
DEFINITIONS OF ABUSE, NEGLECT, AND EXPLOITATION

ABUSE is defined as:

- (1) knowingly, intentionally, and without justifiable cause inflicting physical pain, injury or mental anguish;
- (2) the intentional deprivation by a caretaker or other person of services necessary to maintain the mental and physical health of a person; or
- (3) sexual abuse, including criminal sexual contact, incest, and criminal sexual penetration.

SEXUAL ABUSE is defined as the inappropriate touching of a recipient of care or services for sexual purpose or in a sexual manner, and includes kissing, touching the genitals, buttocks, or breasts, causing the recipient of care or services to touch another for sexual purpose, or promoting or observing for sexual purpose any activity or performance involving play, photography, filming, or depiction of acts considered pornographic. Sexual conduct engaged in by an employee with a person for whom they are providing care or services is sexual abuse per se.

VERBAL ABUSE is defined as profane, threatening, derogatory, or demeaning language, spoken or conveyed with the intent to cause mental anguish.

MENTAL ANGUISH is defined as a relatively high degree of mental pain and distress that is more than mere disappointment, anger, resentment, or embarrassment, although it may include all of these, and is objectively manifested by the recipient of care or services by significant behavioral or emotional changes or physical symptoms.

NEGLECT is defined as the failure of the caretaker to provide basic needs of a person, such as clothing, food, shelter, supervision, and care for the physical and mental health of that person. Neglect causes or is likely to cause harm to a person.

EXPLOITATION is defined as an unjust or improper use of a person's money or property for another person's profit or advantage, financial, or otherwise.

SUSPICIOUS INJURIES: Not defined in NMAC. Please see examples on pages 6 & 7.

ENVIRONMENTAL HAZARD: A condition in the physical environment which creates an immediate threat to health and safety of the individual.

PERSON OF TRUST - A "trust relationship" is defined as caregivers or others involved in the life of the individual who bear or have assumed some responsibility for protecting the interests of the person, or where expectations of care or protection arise by law or social convention and includes family members and others who are aware of the person's vulnerability and exploit it. It excludes perpetrators who are strangers.

LIKELY RISK OF HARM - Risk of harm refers to clinically significant harm which has not yet occurred but is likely to occur, given risk factors identified in the present. The level of future risk is identified as likely (probable), not just possible (may occur). The probable harm will have a significant detrimental effect on the consumer if it does occur.

RECOGNIZING ABUSE, NEGLECT, EXPLOITATION, ENVIRONMENTAL HAZARDS AND SUSPICIOUS INJURIES

Physical Abuse Examples:

- Infliction of injury: bruising, lacerations, welts, burns, fractures or dislocations
- Hitting, slapping, biting, shaking or kicking
- Pulling arms, hair or ears
- Bending back fingers or bending an arm up behind the back
- Placing hot substances or non-food items in the mouth for swearing
- Physically restraining a consumer without approved reason or doing so without training/certification
- Actions that result in bodily harm
- Use of medication as a chemical restraint
- Depriving a person of services such as medical, therapeutic, or behavioral services that they need to remain healthy.

Verbal Abuse Examples:

- Intimidating gestures (such as shaking a fist, aggressive posturing, and others)
- Use of racial slurs
- Criticizing
- Name calling
- Yelling or screaming
- Using ridicule or demeaning language
- Using threats

Sexual Abuse Examples:

- Engaging in any sexual contact
- Exposure to pornographic materials
- Making sexual advances
- Harassment of a sexual nature that demeans, humiliates or embarrasses
- Inappropriate touching
- Sexual innuendo

Possible Signs of Abuse:

- Typical response by the consumer changes without explanation
- The consumer exhibits unusual fear or anxiety
- The consumer has sudden unexplained changes in their behavior
- The consumer is injured or bleeding from around their genitals
- The consumer flinches/cowers in presence of caregiver or other trusted person
- Injuries sustained by the consumer that cannot be explained, or the explanation does not match the injury
- Signs of pain experienced by the consumer are unexplained
- There are unexplained changes in the consumer's sleeping patterns, appetite, or actions
- The consumer has an increased need to seek approval or comfort
- The consumer does not seem to be him or herself and there is no apparent cause for the change

Neglect Examples:

- Not supervising a person as required to keep them safe
- Spends long periods of time in own feces or urine
- Has untreated medical conditions
- The provider has assigned insufficient staff to meet the needs of the consumers they support
- Failing to follow-up on health/medical symptoms
- Has unhealed sores or untreated injuries
- Medication is administered by untrained staff
- G-tube protocols are not followed as prescribed
- Failing to follow a positive behavior support plan or crisis plan
- Unsafe living conditions (could also be Environmental Hazard)
- Providers not training their staff to support consumer's plans
- Leaving someone in a hot car, unattended
- Failing to seek medical attention in a timely manner
- Failing to follow expected procedures outlined in emergency response plans, health care plans, therapy plans, mealtime plans, etc.
- Medication error that results in the need for medical treatment or the agency nurse determines the need to consult with a physician/CNP/PA, pharmacist or poison control regarding potential need for medical intervention (does not include mere notification).
- The individual misses multiple doses of medication over a period equal to or greater than 48 hours, or misses a single dose that places the consumer at a risk of harm.
- A prescribed medication is delivered to the wrong person

Possible Signs of Neglect:

- The consumer has a foul odor of urine or feces
- The consumer is malnourished or dehydrated
- The consumer has experienced significant weight loss without dieting or medical reasons
- The consumer is not dressed appropriate for weather conditions
- The consumer has poor dental hygiene
- The consumer has illness or injuries that are not being treated
- The consumer is left alone when they are supposed to be supervised
- The consumer has frequent constipation episodes
- The consumer has frequent trips to the emergency room
- The consumer's food, medication or personal care is withheld
- The consumer exhibits a failure to thrive (not linked to diagnosis)
- The consumer has multiple small bruises
- The consumer's adaptive equipment is not individualized or in working condition.
- There are unexplained changes in the consumer's sleeping patterns and appetite

