

G430

(Rev. 182, Issued: 09-28-18, Effective: 09-28-18, Implementation: 09-28-18)

§484.50(c)(2) Be free from verbal, mental, sexual, and physical abuse, including injuries of unknown source, neglect and misappropriation of property;

Interpretive Guidelines §484.50(c)(2)

The patient has a right to be free from abuse from the HHA staff and others in his or her home environment. The HHA should address any allegations or evidence of patient abuse to determine if immediate care is needed, a change in the plan of care is indicated, or if a referral to an appropriate agency is warranted. (State laws vary in the reporting requirements of abuse. HHAs should be knowledgeable of these laws and comply with the reporting requirements.) In addition, the HHA should intervene immediately if, as indicated by the circumstances, any injury is the result of an HHA staff member's actions. The HHA should also immediately remove staff from patient care if there are allegations of misconduct related to abuse or misappropriation of property.

“Abuse” means the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Abuse may be verbal, mental, sexual, or physical and includes abuse facilitated or enabled through the use of technology.

“Verbal abuse” refers to abuse perpetrated through any use of insulting, demeaning, disrespectful, oral, written or gestured language directed toward and in the presence of the client.

“Mental abuse” is a type of abuse that includes, but is not limited to, humiliation, harassment, and threats of punishment or deprivation, sexual coercion and intimidation (e.g. living in fear in one's own home).

“Sexual abuse” is a type of abuse that includes any incident where a beneficiary is coerced, manipulated, or forced to participate in any form of sexual activity for which the beneficiary did not give affirmative permission (or gave affirmative permission without the mental capacity required to give permission), or sexual assault against a beneficiary who is unable to defend him/herself.

“Physical abuse” refers to abuse perpetrated through any action intended to cause physical harm or pain, trauma or bodily harm (e.g., hitting, slapping, punching, kicking, pinching, etc.). It includes the use of corporal punishment as well as the use of any restrictive, intrusive procedure to control inappropriate behavior for purposes of punishment.

“Injury of unknown” source is an injury that was not witnessed by any person and the source of the injury cannot be explained by the patient.

“Misappropriation of property” is theft or stealing of items from a patient’s home. The HHA staff must investigate and take immediate action on any allegations of misappropriation of patient property by HHA staff and refer to authorities when appropriate.

Neglect means a failure to provide goods and/or services necessary to avoid physical harm, mental anguish or mental illness.