

Reporting Abuse, Neglect, and Exploitation



Did you know that all healthcare workers and staff working at **nursing homes** are *mandated* reporters?

This means **if you see or suspect** abuse, neglect, mistreatment, or exploitation of residents— or if you think a *crime* has been committed against a resident—you **MUST** report it.

This month's newsletter discusses steps for filing a report and covers some interesting facts you may not have thought of...

What is Required of Me?

If you suspect abuse/neglect/exploitation of a resident by another staff person, this must be reported to **LARA** (Mich. Dept. of Licensing and Regulatory Affairs) by **calling: (800) 882-6006** or **emailing: BCJS-Complaints@Michigan.gov**.

What Do I Report?

If you can, identify the person by name and tell if there were any other witnesses.

- Report what you saw that concerned you
- Name and address of nursing home
- Name of the resident, if known
- Why you are making a complaint
- Dates/s and time of the incident(s)
- The facts of the incident(s)—*who, what, where, when* (date and time)



If you believe a crime* has been committed against a resident, call law enforcement first!

(*A crime is anything that would be considered a crime if it happened outside the nursing home.)

How Soon Must I Report?

The Elder Justice Act requires a tight timeline for reporting:

- Within 2 hours if there is serious bodily injury
- Within 24 hours if there is no serious bodily injury

Bottom line...

- Report as soon as possible within the above time frames!

What the State Does Upon Receiving a Complaint

- The agency/law enforcement will decide if a violation or crime has occurred
- Decide how serious the complaint is
- Assign staff who will investigate the complaint



Will I be Notified?

If you gave your name and contact info when making a report, the surveyor should contact you at the start or during the investigation.

After the investigation is completed, you will receive a written report with the findings of the investigation.

What is the Role of Law Enforcement?

Law enforcement has the option to decide if or how they choose to investigate a report.

How Long Before an Investigation is Started?

- Within 2 business days for very serious complaints
- State surveyors may interview staff or residents
- For each issue, the State will find it:
 - *Substantiated* (if they agree that state or federal law was violated), OR
 - *Unsubstantiated* (if they did not find enough evidence to support the complaint, or did not believe the situation you complained about broke the law)

If the complaint was “substantiated,” the State will figure out which law was violated. The nursing home will be given a detailed report about what was found and it must tell the State how and when it will correct the problem. The state may impose penalties on the nursing home.

A Few Important Reminders

- Trust your gut!
- Take the resident’s word for it—try to figure out what they are trying to say through their words or actions
- It is not your job to prove that abuse, neglect, or exploitation happened—you just need reasonable suspicion
- Keep a record for yourself, to prove you made the report (note what you reported, when, and whom you spoke to)
 - You may choose to remain anonymous (however, providing your name may make it easier for the agency to investigate your concern—**the State will not share your name during the investigation**)
- According to state and federal laws, it is against the law for the nursing home to retaliate against someone for reporting.



**Remember:
When in doubt... Report!**

To Report Abuse, Neglect, or Exploitation

Of a nursing home resident by a staff member: Call State of Michigan LARA @ (800) 882-6006

Of an older adult living at home, in assisted living, adult foster care, home for the aged, or a nursing home, by anyone who is *not* a staff member, call:
Adult Protective Services: (855) 444-3911

If you think a crime has occurred: Call your local police/sheriff department (and LARA)—If the danger is immediate, **call 911**

**It takes courage to stand up
for vulnerable adults and your
efforts are appreciated!**

NO EXCUSE
FOR Elder Abuse

For More Information

Long Term Care Ombudsman: (517) 394-3027
Tri-County Office on Aging: (800) 405-9141

The *Michigan Elder Justice Initiative (MEJI)*'s **Excellence in Caring** newsletter is published with grant funds from the **Tri-County Office on Aging.**

Written by: **Tammy Cordes**
Michigan Elder Justice Initiative
15851 South U.S. 27
Lansing, MI 48906
517-827-8030

Questions or comments? Contact
Tammy Cordes at: tcordes@meji.org

*Content is for educational purposes and
does not represent professional advice.*