



Training Your Caregiver: Abuse, Neglect, and Exploitation and the Requirement to Report

In the State of Texas, the mission to protect older adults and people with disabilities from abuse, neglect and exploitation (ANE) falls to the Department of Family and Protective Services Adult Protective Services (APS). This department's vision is protecting with purpose, passion and persistence older adults and people with disabilities.

Core Values:

- We champion the SAFETY and DIGNITY of vulnerable adults.
- We conduct ourselves with INTEGRITY.
- We demonstrate RESPECT for all persons.
- We COLLABORATE to improve outcomes.

How is APS organized in Texas?

Department of Family and Protective Services Adult Protective Services has two divisions:

- In-Home Investigations.
- Provider Investigations.

As authorized by Senate Bill 1880 and CDS, effective September 1, 2015, allegations of ANE committed against individuals using the CDS option (VDHCBS/VD-Respite) will be investigated by the APS Provider Investigations program.

In conducting their investigations, APS will:

- request employer records,
- seek written statements,
- follow an investigation timeframe, and
- file an investigation report provided at case conclusion.

What is Abuse?

It is important for employers and employees in the VDHCBS and VD-Respite program to understand that abuse may be physical, sexual, and verbal/emotional.

Physical abuse:

The negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly person or person with a disability by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.

Sexual abuse:

Unwanted hugging, kissing, stroking, fondling, indecent exposure, etc. with sexual intent including any involuntary or nonconsensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.

Verbal/emotional abuse:

Any use of verbal communication or other behavior to humiliate, intimidate, vilify, degrade, or threaten with harm.

What is Neglect?

A negligent act or omission by any individual responsible for providing care, which caused or may have caused physical or emotional injury or death, or which placed a person at risk of physical or emotional injury or death.

What is Exploitation?

The illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with an elderly person or person with a disability that involves using, or attempting to use, the resources of the elderly person or person with a disability, including the person's social

security number or other identifying information, for monetary or personal benefit, profit, or gain without the informed consent of the person.

Preventing Abuse, Neglect, and Exploitation

You can protect yourself by:

- Checking references.
- Paying attention to background checks.
- Keeping track of money, valuables, and medications.
- Being careful with checks and credit cards.
- Being careful with the use of your car.
- Being careful with house and car keys.
- Not loaning money to service providers.
- Not giving benefits to service providers that are not budgeted.

How can a Designated Representative or Employee Recognize the Physical Signs of Abuse, Neglect and/or Exploitation?

- Injury that has not been cared for properly.
- Injury that is inconsistent with explanation for its cause.
- Pain from touching.
- Cuts, puncture wounds, burns, bruises, welts.
- Dehydration or malnutrition without illness-related cause.
- Poor coloration.
- Sunken eyes or cheeks.
- Inappropriate administration of medication.
- Soiled clothing or bedding.
- Frequent use of hospital or health care/doctor-shopping.
- Lack of necessities such as food, water, or utilities.
- Lack of personal effects, pleasant living environment, personal items.
- Forced isolation.

Behavioral Signs

- Fear.
- Anxiety, agitation.
- Anger.
- Isolation, withdrawal.
- Depression.
- Non-responsiveness, resignation, ambivalence.
- Contradictory statements, implausible stories.
- Hesitation to talk openly.
- Confusion or disorientation.

Signs by Caregiver

- Prevents contact with friends or family.
- Anger, indifference, aggressive behavior.
- History of substance abuse, mental illness, criminal behavior, or family violence.
- Lack of affection.
- Flirtation or coyness as possible indicator of inappropriate sexual relationship.
- Conflicting accounts of incidents.
- Withholds affection.
- Talks of caregiving as a burden.

Signs of Financial Abuse

- Frequent expensive gifts from individual to caregiver.
- Missing personal belongings, papers, credit cards.
- Numerous unpaid bills.
- A recent will when individual seems incapable of writing will.
- Caregiver's name added to bank account.
- Individual unaware of own monthly income.
- Individual signs on loan.
- Frequent checks made out to "cash."

