

# **Looking Out Reaching Out:** **Being a Hero**

Jesse Robbins, Assistant Attorney General

Medicaid Fraud Division

1-877-AbuseTip (1-877-228-7384)

# Is this your idea of being a hero?



AG Hotline - write it down - 1-877-AbuseTip  
(1-877-228-7384)

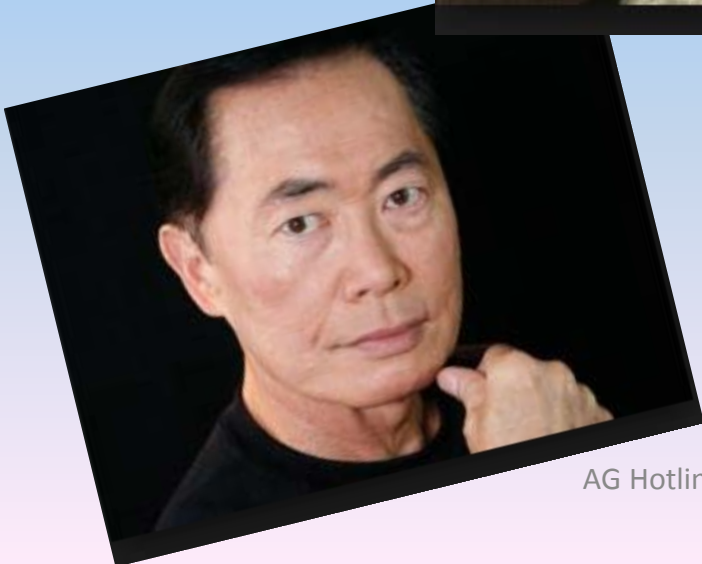
# What about this?



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# What about these?



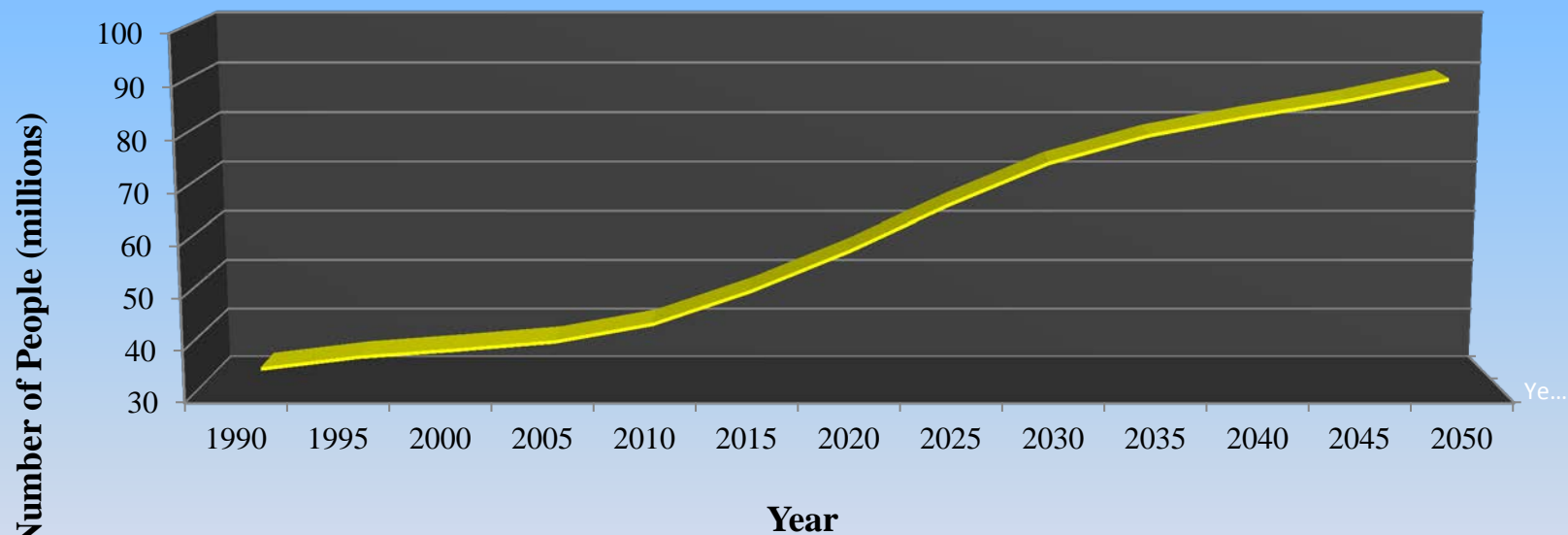
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# You can be the hero



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# Why learn? Why Provide this conference?



Source:

U.S. Census Bureau population estimates.

