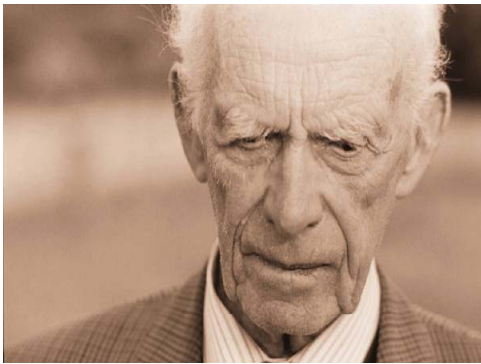


State of Nevada Aging and Disability Services Division



Presents

Elder Abuse Training



Don't Abuse
Elders!
It's a Crime!



Persons Convicted of Elder Abuse in Nevada Could Serve up to 20 Years in Prison!



What Is Elder Abuse?

In general, elder abuse is a term referring to any knowing, intentional, or negligent act by a caregiver or any other person that causes harm or a serious risk of harm to an older person. An older person is defined in Nevada law as a person who is 60 years of age or older.

Types of Elder Abuse

- Abuse
- Neglect
- Self-neglect
- Exploitation
- Isolation

(...as defined by Nevada Revised Statute, NRS 200.5092)

Abuse

Abuse as defined by Nevada law - the willful and unjustified infliction of pain, injury or mental anguish or deprivation of food, shelter, clothing, or services necessary to maintain the physical or mental health of an older person. An older person is defined as a person 60 years of age or older.

Physical Abuse

- Serious or unexplained injury
- Sexual assault
- Inappropriate physical or chemical restraint
- Medication abuse (over-medicating or under-medicating)

Psychological (Mental) Abuse

- Verbal assaults, threats or harassment
- Humiliation or intimidation
- Demeaning name calling



I will put you in a nursing home if you don't do as I say!

Sexual Assault

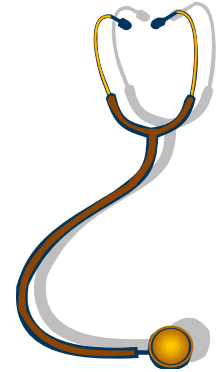
Sexual Assault is defined as:

- When any person over the age of 60 is forced, tricked, coerced or manipulated into any unwanted sexual contact.
- This includes sexual contact with anyone who is unable to give informed consent.
- Sexual Assault includes but is not limited to rape, unwanted touching, explicit photography etc.

Neglect

Failure to provide:

- Food
- Clothing
- Shelter
- Services such as medical care and personal hygiene



Neglect does not have to be intentional. The person just has to have a duty to provide these services.

Allowing or permitting harm may also involve neglect, particularly concerning health and safety hazards.

Self-neglect.

Self-neglect is the failure of an older person to provide for his or her own needs because of an inability to do so.

Self-neglect is not a crime. An elder has the right to make his or her own choices unless a judge declares the individual incompetent.



SELF - DETERMINATION

- Substantial attention is given to the concept of self determination.
- Self determination is the right of an individual to make their own decisions, good or bad.
- It is important to remember there must be special attention given to an older persons capacity or incapacity.
- Often times the right to self determination rules when the older person has capacity and the older person continues to live in the community making poor choices.
- Older people without capacity who clearly cannot make decisions on their behalf must receive intervention.

Exploitation



- Is a violation of a relationship based on trust (this may include situations in which a guardianship or power of attorney exists).
- Involves deception, intimidation, or undue influence.
- Is an attempt to obtain control of money, assets or property with the intent to permanently deprive the older person of the assets.



Isolation

It may be a crime to intentionally prevent elders from:

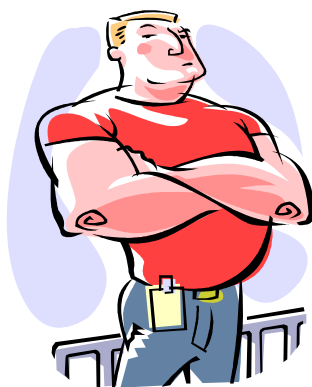
- Receiving phone calls
 - Receiving mail
 - Receiving visitors
- And it may be a crime to physically restrain an elder in order to prevent visitation



Isolation

(Continued)

Restraining an Elder to prevent visitation is criminal when done without justification (such as to protect property or the physical or mental welfare of the elderly person).



Signs of Abuse in the Elderly

Suspect elder abuse if you notice an older person suffering from any of the following conditions

- Inadequately explained bruises, cuts, or burns
- Dehydration or malnutrition
- Overly medicated or extremely sedated
- Unusual confinement (closed off in a room, tied to furniture)
- Lack of cleanliness, grooming



Signs of Abuse in the Elderly

(Continued)

- Fear of speaking for oneself in the presence of the caretaker; anxious to please
- Anxiety, confusion, withdrawal, depression
- Shame, fear, embarrassment
- Sudden change in financial activity
- Unusual cash withdrawals from the elder's account in a short period of time



Signs in the Abusing Caretaker

(Continued)

Suspect elder abuse if a caretaker displays any of the following behaviors

- Threatening remarks or behavior
- Conflicting stories (such as how the elder was injured)
- Insults, aggressive behavior
- Withholding of attention, security, and affection

Signs in the Abusive Caretaker

(Continued)

- Attitude of indifference or anger toward the elder in their care
- Unusual fatigue, depression
- Obvious absence of assistance or attendance



A history of family abusive behavior or other hostile behavior patterns can predispose a caretaker to acting out his or her anger, especially when under stress.