- Unusual activity in bank account.
- Irregularities on tax return.
- Individual unaware of reason for appointment with banker or attorney.
- Caregiver's refusal to spend money on individual.
- Signatures on checks or legal documents that do not resemble individual's signature.

How to Report Abuse, Neglect, and Exploitation

Two options:

1. Call: 1-800-252-5400.
2. Report online at: www.txabusehotline.org.

How to Report Complaints

Two options:

1. Call: 1-800-458-9858.
2. Email: CRSComplaints@dads.state.tx.us.

What happens after Abuse/Neglect/Exploitation is reported to DFPS?

1. The allegation of ANE is assigned to an APS Provider Investigator.
2. The investigator notifies the VDHCB/VD-Respite employer and service coordinator/case manager of the allegation.
3. The investigator conducts the investigation.
4. The investigator provides an investigation report to the VDHCB/VD-Respite employer and service coordinator/case manager.

Why Does APS Notify the Employer/Veteran?

1. Protection of the alleged victim.
2. Preservation of evidence.

What Happens in an Investigation?

- The investigator collects documentary evidence such as service plans, timesheets and training records.
- The investigator collects testimonial evidence through interviews resulting in written statements.
- The investigator observes the environment where the alleged incident took place.
- The investigator analyzes evidence to reach a finding of whether the ANE occurred.
- The investigator issues an investigation report.

What is Included in an Investigation Report?

- Summary of Evidence.
- Findings.
- Concerns & Recommendations.

What does the Case Manager/Service Coordinator do with the Report?

- Notifies VAMC of the allegation.
- FMS included if requested by employer and if FMS agrees.
- Holds service planning team meeting with VDHCB/VD-Respite Employer/Designated Representative.
- If requested by Employer/Designated Representative, a second service planning team meeting is held after investigation is complete.

VDHCB/VD-Respite Employer or Designated Representative Responsibilities

As a VDHCB/VD-Respite Employer or Designated Representative it is your responsibility to:

- Ensure protection of the individual receiving services in the event of a DFPS investigation of ANE against a VDHCB/VD-Respite family member, staff, or FMS representative;
- Implement the veteran's backup plan;
- Preserve evidence;
- Preserve timesheets;
- Preserve training documentation;

- Train each of your service providers on abuse, neglect, and exploitation (ANE);
- Inform each service provider of the Employee Misconduct Registry (EMR);
- Document ANE training on Form 1732; and
- Document EMR notification on Form 1732-EMR.

Notification of Investigatory Findings

- VDHCB/VD-Respite Employer/Designated Representative must use the final investigation report received from APS to complete the Notification of Investigatory Findings and send to the FMS for release to the alleged perpetrator.
- The VDHCB/VD-Respite employee must provide the Notification of Investigatory Findings to the FMSA within three business days of receipt of the final investigation report. That form will be provided by the FMS or its local representative.

This training was adapted from Consumer Directed Services Employer Webinar: Abuse, Neglect, and Exploitation presented September 25, 2015, by Michael Roberts, Department of Family and Protective Services, Adult Protective Services and Elizabeth Jones, Department of Aging and Disability Services, Center for Policy and Innovation.

Webinar recording is available on the web at:

<https://www.dads.state.tx.us/providers/CDS/webinars/sept2015/index.html>

Exam Follows on Next Page



Training Your Caregiver: Abuse, Neglect, and Exploitation and the Requirement to Report Test

Employee Name: _____

Date: _____

In your own words, answer the following questions:

1. What are the signs of abuse, neglect, and exploitation that you, as a caregiver, should look for?

2. How do you report your suspicions of abuse, neglect, or exploitation?

3. If you are accused of abuse, neglect, and/or exploitation, will you be notified of the accusation?

- a. Yes
- b. No

If so, by whom? _____

4. Why does Adult Protective Services notify the veteran employer of the accusation?

5. What is included in an Investigation Report?

In order to receive your state-required home caregiver CEUs, you must mail this test along with your signed FORM 1732 Management and Training of Service Provider (on the next page) to:

**CTADVRC – VDHCBS
PO Box 729
Belton TX 76513**

Score: _____ of 5

Pass – Fail