# **Interesting Stat**

- **For every one case of elder abuse that comes to the attention of a responsible entity. . .**
- **Another twenty three cases never come to light.**
  - Source: NYS Elder Abuse Prevalence Study; Weill Cornell Medical College, NYC Department for the Aging; Lifespan; (2011)

# Interesting Stat

- For every report of abuse 5 go unreported
  - » Source: National Elder Abuse Incidence Study (1998)
- Which means one million seniors were abused in 1998



# **Abuse Loves Diversity**

- Diverse: All races, religions, ethnicities, cultures and socio-economic groups
- Gender: Female and male
- Social status: Often socially isolated

# Abuse Loves Diversity

- **Health status:** Range from active and healthy to needing 24-hour care
- **Living Arrangements:** in private homes, congregate living arrangements, and facilities, etc.
- **Cognitive status:** Some victims have some cognitive and memory impairment

# **KRS 209.020**

## **Defines Our Victim**

- “Adult” means a person eighteen (18) years of age or older who, because of mental or physical dysfunctioning, is unable to
  - manage his or her own resources
  - carry out the activity of daily living, or
  - protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services

# Dementia Victims

- Alzheimer's most common type of dementia
- Typically there is memory loss and problems with thinking and cognition
- It gets more common as we grow older
  - » Over the age 65, about 3 to 5%
  - » Over the age 85, about 40-50%

# Victims

- They cannot defend themselves
  - Physically
  - Emotionally
  - legally
- They are dependent on others
  - From finances to eating and just living
- Fear can overtake them if seeking help
  - Losing independence
  - Or potential for more threats or abuse



# Abusers are any PERSON

- Not just a caretaker like:
  - » Facility Caregivers
  - » Facility Staff
  - » Facility Volunteers
  - » Facility Residents
- But those who are in positions of trusts
  - » Spouses and partners
  - » Family members

# Kentucky's Consequences

- Any *PERSON* who knowingly abuses or neglects an *adult* is guilty of a class C felony
  - » 5 to 10 years
- Wantonly abuses an adult – Class D Felony
  - » 1 to 5 years
- Recklessly abuses an adult – Class A Misd.

# Kentucky's Consequences

- “knowingly” Class C – Felony - 5 to 10 years

A person acts knowingly with respect to *conduct* or *to a circumstance described by statute defining an offense* when such person is aware that his conduct is of that nature or that circumstance exists

KRS 501.020 (2)

# Kentucky's Consequences

- “wantonly” Class D Felony - 1 to 5 years

A person acts wantonly when he is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists

Must be a gross deviation from a reasonable standard of conduct

KRS 501.020 (3)

# Kentucky's Consequences

- “recklessly” Class A Misd. – up to 12 months

A person acts recklessly when he fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists

Failure to perceive must be a gross deviation from a reasonable standard of care

KRS 501.020 (4)



# Complex Tragedy

- Relationship between victim and offender
- Elder abuse may resemble other crimes
- Or may be all on its own

# **Remember these human rights** **supported by regulations**

Right to be free from

- Verbal abuse
  - Sexual abuse
  - Physical abuse
  - Mental abuse
  - Corporal punishment
  - Involuntary seclusion
- 902 KAR 20:300 Section 5(2)
  - 42 CFR 483.13 (b)

# Restraint Freedom

Right to be free from

- Physical restraints imposed OR
- Psychoactive drug administered
  - For discipline
  - For convenience
  - And NOT required to treat medically
    - 902 KAR 20:300 Section 5(1)

# **KRS 209.020 (8)**

## **Defines Abuse**

Means the infliction of:

- Injury
- Sexual abuse
- unreasonable confinement
- Intimidation
- Punishment that results in physical pain or injury, including mental injury

# **KRS 209.020 (16)**

## **Defines Neglect**

- The deprivation of services by a caretaker that are necessary to maintain the health and welfare of an adult
- Self neglect – a situation in which an adult is unable to perform or obtain for himself/herself the goods or services necessary to maintain health or welfare



# **KRS 209.020 (6)**

## **Defines Caretaker**

- Caretaker – an individual or institution entrusted/responsible for the care as a result of:
  - Family Relationship
  - Assumed responsibility
    - Volunteer
    - Contract
    - Employment
    - Legal duty
    - Agreement

# Number 1 way to report

Adult Protective Services - 1-800-752-6200



**HOTLINE**

877 ABUSE TIP  
(877-228-7384)

State LTC Ombudsman Program **859-277-9215**

**REPORT  
ABUSE!**

**EMERGENCY**  
**CALL**  
**911**  
**POLICE**  
**FIRE**  
**MEDICAL**

**REPORT  
ABUSE!**

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# Report



Any person must report who has:

- Reasonable cause to suspect that an adult has suffered
- abuse, neglect, or exploitation
- shall report or cause reports to be made





# Report

Any person is including but NOT LIMITED TO...

- physician, nurse, coroner, medical examiner;
- law enforcement officer, social worker, cabinet personnel,
- alternate care facility employee, or caretaker

# Report

Death....

