

HEALTH CARE FRAUD DIVISION
DEPARTMENT OF
THE ATTORNEY GENERAL



**PREVENTING
RESIDENT
ABUSE &
NEGLECT IN
HEALTH CARE
FACILITIES**

JENNIFER M. GRANHOLM
ATTORNEY GENERAL



WHERE CAN I GET RELATED INFORMATION?

Citizens for Better Care and State Long-Term Care Ombudsman

In mid-Michigan

6501 W. St. Joseph Hwy., Suite 211

Lansing, MI 48917

Phone: 517-886-6797

Fax: 517-886-6349

Toll Free: 800-292-7852

(Mon. – Fri., 9:00 a.m. – 5:00 p.m.)

In Southeastern Michigan

Phone: 313-832-6387

Toll Free: 800-833-9548

(Mon. – Fri., 9:00 a.m. – 5:00 p.m.)

Michigan Office of Services to the Aging:

611 W. Ottawa, PO Box 30676

Lansing, MI 48909-8176

Phone: 517-373-8230

(8:00 a.m. – 5:00 p.m.)

Michigan Protection & Advocacy Service:

106 W. Allegan, Suite 300

Lansing, MI 48933-1706

Phone: 517-487-1755

Toll Free: 800-288-5923

Adult Protective Services

Family Independence Agency

Office of Adult Services

235 S. Grand River Ave., Suite 501

Lansing, MI 48909

Hotline: 800-99-NOABUSE or 800-996-6228

or refer to your telephone book under County
Government, Family Independence Agency,
Adult-Children Protective Services for local
telephone number.

Health Care Financing Agency (HCFA):

Internet: www.medicare.gov

Federal Trade Commission

Toll Free: 877-ID-THEFT or 877-438-4338



Dear Friends:

Those Michigan residents who are confined to nursing homes, recuperating in a home for the aged, or in need of adult foster care are among the most vulnerable and defenseless members of our society. Too often, however, these residents have suffered criminal abuse and neglect at the hands of those charged with caring for them.

I've made defending and protecting the rights of these citizens one of my highest priorities as Attorney General. My Health Care Fraud Division has the responsibility to investigate and prosecute criminal abuse and neglect in all residential health care facilities, but we need your help to prevent the abuse before it starts.

The information in this pamphlet addresses the most frequently asked questions about abuse and neglect, identifies key legal rights of vulnerable adults, and provides appropriate contact resources for the families of residents in Michigan health care facilities.

Together we can make a difference for our loved ones, and insure that those who abuse and neglect them are brought to justice.

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ATTORNEY GENERAL

WHAT IS CRIMINAL ABUSE & NEGLECT?



Criminal abuse and neglect falls into four general categories. Here are some examples of each.

Harmful Neglect

A resident of a nursing home or residential health care facility may be suffering from harmful neglect if they experience:

- suspicious or questionable injuries or death;
- unexplained substantial weight loss or severe dehydration;
- painful bedsores.

Assault and Battery

Assault or battery is committed if an employee of a nursing home or residential health care facility:

- threatens or strikes a resident;
- uses unauthorized physical or chemical restraints.

Criminal Sexual Conduct

This occurs when an employee of a residential health care facility or nursing home:

- engages in unlawful sexual contact with a patient.

Embezzlement/Theft

Embezzlement of a resident's funds occurs when a nursing home or residential health care facility employee:

- wrongfully removes funds from a resident's account;
- improperly obtains a financial "loan" or "gift" from a resident;
- employee uses privileged/personal information illegally to obtain credit cards, etc., resulting in identity theft.

WHICH FACILITIES ARE SUBJECT TO INVESTIGATION?

Any resident and/or patient receiving treatment or care in a residential health care facility is entitled to the protections detailed in this brochure. The following are examples of facilities in which this office has jurisdiction to investigate criminal abuse and neglect.

- Nursing Homes
- Hospital Long-Term Care Units
- Homes for the Aged
- County Medical Care Facilities
- Adult Foster Care Facilities
- Assisted Living Facilities

How Can I Protect My Loved One From Abuse & Neglect?

