

Abuse and Neglect

What is our role!

Objectives

- Be aware of what incidents are required to be reported under Texas Law
- Know to whom these reports should be given
- Know how to report abuse, neglect or exploitation to the appropriate authorities.

A QUICK REFRESHER FOR EVERYONE

Children

- Nearly 200,000 Children are reported as abused or neglected each year
- Possibly up to 100,000 more go unreported.
- Most common form of abuse in children is **NEGLECT**

Physical Abuse

- A physical injury that results in substantial harm to the child.
- Ranging from Minor Bruising to Fractures. Injuries that can lead to disability or death.
 - Can result from anything that can harm the child. Kicking, Biting, Stabbing, Shaking, Beating, Punching, Throwing, Burning, Choking
- Such injuries are considered abuse regardless of whether the caretaker intended to harm the child.

Neglect

- Most common form of abuse
- Definition: The failure to provide for a child's basic needs necessary to sustain the life or health of the child
- Exclusion: Failure caused primarily by financial inability
 - Unless relief services have been offered and refused by the caregiver

Sexual Abuse

- This includes fondling a child's genitals, penetration, incest, rape, sodomy, indecent exposure and exploitation through prostitution or producing pornographic materials.
- Signs a victim may present with include a 6 yr old "knowing to much"
 - speech, actions toward others, sexually aggressiveness

Emotional Abuse

- A mental or emotional injury that results in an impairment in a child's physical growth, development or psychological functioning
- Includes extreme forms of punishment such as confinement to a dark closet, belittling and rejecting treatment for a child
 - Very low self worth
 - Extremely destructive actions toward self or others
- The hardest form of abuse to identify

All forms of Abuse

- Result in a never ending cycle of abuse
 - The abused becomes the abuser
- Unless intervention is made and the abused gets the proper care and treatment

Adult Abuse

- Abuses are the same
 - Physical
 - Emotional
 - Sexual
 - Neglect
- And Includes
- Exploitation: the misuse of an elderly or disabled person's resources for personal or financial gain

Definition of Elder Abuse

- The law defines elderly as a person over 65 years of age
- The law that protects the elderly also protects the disabled, either physically or mentally disabled
- The law prohibits abuse of the elderly and the disabled and requires a report of abuse, neglect or exploitation to be made.

Our Responsibility

- As medical professionals committed to patient advocacy, it is our responsibility to protect our patients
- At times, we have to balance our duty to maintain patient privacy with our duty to protect them from harm

Mandatory Reporting

- Texas Law mandates the reporting of suspected abuse of children, the disabled and the elderly
- Many of us may remember a mention of this in the past, but most of us don't remember what types of abuse to report and how to report them

Do we know WHO to report to?

- Texas Law gives us as Paramedics two options for reporting abuse of a child or elderly adult or an adult with disabilities
- We are to report our suspicions directly to a Law Enforcement Agency either Local or State Law Enforcement
- Or to the Texas Department of Family and Protective Services

We know what to report

- Child abuse
- Elder abuse
- Abuse of the disabled

How do we report?

- Give a verbal report directly to an officer
- Both crew members should make the report
- If during transport you become concerned about abuse, then you are to report the abuse to law enforcement

Other ways to make a report

- Online at <https://www.txabusehotline.org>
 - Takes about 20 minutes
 - The information you gathered for your patient chart will be sufficient to report online
 - You will get e-mail conformation the report was received and followed
- 24 hour Hotline at 1-800-252-5400
 - A good idea if you have a lot of time between calls

Reporting at the hospital

- Making a report to the nurse taking your patient is not enough, you must still report your suspicions to law enforcement or TDFPS
- Reporting to the Charge Nurse is also a good idea, but not sufficient
- The report must be made to a Law Enforcement Officer or TDFPS

Our Written Report

- Our Patient Care report should be detailed
- It should be checked and rechecked for errors
- Will most likely be used if case goes to court
- You may have to represent the abused by your report
- Please write a good detailed report

Patient care documentation

- Document your observations
- And how they caused you to suspect abuse, exploitation or neglect
- Document what actions you took to make the report of your suspicions
- Document your observations not your suspicions

Careful documentation

- “The patient was burned with cigarettes”
- “The patient exhibited several round, small burn marks on both forearms consistent with cigarette burns”
- Should be written as

Remember it is our ethical duty as medical professionals to speak up for our patients, especially those least able to speak for themselves

Myth and Fact

- Myth: if one of the responding crew members makes the report of suspicion of abuse then that covers everyone
- Fact: State Law requires a report from anyone who has encountered the victim of abuse, neglect, or exploitation. This does mean multiple reports

Myth and Fact

- Myth: I can report the abuse to the doctor or nurse and that will take care of my obligation
- Fact: While you will want to report your suspicions to the nurse or doctor, you must still report to TDFPS or law enforcement

Myth and Fact

- Myth: The hospital social worker will take care of it
- Fact: Such a report does not remove your legal obligation to make a report to law enforcement and/or TDFPS

Myth and Fact

- Myth: I must have concrete proof of abuse, neglect or exploitation before I can make a report
- Fact: The law requires a report when the reporter believes that abuse, neglect or exploitation has occurred.

