

## OUR MISSION

We are dedicated to serving Idaho's veterans and their families by providing superior advocacy, excellent assistance with benefits and education, high quality long-term care, and respectful interment services in a dignified final resting place.



*Tribute Wall of Honor*

## Idaho State Veterans Home

*“Caring for America’s Heroes”*

### Abuse Prevention & Resident Rights Handbook



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## **Abuse Prevention**

Please read the following information that details the different types of abuse and your responsibility to ensure abuse is stopped if you see it and that it is reported if you see it, or suspect it.

1. If you see abuse taking place (theft, physical, verbal, mental, seclusion, neglect) first and foremost ensure the safety of the resident. If abuse is taking place you need to **intervene and stop the abuse.**
2. If you see abuse in any form, **stop the abuse, then report it.** Report the witnessed or suspected abuse to a nurse, and your manager immediately.
3. You will be asked to write and sign witness statement with the facts. Be prepared to be interviewed by the investigator designated by the Administrator.

## **ELDER JUSTICE ACT.....**

Each Employee, Agent or Contractor of this facility is individually responsible for reporting any reasonable suspicion of a crime committed against a resident of, or an individual receiving care from, a long term care facility.

Reporting must be made to the State Agency and at least 1 Local Law Enforcement Entity immediately, but not later than 2 hours after forming the suspicion, if serious bodily injury occurred,

and... not later than 24 hours after forming the suspicion of a crime that did not result in serious bodily injury.

### **CONTACT INFORMATION:**

**STATE AGENCY:** 208-334-6626

**LOCAL LAW ENFORCEMENT:** 208-377-6790

Individuals have the right to file a complaint with the State Agency if they feel the facility has retaliated against an employee or individual who reported a suspected crime.

## **Abuse Prevention**

If you witness, suspect, have knowledge of, or take part in abuse, neglect, misappropriation of property, or injury of unknown source as defined in the Abuse Prevention Program, you are obligated to report the information immediately.

First and foremost, ensure the immediate care and protection of the resident if applicable by:

- ◆ Assuring the alleged perpetrator is kept away from the Resident or others.
- ◆ Having a trusted person stay with the resident.
- ◆ Allowing the resident to stay in an area he/she feels safe.
- ◆ Safeguarding the Resident's property.

## Definitions

**“ABUSE,”** is defined as “the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Abuse also includes the deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain or mental anguish. It includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or enabled through the use of technology.”

**“MENTAL ABUSE”** is the use of verbal or non-verbal conduct that causes or has the potential to cause the resident to experience humiliation, intimidation, fear, shame, agitation, or degradation.

**Right #17 Environment:** The nursing home must provide a safe, clean, comfortable, home-like environment, allowing me the opportunity to use personal belongings with ease. The nursing home must also assure that I have clean baths and my bed linens are in good condition.

### **Right #18 Participate in Resident’s Groups**

I have the right to form or participate in a resident group to discuss issues and concerns about the nursing home’s policies and operations. Most homes have such groups, often called “resident councils.” The home must give me meeting space and must listen to and act upon grievances and recommendations of the group.

**Right #19 Transfer and Discharge:** I have the right to transfer or discharge if my needs cannot be met, my safety is endangered or services are no longer required. A notice must be given thirty (30) days prior except in cases of health and safety needs. The nursing home must provide sufficient preparation and orientation to ensure a safe transfer or discharge.

**Right #12 Grievance:** I have the right to voice grievance concerning my care without fear of discrimination.

**Right #13 Mail:** I have the right to send and promptly receive my mail unopened and have access to writing supplies I have requested.

**Right #14 Staff Treatment:** The nursing home must implement procedures that protect me from abuse, neglect, or mistreatment, and misappropriation of property. In the event of an alleged violation involving my treatment, a thorough and prompt investigation will be performed and the nursing home is required to report it to the appropriate officials.

**Right #15 Quality of Life:** The nursing home must care for me in a manner and environment that enhances or promotes my quality of life.

**Right #16 Dignity:** I have the right to be treated with dignity and respect in full recognition of my individuality.

**“VERBAL ABUSE”** may be considered a type of mental abuse. Verbal abuse includes the use of oral, written, or gestured communication, or sounds, to residents within hearing distance, regardless of age, ability to comprehend, or disability.

**“SEXUAL ABUSE”** is non-consensual sexual contact of any type with a resident.

**“PHYSICAL ABUSE”** includes hitting, slapping, pinching, biting, kicking, etc. It also includes controlling behavior through corporal punishment.

**“INVOLUNTARY SECLUSION”** means separation of a resident/patient from other residents or from his or her room against the resident’s will or the will of the resident’s Legal representative. Emergency or short-term monitored separation from other residents will not be considered involuntary seclusion and may be permitted if used for a limited period of time as a therapeutic intervention to reduce agitation until professional staff can develop a plan of care to meet the residents’ needs.

