

Retaliation



This month's issue explores retaliation.

Retaliation occurs when someone harms or attempts to harm

another person, as punishment for an action the other person took. It is a form of revenge. Many residents and families fear retaliation if they "rock the boat." They may be unwilling to mention serious problems to family or staff, speak to the ombudsman, or file a complaint. Residents are especially concerned about retaliation because they depend on staff to meet their most basic needs and for much of their social interactions every day. Residents may be even more fearful if they have been threatened with retaliation or witnessed staff retaliate against other residents.

Food for Thought...

"There are times when staff do not recognize their actions and behaviors are perceived as retaliation by the resident.

At the heart of residents' rights is the resident's ability to feel comfortable exercising his or her rights.

Staff training on this subject would foster more open communication in the nursing home."

(Nancy Schaffer, State Long Term Care Ombudsman, Connecticut, 2012)

Examples

The following can be examples of retaliation against residents:

- Staff ignoring call bells
- Residents getting meals last
- Staff withholding or delaying meds, showers, toileting, food, water, or other services
- Giving a resident the "silent treatment"
- Threatening to harm residents who complained or asked for help
- Rough treatment
- Isolating residents

These forms of retaliation can be abuse and neglect!

Right to Present Grievances

Retaliation is against the law!

Federal law requires nursing homes to give residents the right to complain and present grievances to staff or any other person without fear of retaliation.

Questions to consider:

- Have you witnessed retaliation or heard from residents and staff that they fear retaliation?
- Does your nursing home have a policy on retaliation?
- To whom would you report retaliation?
- Do you know how the facility will respond if a staff member is retaliating against a resident?

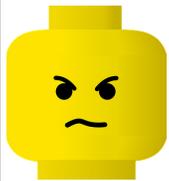
Scenarios

Retaliation may be hard to detect:

A staff member becomes upset with a resident after he complained about her to the DON. When it is time for the staff member to help this resident get to the activity room to play cards with his friends, she pretends she forgot to take him.

Retaliation can also be obvious:

A resident asked the staff member to push his wheelchair to the activity room so that he could play cards with his friends, but she tells him that she isn't going to help him anymore because he complained about her to the DON.



Other scenarios:

- A female resident is left sitting on the toilet for 45 minutes after refusing to allow a male staff member assist her.
- A staff member only speaks to the residents' roommate, after she found out the resident made a complaint about her.
- A resident is told he will have to leave the nursing home after insisting he does have the right to smoke.
- A resident is told by a staff member, "You shouldn't be so rude to me—you depend on me to give you your showers."
- A staff member who wants a resident to be quiet hollers at him for refusing to take medication that will make him sleepy, even though the resident has the right to refuse.

Best Practices for Staff

Retaliation is never acceptable!

Nursing home providers and staff should do everything possible to prevent resident retaliation in any form.



So what are some best practices?

- Schedule regular in-service trainings on retaliation for all staff members, including new staff.
- Review resident rights with residents, family members, and staff; post them throughout the building.
- Educate residents and families as to which staff member should be contacted with complaints or concerns.
- Ensure residents (and their families) who feel that they are victims of retaliation know where to safely seek help .
- Post policies and procedures for addressing grievances in places where staff, families, and residents can see them.
- Post information about outside agencies that can help residents (for example: the Ombudsman program or LARA) in places where staff, families, and residents can see it; make brochures or other information on resources available.
- Encourage residents to participate and share their concerns at resident council meetings.
- Reassure your residents that they will not face consequences if they file grievances or complaints.



Resources

Residents and staff may contact the Michigan Long Term Care Ombudsmen Program (MLTCOP) if they have complaints about retaliation or are fearful of retaliation.

The ombudsman will keep information confidential unless he or she has permission to share it. The ombudsman can provide continuing education for facility staff, residents, and families about residents' rights to express concerns or file complaints, and how to do so. To contact the MLTCOP, call (517) 827-8040 or email: MLTCOP@meji.org. You may also visit the website by clicking on: <https://mltcop.org/>



“Voices Speak Out” Video

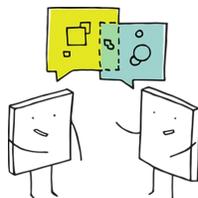
Residents share their thoughts on living in a nursing home in this powerful video:

“**Voices Speak out Against Retaliation**”

https://www.youtube.com/watch?v=feoQjIW3_bc

The following is a comment from one of the residents in this video:

“It behooves a facility to create an atmosphere of open communication where residents can speak their mind. Because when people speak their mind, they become confident and empowered. And when they’re empowered, their quality of life improves.”



Report Retaliation!

It is each staff member’s responsibility to report suspected abuse and neglect, and that includes retaliation! You should have written policies for reporting. There should be zero tolerance for retaliation and for failure to report it.

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 in a nursing home by anyone who is *not* a staff member, call **Adult Protective Services (APS) @ (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**

THANKS

Thank you for the work you are doing to protect residents during these difficult times. If you know any residents or families who would benefit from this information, please share this newsletter.

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**.

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