

Recognizing and Reporting Elder Abuse

CANHR is a private, nonprofit 501(c)(3) organization dedicated to improving the quality of care and the quality of life for long term care

What is Elder Abuse?

In California, elders are defined as persons 65 years and older.

Under California law, elder abuse can be both criminal and civil.

Criminal elder abuse occurs where any person who knows that a person is an elder and willfully causes or permits any elder to suffer, or inflicts unjustifiable physical pain or mental suffering on the elder. It also covers situations where a person willfully causes or permits the elder to be placed in a situation in which elder's health is endangered. (Penal Code Section 368)

Civil law defines civil elder abuse to mean physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment resulting in physical harm or pain or mental suffering. It also means the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. (Welfare & Institutions Code Section 15610.07)

- **Physical Abuse:** The infliction of physical pain or injury, sexual assault or molestation, or use of physical or chemical restraints for punishment without, or beyond, the scope of a doctor's order.
- **Neglect:** The failure to fulfill a caretaking obligation such as assisting in personal hygiene, providing food, clothing or shelter, protecting a person from health and safety hazards, or preventing malnutrition.
- **Financial Abuse:** The illegal or unethical exploitation and/or use of an elder's funds, property, or other assets.
- **Abandonment:** The desertion of an elder by someone who is a caregiver.
- **Abduction:** The removal, without the consent of the conservator, of a conservatee to another state.
- **Isolation:** The intentional preventing of an elder from receiving mail, telephone calls or visitors.
- **Mental Suffering:** The infliction of fear, agitation, confusion through threats, harassment or other forms of intimidating behavior.

How to Recognize Abuse

1. Possible Physical Abuse Indicators:

The following are clues for recognizing signs of physical elder abuse. It is not intended to be exhaustive.

- Unexplained weight loss, malnutrition and/or dehydration.
- Physical injury: Areas painful on touching, fractures or broken bones.

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- Bruisies and Skin Damage:
 - Bruises on the inner arm or thigh;
 - Bruises with shape similar to an object or thumb/finger prints (oval markings from fingers);
 - The presence of old and new bruises in the same place as from repeated injury or injuries in different stages of healing;
 - Clustered marks as from repeated striking; bilaterally on soft parts of body, not over bony parts (knee & elbows);
 - Scratches, cuts, pinch marks, choke marks, burns, welts, gag marks, sprains, punctures, bedsores, or fractures.

2. Behavioral Indicators

- Agitation
- Anger
- Anxiety
- Confusion or disorientation
- Defensiveness
- Denial
- Depression
- Fear
- Helplessness
- Hesitation to talk openly
- Implausible stories
- Non-responsiveness
- Withdrawal

3. Possible Relationship Abuse Indicators

- The elder may not be given the opportunity to speak for him/herself
- Obvious absence of assistance, attitudes of indifference, or anger toward the elder by family member or caregiver
- Social isolation or restriction of activity of the elder
- Conflicting accounts of incidents by the family or caregivers
- Substance abuse by individual responsible for the care of the elder

What to Do About Known or Suspected Elder Abuse?

When you know about or even suspect Elder Abuse, REPORT IT -
There is no excuse for Elder Abuse!

In cases where the elder is at risk of immediate harm, CALL 911!

Who Reports?

All concerned citizens and all mandated reporters.

Who Are Mandated Reporters?

Administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder; any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency; any person who has assumed full or intermittent responsibility for the care or custody of an elder, whether or not he or she receives compensation.

What Is Reported?

Mandated reporters **MUST** report actual or suspected physical abuse, abandonment, isolation, financial abuse, or neglect which is observed, evident, or described.

Mandated Reports: Form SOC 341 must be completed and signed by the mandated reporter.

When To Report?

Immediately or as soon as possible by telephone, followed by a written report within two (2) working days.