Examples of Exploitation:

- Use of the consumer's funds to meet caregiver's needs
- Taking consumer's paycheck or social security funds
- Taking consumer's clothing or other belongings
- Unauthorized withdrawal of funds
- Borrowing consumer's possessions, for example, DVDs, lawn mowers and others
- Staff's use of consumer's transportation for their own purposes
- Staff use of the consumer's telephone, leaving the consumer to pay the cost of the calls
- Forcing to sell or give away property or possessions

- Staff's use of the consumer's food stamps to purchase food for themselves
- Borrowing money, even if offered by the consumer and/or reimbursed to the consumer
- Providers charging business expenses to the consumer

Possible Signs of Exploitation:

- The consumer is regularly denied outings and activities due to a lack of funds
- The consumer has insufficient money to meet normal budgetary expenses
- The consumer pays fees or charges imposed for late payments
- The consumer is denied housing subsidies or food stamps through no fault of their own
- The consumer's cost of living expenses are not fairly divided between house mates
- The consumer's money is not accounted for
- The consumer's personal funds accounting records indicate unusual or inappropriate purchases
- The consumer's personal funds are used to pay for household items they do not use such as a tropical fish tank or internet service
- The consumer does not have access to personal funds
- The consumer's money, household goods or personal property (television, iPad, computer, clothing, etc.) disappear
- The consumer's personal funds are not adequately overseen
- The consumer loses approved supplemental income or assistance
- The consumer's funds are used to supplement another consumer's needs

Examples of Environmental Hazards:

- Bed bugs are found in the person's home
- The consumer's residence has mold growing on the bathroom walls
- The consumer's home is infested by insects
- There is a gas leak at the day habilitation site
- Broken windows have not been repaired
- Air conditioning or heat is not functioning
- Toilet is not functional

Possible Signs of Environmental Hazards:

- The consumer has numerous insect bites on their body
- The consumer is experiencing otherwise unexplained respiratory symptoms
- The consumer's residence is in ill-repair
- Observing a large number of rodents around the residence
- Lack of potable water or no electricity

Examples of Suspicious Injuries:

- A patterned bruise, no matter its size, that is in the shape of an identifiable object such as a belt buckle, shoe, hanger, etc.
- Unexplained serious injuries or multiple bruises, cuts, abrasions
- A spiral fracture
- Dislocated joints (e.g. shoulders, fingers)
- Facial or head injuries (e.g. black eyes, injuries to the scalp)
- Bruising to an area of the body which does not typically or easily bruise (e.g. midline –



- stomach, breasts, genitals or middle of the back)
- Injuries that are not consistent with what is reported to have happened, for example:
 - bruising to the inner thighs are explained to have been sustained in a fall that happened in the driveway
 - injuries explained as caused by self-injury to parts of the body the consumer has not previously injured or cannot access
 - Injuries are explained as having been caused by another consumer but the consumer has no history of such behavior or there is no documentation of an incident
 - A pattern of injuries such as injuries recurring during certain shifts or at certain times of the day
 - The explanation for how an injury occurred is not reasonable, probable, or is unlikely
 - Internal injuries
 - Petechiae (definition: pinpoint round spots appearing on the skin as the result of bleeding under the skin or the result of minor hemorrhages caused by physical trauma)
 - The consumer is repeatedly injured when certain staff is working, even when there is an explanation of how the injury occurred

REPORTING ABUSE, NEGLECT, EXPLOITATION, SUSPICIOUS INJURIES, ENVIRONMENTAL HAZARDS, AND DEATH

Your first and foremost responsibility is to ensure the safety of consumer(s). If you witness or learn of an allegation or incident of abuse, neglect, exploitation, suspicious injury, environmental hazard or death you must report it immediately. Ensure safety first in the event action is required to prevent harm, such as obtaining emergency medical treatment. Your second duty is to report abuse, neglect, exploitation, suspicious injuries, environmental hazard, and death to the Adult Protective Service/ ANE Hotline.

ENSURING SAFETY MAY INCLUDE THE FOLLOWING

- seeking medical attention when someone has injuries or other medical needs;
- contacting law enforcement if you have reason to believe a crime was committed;
- providing first aid;
- protecting consumers from hazards in their environment;
- making sure that accused individuals do not have contact with the consumer(s).

REPORTING MEANS

- Immediately notifying Adult Protective Services that an incident of abuse, neglect, exploitation, suspicious injury, environmental hazard or death has occurred.
- There is a **24-HOUR ANE REPORTING HOTLINE** to receive and process reports of abuse, neglect, exploitation, suspicious injury, environmental hazard and death:

1-866-654-3219

- As soon as you have ensured that immediate safety needs are addressed, you are required by NM Administrative Code NMAC 7.1.14 to call the ANE Hotline.
 - Make sure that you are prepared to tell Adult Protective Services what happened:
 - Who is the alleged victim(s)?
 - Where did the incident happen?
 - Is someone named or identified as responsible for the abuse/neglect/exploitation, environmental hazard or suspicious injury?
 - What did you do, or what do you plan to do, to ensure that consumer(s) are safe, given the incident/allegation?
 - Make sure that you complete a DHI/ANE Incident Report:
 - The person with the most firsthand knowledge about what happened should participate in the preparation of the form;
 - Each of the fields should be filled in; and
 - The ANE Incident Report should be provided to DHI/IMB within 24 hours of the incident (via the Internet or by fax), but you **MUST** call the Hotline immediately.

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Please visit our website for more information, forms, and consultant contact information.