likely to provoke fear or alarm.

Neglect is the failure of someone to safely care for a vulnerable disabled or elderly person or to fail to maintain his or her health and safety. This includes failing to provide necessary treatment, rehabilitation, care, food, clothing, shelter, supervision, medical services, failing to report health problems or changes in the health condition of a resident to the appropriate medical personnel, or failing to carry out a prescribed treatment plan.

Exploitation involves the illegal management or use of an endangered or impaired adult's funds, assets, or property.

Arkansas law specifically states, "adult residents of a long term care facility are presumed to be impaired".

Signs that may indicate physical abuse:

- Unexplained bruises, welts, black eyes, wounds, or fractures
- Multiple injuries in various stages of healing
- Sudden changes in behavior (fear, depression, self-destructive behavior)
- The caregiver refuses to allow visitors
- Missing patches of hair or hemorrhaging under the scalp

- Use of restraints or restriction of freedom of movement
- Resident reports abuse

Signs that may indicate mental abuse:

- Sudden emotional upset, agitation, withdrawal, depression, becoming non-communicative or non-responsive
- Caregiver refuses to allow visitors or does not let resident participate in family or community activities
- Changes in eating patterns
- Resident reports abuse

Signs that may indicate neglect:

- Dehydration
- Malnutrition (excessive loss of weight)
- Untreated injuries or unattended health problems including dental health
- Resident appears unclean or poorly groomed
- Resident left lying in feces or urine, or a strong odor of feces or urine

Signs of Financial Exploitation:

- Disappearance of possessions
- Sudden transfer of assets (money)
- Unpaid bills
- Misuse or unexplained use of credit cards
- Resident reports being forced to sign a legal document

As a big deterrent to abuse, the Senate Special Committee on Aging has highlighted the Arkansas law, which requires all deaths occurring in a nursing home be reported to the county coroner, and so it is. But we want neglect and abuse to be curbed before death occurs. AANHR recommends that any suspicion of neglect or abuse be reported to the police. It is not enough to report to the facility administration, although they also must be informed. However, their immediate reaction will be to protect their reputation. It is not enough to report a suspicion of abuse to the Office of Long Term Care either. It may take them several days to investigate the incident, during which time evidence may be destroyed or further abuse may occur. The nursing home resident deserves the same protections as if he or she were residing in a private residence.

AANHR's Mission: To protect and improve the quality of care and life for residents in long term care facilities within Arkansas.