**“NEGLECT”** means failure of the facility, its employees or service providers to provide goods and services to a resident that are necessary to avoid physical harm, pain, mental anguish, or emotional distress.

**“MISAPPROPRIATION OF RESIDENT PROPERTY”** means the deliberate misplacement or wrongful temporary or permanent use of a resident’s belongings or money without the resident's consent.

**“INJURY OF AN UNKNOWN ORIGIN”** are injuries whose source was not observed by any person or the source of the injury could not be explained by the resident; and the injury includes severe bruising on the head, neck, or trunk, fingerprint bruises anywhere on the body, lacerations, sprains, or fractured bones. Minor bruising and/or skin tears on the extremities does not meet this definition and need not be reported.

**“EXPLOITATION”** means taking advantage of a resident for personal gain, through the use of manipulation, intimidation, threats, or coercion.

protect my funds from any loss by providing protection, like a surety bond.

**Right # 9 Privacy, Property & Living:** I have the right to proper privacy, property, and living arrangements. I have the right to have private visits and phone calls. Nursing staff is relied upon to protect my property from theft. I am to be notified by nursing staff or social worker if my room or roommate is changed. I also have the right to see any person who gives me help with my health, social, legal, or other services at any time such as my doctor, a representative from the health department, and my Long-Term Care Ombudsman.

**Right #10 Social Services:** Some of these services include counseling, discharge planning, solving disputes with other residents and contacting necessary legal and financial professionals.

**Right #11 Free Choice:** I have the right to choose my own personal physician and be informed of or participate in planning my care and treatment including any changes to my care and treatment.

**Right #5 Be free from Restraint:** The nursing home can't use any physical restraint (like side rails) or chemical restraints (like drugs) to discipline me or for the staff's own convenience.

**Right #6 Make Complaints:** I have the right to make a complaint to the staff of the nursing home or any other person without fear of being punished. The nursing home must address the issue promptly.

**Right #7 Get Proper Medical Care:** I have the right to be fully informed about my total health status, medical condition, medical records, prescription, vitamins, supplements, and nursing home fees, in a language that I understand. I and/or family have the right to participate in decisions on my care plan and advance directives. The nursing home cannot require a minimum entrance fee if my care is paid for by Medicare or Medicaid.

**Right #8 Manage my own money:** I have the right to manage my own money or choose someone I trust to do this for me. I must sign a written statement, if I deposit my money with the Nursing home or ask them to hold or account for my money. The nursing home must have a system that ensures full accounting for my funds and allows me access to my bank accounts, cash, and other financial records; they must

**"EXPLOITATION THROUGH PHOTOGRAPHY OR VIDEOS"** To prevent the taking and use of photographs or video of residents that the resident (or their representative when they can't make their own decisions) have not granted consent or believes may be demeaning or humiliating. Taking or distributing of any photographs or video recordings of a resident or his/her private space without the resident's or designated representatives, written or verbal consent must not be done by any employees, consultants, contractors, volunteers, or other caregivers at Idaho State Veterans Home – Boise. Examples include, but are not limited to, staff taking unauthorized photographs of a resident's room or furnishings (which may or may not include the resident), a resident eating in the dining room, or a resident participating in an activity in the common area. Should a photograph or video recording be taken unintentionally; they must be destroyed unless the resident (or their representative should the resident be unable to consent) provides consent.

While residents may give consent for taking of photographs or videos, the use of those photographs must be consistent with the consent and cannot be demeaning or humiliating. Using photographs or video recordings in ways not covered by the consent may be inappropriate. Any photograph(s)/video(s) should ideally be shared with resident or their representative prior to use to make sure they do not find it humiliating or demeaning. Staff must report to their supervisor any unauthorized (or suspected to be unauthorized) taking of photographs or videos as well the sharing of such recordings in any medium. Violation of this policy may result in disciplinary actions including up to termination. All staff, consultants, contractors, volunteers and other caregivers will be educated about this policy as part of their orientation prior to providing services to residents. \*Note: written or verbal consent requires the resident to understand the implications of their consent. Also, residents (or their representative if they are unable to consent) may change their consent at any time, which should be documented.\*

## **Resident's Rights**

**Right #1 Be Treated with Respect:** I have the right to be treated with dignity and respect and to make my own schedule and participate in the activities I choose. I have the right to decide when I go to bed, rise in the morning, and eat my meals.

**Right #2 Participate in Activities:** I have the right to participate in an activities program designed to meet my needs.

**Right #3 Be Free from Discrimination:** Nursing homes must comply with local, state, and federal civil rights laws. They must not discriminate based on race, color, national origin, disability, age, or religion.

**Right #4 Be free from Abuse and Neglect:** I have the right to be free from physical, verbal, sexual, and mental abuse. If I feel I have been mistreated (abused) or the nursing home isn't meeting my needs (neglect), I may report this to the nursing home, my family, my local Long Term Care Ombudsman, or State Survey Agency.