

## Elder Justice Act

***The surveyors are coming! The surveyors are coming!***  
Wash your hands! PASS! RACE! Wash your hands  
again! Memorize the *Elder Justice Act*!

*Wait, what?*

Your facility has an *Elder Justice Act* poster hanging up, but you may not know the State of Michigan surveyors actually want you to read **and heed** the words on that poster! This article will give you background on this law and what it means to you.

The federal *Elder Justice Act* became law in 2010 when it passed as part of the landmark *Affordable Care Act*. It covers many topics including requirements about reporting crimes that happen in nursing homes.

If you are a nursing home employee (or agency staff working in a facility), you need to know these **important points in the Elder Justice Act**:

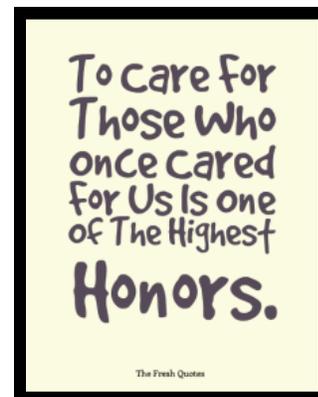
- If you reasonably think a crime has been committed against a resident in your facility, you must notify police and the State of Michigan survey agency (that agency is called LARA). The Elder Justice Act notice posted in your facility lists the phone numbers for these agencies.
- You must contact police and LARA within **two (2) hours** after you first think a crime has occurred if it involves ***serious bodily injury***. You must call the police and LARA within 24 hours if no serious bodily injury is involved.
- There can be significant penalties and fines if you fail to make these reports.
- The law states that the facility cannot punish or take action against you for reporting the suspected crime.

- You have the right to file a complaint with LARA if your facility punishes or takes action against you for reporting something you think is a crime against a resident or person who is receiving care in your facility.

These new federal requirements did not replace any of the reporting requirements that were in effect before the Elder Justice Act was passed. Your facility may also have its own policies about alerting supervisors to serious issues you see in the facility.

You should ask your facility administrator to provide an in-service on what you are required to report and how you should report any concerns you have about the treatment of residents. Understanding these laws and policies will protect both you and the residents of your facility.

*For more information search "Elder Justice Act" at [www.cms.gov](http://www.cms.gov).*



## For More Information

EVE (End Violent Encounters): 1-517-372-3911

Adult Protective Services: 1-855-444-3911

Tri-County Office on Aging: 1-800-405-9141

Long Term Care Ombudsman: 1-517-394-3027

## What is Elder Abuse?

Elder abuse is any action that causes harm, loss, or risk to an older adult. The abuser is often a caregiver, family member or trusted friend.

Elder abuse comes in many forms:

- **Physical:** causing pain or injury by, for example, hair pulling, pinching, slapping, or restraining.
- **Sexual:** non-consensual sexual contact of any kind.
- **Neglect:** failure to provide food, shelter, health care, or protection .
- **Exploitation:** taking, misusing, or concealing funds, property, or assets.
- **Emotional:** mental pain or distress from verbal or nonverbal acts; for example, name calling, threatening, or “picking on” resident.
- **Abandonment:** desertion by anyone who has assumed responsibility for care.
- **Involuntary seclusion**—separating a resident from other residents, or confining them to their bed, room or other area against their will.

While no one sign proves abuse, some red flags are:

- Bruises, pressure marks, broken bones, abrasions, and burns (physical abuse).
- Loss of interest in activities, sudden change in alertness, and depression (emotional abuse).
- Bruises around the breasts or genital area (sexual abuse).
- Sudden change in spending habits (exploitation).
- Bedsores, unattended medical needs, poor hygiene, and weight loss (neglect).
- Strained or tense relationships and frequent arguments between the caregiver and older adult are also signs of possible abuse.

Adapted from: <http://www.ncea.aoa.gov/>

## Did You Know?

- As of 2009, almost 13% of the United States population was 65 or older.
- By 2040, this number increases to nearly 22%.
- 1 in 10 older adults suffers from abuse.
- Only 1 in 23 cases of elder abuse are reported each year.

## How Can I Prevent Abuse?

### Take care of yourself:

Stress can lead to frustration.  
Frustration can lead to abuse.

**Ask for help\* if you need it.**

### Listen to Residents!

Then take it one step further:

What are they telling you without “saying” a word ?

If you see warning signs of abuse,

### Ask the resident

Report your concerns to a supervisor  
and/or the agency that investigates abuse.

**IF YOU SEE SOMETHING, SAY SOMETHING!**

*\*From coworkers, friends, family and/or your  
Employee Assistance Program*

## To Report Elder Abuse

Of a Nursing Home Resident by a staff member:  
State of Michigan (LARA): 1-800-882-6006

Of an older adult living at home, in assisted living,  
adult foster care, home for the aged, or a Nursing  
Home Resident being abused by a visitor:  
DHHS/Adult Protective Services: 1-855-444-3911

If you think a crime has occurred:  
Your local police/sheriff department (and LARA)

If the danger is immediate: 911

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