The Victims

A typical victim may:

- Be a female age 75 or older (about 2/3 of victims fall into this category)
- Live with their abuser

The Victims

(Continued)



A victim may deny the reported abuse and put up barriers to assistance because they are:

- Reluctant to tell anyone because they are ashamed that their children or caretaker has mistreated them
- Dependent on the abuser
- Fearful of being sent to a nursing home or being taken away
- Worried that if the abuser is taken away they will be alone
- Fearful of retaliation

State of Nevada Elder Abuse Law

- Elder Protective Services role and the definitions of Elder Abuse are guided by the NRS 200.5092
- Mandated reporting guidelines can be found in NRS 200.5093
- Elder abuse reporting regulations that are specific to each facility type can be found in NAC 449.

Federal Elder Abuse Guidelines

- Skilled Nursing Facilities must recognize and follow *State and Federal* laws pertaining to Elder Abuse and Reporting. The Code of Federal Regulation is CFR 483.13.
- The Bureau of Health Care Quality and Compliance can be contacted for specific information pertaining to federal law. Carson City (775) 684-1030 or Las Vegas (702) 486-6515

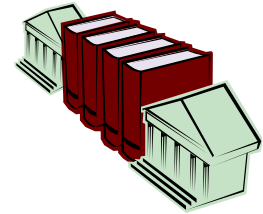
Reporting Suspicion of a Crime

- Section 1150B of the Social Security Act (the Act), as established by section 6703(b)(3) of the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), requires specific individuals in applicable long-term care facilities to report any reasonable suspicion of crimes committed against a resident of that facility.
- More information about this law can be found: http://www.cms.gov/Surveycertificationgeninfo/downloads/SCLetter11_30.pdf

What can be done to Stop Elder Abuse?

- Report
- Investigate
- Intervene
- Prosecute

Mandatory Reporters



A mandatory reporter is someone who is required by Nevada Law to notify a particular state or local agency when the person, in his/her professional or occupational capacity, knows or has reason to believe that a person 60 years or older is being abused, neglected, or isolated. Reports should be made immediately or within 24 hours.

Mandated Reporters

*Failure to report is
a misdemeanor,*

*Punishable by law
up to 6 months in
jail and/or a fine of
\$1000*



Who Are Mandated Reporters?

- Physicians
- Dentists
- Dental Hygienists
- Chiropractors
- Optometrists
- Podiatrists
- Medical Examiners
- Residents
- Interns
- Professional or Practical Nurses
- Nursing Home employees
- Physician's Assistants
- Psychiatrists
- Psychologists
- Marriage and Family Therapists
- Alcohol or Drug Abuse Counselors
- Ambulance Drivers
- Emergency Medical Technicians
- Any person employed by a facility that provides care for older persons

Who Are Mandated Reporters?

(Continued)

- Government Employees of the Department of Human Services
- Mortuary and Funeral Home Employees
- Social Workers
- Home Health Agency Employees
- Coroners
- Law Enforcement Employees
- Probation Officers, Juvenile or Adult

Any life-threatening Elder Abuse must be reported to law enforcement immediately.

Any allegations or suspicions of Sexual Assault must be reported to law enforcement immediately.

After the report has been made, a referral should be forwarded to the Elder Rights Unit, either by telephone, in person, or in writing.

Any person making a good faith report of suspected elder abuse is immune from civil or criminal liability for reporting. [NRS 200.5096](#)



Content of Reports

The report must contain the following information, when possible:

- a) The name and address of the older person or vulnerable person;*
- b) The name and address of the person responsible for his or her care, if there is one;*
- c) The name and address, if available, of the person who is alleged to have abused, neglected, exploited or isolated the older person or vulnerable person;*
- d) The nature and extent of the abuse, neglect, exploitation or isolation of the older person or vulnerable person;*
- e) Any evidence of previous injuries; and*
- f) The basis of the reporter's belief that the older person or vulnerable person has been abused, neglected, exploited or isolated*

Note: “Potential” abuse is not reportable – The reporter must state the reasons and/or facts that lead them to believe abuse has occurred.

Where to Report Elder Abuse

**Aging and Disability Services Division
Elder Rights Intake Unit**

Statewide:

1-888-729-0571

In the Las Vegas Area:

702-486-6930

AFTER HOURS CONTACT

Local Law Enforcement (Any police department or Sheriff's Office. If there is imminent danger involved, contact 911)

