

chapter 12

## IF YOU SUSPECT ABUSE OR NEGLECT

If you suspect a nursing home resident is being neglected or abused and the situation requires immediate action, you should speak with the Director of Nursing or the Administrator of the nursing home. You should also report the incident to the Virginia Elder Abuse Hotline. Every state has an Elder Abuse Hotline that takes calls from concerned persons who suspect abuse of residents (both domestic and institutional). In Virginia, the Elder Abuse Hotline is 1-888-832-3858 (in-state only). If you are out of state, you must call 804-371-0896. This Hotline is available 24 hours, 7 days a week, 365 days a year. Additionally, all health care workers or nursing home employees who have reason to suspect that an adult has been abused, neglected, or exploited are required to immediately report the incident to the local office of Adult Protective Services.

Problems which are not emergencies and do not rise to the level of abuse or neglect are best resolved at the least formal level. If it is a non-emergency, first speak with the staff person(s) whose job is related to your concern. When you are discussing the problem, cite specific examples. If you are not satisfied with the response, contact the supervisor, the Director of Nursing, or the Administrator of the nursing home. Don't automatically defer to the nursing home employees or assume they are acting within the confines of the law. If a nursing facility staff member tells you "that's the law," demand to know exactly which law he or she means. Similarly, don't automatically defer to a staff member who tells you "these types of things happen," or "nothing can be done." Each facility has a Rights Advisor whose job is to field complaints. Put your concern

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in writing. The Rights Advisor is required to provide a written response within 30 days of receiving the complaint. If you are not satisfied with the response of the Rights Advisor, your next step is to speak with a Long Term Care Ombudsman. The Long Term Care Ombudsman Program, established in all states under the Older Americans Act, is authorized to investigate and resolve complaints on behalf of nursing home residents. Ombudsmen advocate on behalf of residents and work to bring about changes on local, state, and national levels to ensure quality care.

In addition to state offices responsible for investigating abuse, Virginia also has three private citizen advocacy groups for the elderly, which are listed in **Appendix D** (page 142).

If you are still not satisfied with the results you have received, or if the abuse is of such a grave nature that you feel the nursing home has violated the law, consult an elder law attorney. If an injury or other violation of the law has occurred, an elder law attorney can advise you as to whether there are potential legal actions that you may be able to successfully pursue.