Is not a defense



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# Report - Facility

- Facility must immediately report:
  - All alleged violations involving mistreatment, neglect or abuse within 24 hours
  - Injuries of unknown source
  - Misappropriation of resident property
- Report must be made to:
  - Facility administrator
  - Other officials in accordance with State law through established procedures
    - Including State survey & certification agency



# Report - Facility

- Reports of all investigations must be made within 5 working days of incident to:
  - Administrator or his/her designated representative
  - Other officials in accordance with State law
- Appropriate action must be taken if alleged violation is verified



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# Report - Facility

Must report:

- To BOTH OIG and local law enforcement
- Serious bodily injury no later than 2 hours
- All others no later than 24 hours

# Report - Facility

Facility must...

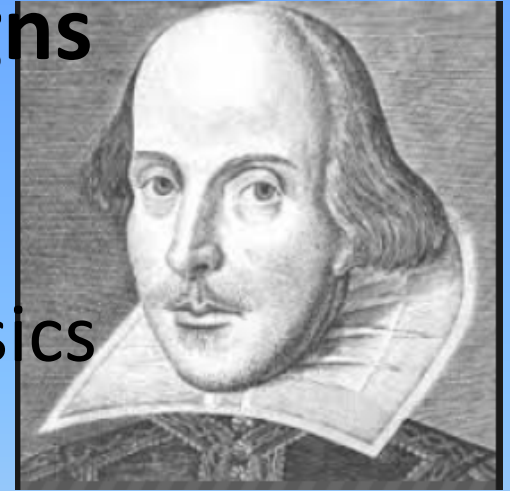
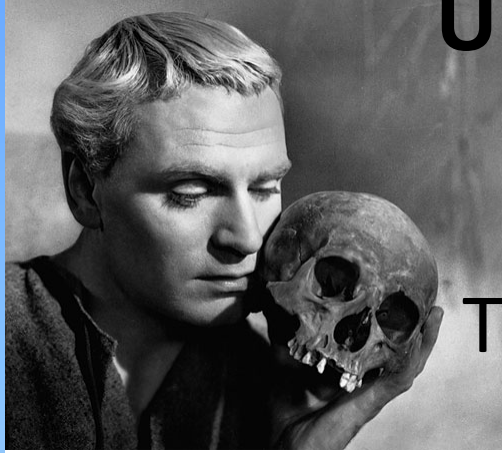
Have evidence of a thorough investigation and must prevent further potential abuse

CFR 483.13(c)(3)(4)



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# To Be or Not to Be a Hero Understand Abuse Signs



NEGLECT

Think of lacking life's basics

PSYCHOLOGICAL/EMOTIONAL

Isolation and Behavior

PHYSICAL/SEXUAL

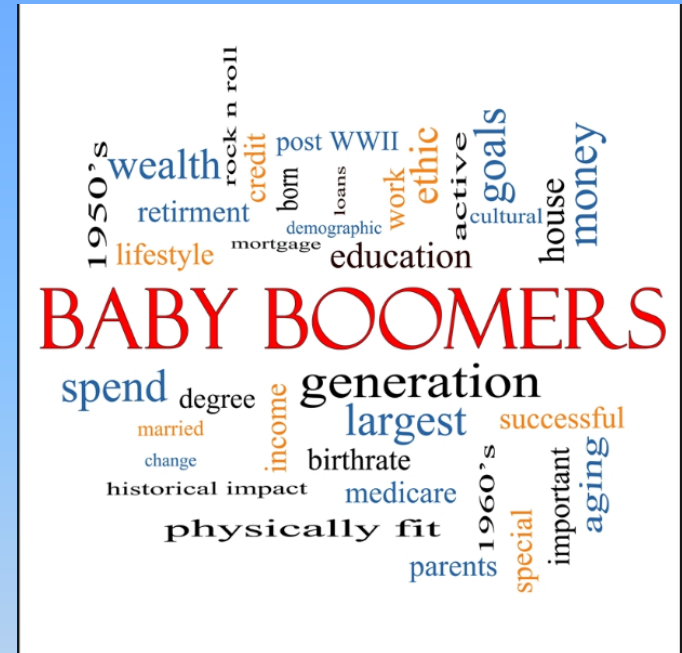
Would it bother you if it was a child

# Bluegrass Elder Prevention Council Continue the cycle of being a hero



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## What to Do Next in Prevention



These Generations need to inspire.....



# abuse



A word cloud representing the characteristics of Generation Y. The most prominent words are 'ambitious', 'teamwork', 'generation', 'multi-task', 'social networks', 'family orientated', 'work-life balance', 'confident', 'laptops', 'email', 'gadgets', 'innovative', 'walk the talk', 'tablets', 'multi-task', 'work-life balance', 'family orientated', 'social networks', 'ambitious', 'teamwork', 'generation', 'multi-task', 'social networks', 'family orientated', 'work-life balance', 'confident', 'laptops', 'email', 'gadgets', 'innovative', 'walk the talk', 'tablets'.

A photograph of a young boy and a young girl sitting on a couch. The boy is holding a tablet and looking at the screen. The girl is wearing large headphones and looking down at something in her hands. They are both dressed in casual clothing.

**How do we do that?**

& Handover

rch to fight abuse