- Don't make your visits predictable. Visit frequently, and at different times on different days.
- Don't be afraid to ask questions about care.
- Check for bedsores, unexplained bruises, and sensitivity to pain.
- Note the cleanliness of the residents and the facility.
- Check for weight loss and/or dehydration.
- Keep a small journal for notes after visits.
- Take your camera. On each visit, have your photo taken with your loved one and date it.
- Report any suspected abuse.

WHAT SHOULD I DO IF I SUSPECT CRIMINAL ABUSE OR NEGLECT?

- 1 Immediately report the incident, verbally or by letter, to the facility's administrator, director of nursing, charge nurse, social worker, or the facility's designated patient advocate.
- 2 Immediately report the incident to my office, the Michigan Department of Consumer and Industry Services, the Michigan State Police, and/or the local police or sheriff's department.
- 3 Obtain photographs of the physical injury and make a written statement detailing:
 - **WHAT** you observed;
 - **WHEN** you observed it;
 - **WHO** was present, and;
 - **ANY** other information that may be of assistance to an investigator.

Noncriminal abuse or neglect to a residential facility resident, or any regulatory/quality of care issue, should be reported to the facility administration AND to the Michigan Department of Consumer & Industry Services.

Private Home If you suspect elder abuse, neglect, or exploitation, contact the Family Independence Agency, County Protective Services or your local law enforcement agency.

**HOW DO I CONTACT
THE ATTORNEY GENERAL AND
THE DEPARTMENT OF CONSUMER
AND INDUSTRY SERVICES?**

Department of Attorney General

Health Care Fraud Division
PO Box 30218

Lansing, MI 48909

Fax: 517-241-6515

Email: hcf@ag.state.mi.us

Hotline: 800-24-ABUSE

800-242-2873

Website: www.ag.state.mi.us

**Department of Consumer
and Industry Services**

Bureau of Health Systems
Complaint Intake Unit
PO Box 30664

Lansing, MI 48909

Fax: 517-334-8473

Hotline: 800-882-6006

WHAT ARE THE PATIENT'S OR RESIDENT'S RIGHTS?

- 1 A patient or resident **shall not be denied** appropriate care on the basis of race, religion, national origin, sex, age, handicap, marital status, sexual preference, or source of payment.
- 2 An individual may **obtain a copy of, or inspect** his/her medical records, and a third party shall not be given a copy without authorization of the patient except as required by law and third party contract.
- 3 A patient or resident is **entitled** to privacy, to the extent feasible, in treatment and caring for personal needs with consideration, respect, and full recognition of his/her dignity and individuality.
- 4 A patient or resident is **entitled** to adequate and appropriate care and to receive information about his/her medical condition, proposed treatment and prospects for recovery, unless medically contraindicated by the physician in the medical record.
- 5 A patient or resident is **entitled** to receive and examine an explanation of his/her bill. Also, he/she is entitled to know who is responsible for, and who is providing, his/her care.
- 6 A patient or resident is **entitled** to associate and have private communication with his/her physician, attorney or any other person, and to send and receive personal mail unopened, unless medically contraindicated. A patient's or resident's civil and religious liberties shall not be infringed and the facility shall encourage and assist in the exercise of these rights.
- 7 A patient or resident is **entitled** to be free from MENTAL and PHYSICAL ABUSE and, except as authorized by a physician, or as necessitated by an emergency to protect the patient, free from physical and chemical restraints.
- 8 A patient or resident is **entitled** to retain and use personal clothing and possessions as space permits. At the request of a patient, a nursing home shall provide for safekeeping of personal property and funds, except that a nursing home shall not be required to provide for the safekeeping of property which would impose an unreasonable burden on the nursing home.
- 9 Each nursing home patient **shall be provided** with meals which meet the recommended dietary allowances for the patient's age and sex and may be modified according to special dietary needs.
- 10 A nursing home, its owner, administrator, employee, or representative **shall not** discharge, harass, retaliate or discriminate against a patient because a patient has exercised rights protected by law.

The Michigan Public Health Code
[PARTIAL LIST as provided by statute, MCL 333.20201;
MSA 14.15(20201)]