Failure to Report

Failure to report, impeding or inhibiting a report of, physical abuse, abandonment, abduction, isolation, financial abuse, or neglect of an elder is a misdemeanor, punishable by six months in the county jail and a fine of one thousand dollars (\$1,000).

Any mandated reporter who willfully fails to report physical abuse, abandonment, abduction, isolation, financial abuse, or neglect of an elder where that abuse results in death or great bodily injury, shall be punished by not more than one year in a county jail and a fine of five thousand dollars (\$5,000).

Where to Report Elder Abuse

Remember ... Anyone can report suspected financial and/or physical abuse.

Abuse in Nursing Homes

(Refer to CANHR's Fact Sheet –How to File a Nursing Home Complaint.)

Make a report to each of the following:

- Department of Public Health (DPH), Licensing and Certification at <http://www.cdph.ca.gov/certlic/facilities/Pages/LCDistrictOffices.aspx>.
- Local Law Enforcement - Police or Sheriff and District Attorney's office - check California
- District Attorney's Association for current addresses and phone numbers at 916-443-2017 or www.cdaa.org.
- Office of State Attorney General, Bureau of Medi-Cal Fraud and Elder Abuse (BMFEA) at 1-800-722-0432 or <http://ag.ca.gov/bmfea/reporting.php>.
- Long-Term Care Ombudsman Program at 1-800-231-4024 or <http://www.aging.ca.gov/programs/ombudsman.asp>.

Abuse in Residential Care Facilities for the Elderly (RCFEs)/Assisted Living

(Refer to CANHR's Fact Sheet – Filing Complaints in RCFEs/Assisted Living.)

Make a report to each of the following:

- Community Care Licensing, Department of Social Services at <http://cclid.ca.gov/>.
- Local Law Enforcement — Police or Sheriff and District Attorney's office — check California District Attorney's Association for current addresses and phone numbers at 916-443-2017 or www.cdaa.org.
- Long-Term Care Ombudsman Program at 1-800-231-4024 or <http://www.aging.ca.gov/>

programs/ombudsman.asp.

Reporting Health- Related Abuse

- **Fraudulent Medi-Cal Practices:** Contact the Office of Attorney General, Bureau of Medi-Cal Fraud and Elder Abuse at 1-800-722-0432 or <http://ag.ca.gov/bmfea/reporting.php>.
- **Fraudulent Medicare Practices:** Contact the Health Insurance Counseling and Advocacy Program (HICAP) at 1-800-434-0222 or visit www.medicare.gov/FraudAbuse/Overview.asp, or California Senior Medicare Patrol at (714) 560-0309.
For additional information on how to report and indentify abuse call 1-800-447-8477 or visit <http://www.cahealthadvocates.org/fraud/report.html>.

Reporting Abuse in Community Settings

When abuse occurs in one’s home or apartment or the home or apartment of a family or friend, make a report to each of the following:

- Local law enforcement and county District Attorney’s office (see contract information above).
- Adult Protective Services (APS) in your county by referring to California Department of Social Services Web site at <http://www.cdss.ca.gov/agedblinddisabled/PG1298.htm>.

Reporting Elder Financial Abuse

Consumer Scams: Contact the county office of the District Attorney—check California District Attorney’s Association for current addresses and phone numbers at 916-443-2017 or www.cdaa.org.

Questionable Annuity Practices: Contact the State Insurance Commissioner’s Office at 1-800-927-4347 or <http://www.insurance.ca.gov/0300-fraud/index.cfm>. If an attorney sold the annuity, file a complaint with the State Bar Association at 1-800-843-9053 or http://www.calbar.ca.gov/LinkClick.aspx?fileticket=dhPvDU_guk4%3d&tabid=200.

Reverse Mortgage Scams: File a complaint with the Federal Trade Commission online or by phone, toll-free, at 1-877-FTC-HELP. If you believe that a real estate professional has committed fraud having to do with your reverse mortgage, file a complaint with the California Department of Real Estate at <http://www.yourhome.ca.gov/filing-complaint.shtml>.