Your Protection

- Your reports are confidential and can not be released outside of the investigative or judicial authorities except for very limited circumstances
- State law is written: A person making a report of abuse is immune from civil or criminal liability, unless the report is made in bad faith or maliciously

Failure to report abuse

- Is a class A Misdemeanor
- Possible sentence of 1 yr in county jail
- Close intimate relationship with “Bubba”
- A \$4,000 fine
- Your name in the back of Texas EMS Magazine for several years

What about
personal
neglect?

We have all heard it said,
“If a person wants to live
like that, nothing can be
done!”

This is true to a point,
but how do we know
these people have
refused or even know
about the services that
are available to them?

What about our safety

- Many dangers dwell in the homes we enter
- The homes full of animal feces, bugs, dilapidated floors, rodents and who knows what else can cause great harm to ourselves or our families if we carry some of this home with us.
- So please be careful

Personal Neglect

- Is a form of abuse
- It is reportable
- It is our duty to report these people to Adult Protective Services or Local Law Enforcement
- Most likely easier to report and get something done on the web at <https://www.txabusehotline.org>
- Most especially if you have transported the person you feel has been a victim of personal abuse
- A report of the home conditions to the Charge Nurse will also be a good thing to do so multiple reports will be received

What about this

- You have been called to a residence for a fall
- Inside you find a 75 yr old female living with a 55 yr old son who appears disabled
- The home is full of pet and rodent feces, roaches, trash and extremely filthy living conditions
- Do you report this as possible neglect?

Yes, you report this as possible personal neglect. You will probably make a report to the abuse hotline at <https://www.txabusehotline.org> since it will be difficult to get an officer to the home prior to you transporting.

And this

- Called to residence for a fall
- Find a 25 yr old paraplegic lying in the floor
- The room has several piles of cat and dog feces
- A home health care folder is on the table
- Pt is not injured and just needs help back into her chair and you clear on N-6 assist
- Do you report this?

Yes you report this as possible neglect. Even if the home health folder appears new. The fact that fecal matter is “all over the room” shows this is more than just a few days old and is enough to make the neglect report. Again probably easier to report at <https://www.txabusehotline.org>

Last one

- Responding to a residence for a fall
- Arrive on scene to find 3 yr old male pt who is crying
- Pt has a large knot on his head, mother states pt fell from a stool beside the table and struck his head
- No LOC is reported
- Upon assessment notice multiple bruising of different stages to the front of lower extremities from knees to ankles
- All stories are consistent
- Do you report this as possible abuse

Probably not. The story is consistent, the 3 yr old child will have bruises on the front of his lower legs, because that is how kids are. Especially if they go outside at all. If the story did not match or if you found bruising somewhere such as the upper legs, back or around the arms would cause you to suspect a different reason for the fall.

Recap and Conclusion

- Suspected abuse must be reported to Law Enforcement or Texas Department of Protective and Family Services
- Online reporting can be made at <https://www.txabusehotline.org> or by phone at 1-800-252-5400
- Reporting to the nurse is not enough
- A verbal report is sufficient as long as it is to an officer

Failure to Report

- Can cause the abused to be harmed much worse the next time you respond
- Is a class A Misdemeanor
- Can cause you to lose your Certification
- Cause a huge financial burden on your family
- Loss of your freedom for up to one year
- Extreme anal pain

References

- Texas EMS Magazine: March/April 2007
- Mrs. Lois Wischkaemper, General Counsel, UMC Health Systems
- Texas Department of Family and Protective Services website
- 2 ½ hours on the phone waiting to make a report to Texas Abuse Hotline
- 20 minutes reporting online at <https://www.txabusehotline.org>

Test

- 1. My duty to report abuse can be delegated to hospital staff.
 - True/ False
- 2. The law requires absolute proof of abuse before reporting.
 - True/False

Test

- 3. The law requires reporting of financial exploitation of the elderly and disabled.
 - True/false

Test

- 4. Regardless of the law's requirements to report abuse, patient confidentiality laws overrides any duty to report suspected abuse.
 - True/False
- 5. The law requires me to take a statement from the possible victim.
 - True/ False

Test

- 6. Which of the following might NOT be an appropriate person or entity to which you would report a suspicion of abuse?
 - A. Sheriff's deputy
 - B. Police officer
 - C. Charge nurse
 - D. TDFPS abuse hotline

Test

- 7. I can be sued for mistakenly reporting suspected child abuse
 - A. True
 - B. False
 - C. True, but only if I made the report maliciously or in bad faith

Test

8. Child abuse can be reported online at the following website:
- A. <http://www.nomoreabuse.com>
 - B. <https://www.txabusehotline.org>
 - C. <http://www.tdfps.org>
 - D. <http://www.tdfps.gov>
 - E. None of the above

Test

9. You are called to a scene for an injured child. You transport a critically burned child to UMC, suspecting the burns were not accidental. Which of the following option is the best choice for you to report the suspected abuse?
- A TDFPS hotline
 - B. Online reporting
 - C. Local law enforcement
 - D. Hand-off report to the physician

Test

- 10. If my partner reports the abuse, I do not have to, even though I was standing there when the patient stated she was raped by her uncle?
 - True/false

Thank you for your time

Have an excellent day!!

Answers to test

- 1. False
- 2. False
- 3. True
- 4. False
- 5. False
- 6. C
- 7. C
- 8. B
- 9. C
- 10. False