

## APPENDIX E.4. FACILITY ABUSE DEFINITIONS

There are times when the Protective Services for Older Adults definition of “abuse” and a facility’s regulatory definition of “abuse” are different. This can create confusion for the reporter as well as the AAA intake person receiving the report. Even if a facility’s regulatory definition is different than the Protective Services for Older Adults, when a facility staff person calls the AAA to make a report of abuse the report must be taken. Care must be taken to not frustrate the reporter or tell them that the abuse is “not reportable”.

**The Protective Services for Older Adults definition of abuse is:**

The occurrence of one or more of the following acts:

- (i) The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish.
- (ii) The willful deprivation by a caretaker of goods or services which are necessary to maintain physical or mental health.
- (iii) Sexual harassment, rape or abuse as it is defined in the Protection From Abuse Act (35 P. S. § §10181—10190).

Type of Facility	Definition of Abuse by Facility Type
<b>Assisted Living Residences (Chapter 2800)</b>	<p>The occurrence of one or more of the following acts:</p> <ul style="list-style-type: none"> <li>(i) The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish.</li> <li>(ii) The willful deprivation by the personal care home or its staff persons of goods or services which are necessary to maintain physical or mental health.</li> <li>(iii) Sexual harassment, rape or abuse, as defined in 23 Pa.C.S. Chapter 61 (relating to protection from abuse).</li> <li>(iv) Exploitation by an act or a course of conduct, including misrepresentation or failure to obtain informed consent which results in monetary, personal or other benefit, gain or profit for the perpetrator, or monetary or personal loss to the resident.</li> <li>(v) Neglect of the resident, which results in physical harm, pain or mental anguish.</li> <li>(vi) Abandonment or desertion by the personal care home or its staff persons.</li> </ul>
<b>Birth Center (Chapter 501)</b>	No abuse definition in the regulations

<b>Community Residential Rehab Services (CRR) (Chapter 5310)</b>	No abuse definition in the regulations
<b>Community Homes for Individuals with Intellectual Disabilities (Chapter 6400)</b>	Abuse of an individual is prohibited. Abuse is an act or omission of an act that willfully deprives an individual of rights or human dignity or which may cause or causes actual physical injury or emotional harm to an individual, such as striking or kicking an individual; neglect; rape; sexual molestation, sexual exploitation or sexual harassment of an individual; sexual contact between a staff person and an individual; restraining an individual without following the requirements in this chapter; financial exploitation of an individual; humiliating an individual; or withholding regularly scheduled meals.
<b>Older Adult Daily Living Centers (Chapter 11)</b>	Follows the Protective Services for Older Adults definition of abuse
<b>Domiciliary Care (Chapter 21)</b>	Follows the Protective Services for Older Adults definition of abuse
<b>Family Living Home (Chapter 6500)</b>	Abuse of an individual is prohibited. Abuse is an act or omission of an act that willfully deprives an individual of rights or human dignity or which may cause or causes actual physical injury or emotional harm to an individual, such as striking or kicking an individual; neglect; rape, sexual molestation, sexual exploitation or sexual harassment of an individual; sexual contact between a family member or an agency staff person and an individual; restraining an individual without following the requirements in this chapter; financial exploitation of an individual; humiliating an individual; or withholding regularly scheduled meals.
<b>Home Care Agencies Home Care Registries (Chapter 611) Home Health Agencies</b>	Abuse- The allegation or actual occurrence of the infliction of injury, unreasonable confinement, intimidation, punishment, mental anguish, sexual abuse or exploitation. Chapter 51 guides home care agencies and registries.
<b>Hospice (Chapter 51) (CFR §418.52) Code of Federal Regulations</b>	<i>Abuse</i> — means the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. <i>Verbal abuse</i> — includes the use of oral, written or gestured language that willfully includes disparaging and derogatory terms to patients or their families, or within their hearing distance, regardless of their age, ability to comprehend, or disability. <i>Mental abuse</i> — includes, but is not limited to, humiliation,

	<p>harassment, and threats of punishment or deprivation.  <i>Sexual abuse</i> — includes, but is not limited to, sexual harassment, sexual coercion, or sexual assault.  <i>Physical abuse</i> — includes, but is not limited to, hitting, slapping, pinching and kicking. It also includes controlling behavior through corporal punishment.  <i>Neglect</i> — means failure to provide goods and services necessary to avoid physical harm or mental anguish.  <i>Misappropriation of patient property</i> — means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a patient’s belongings or money without the patient’s consent.</p>
<p><b>ICF/IID  ICF/ORC  (Chapter 6600) DHS  oversees  (Licensed Federal CMS)  (Department of Health)</b></p>	<p>No abuse definition in the regulations</p>
<p><b>Long-Term Structured  Residence  (Chapter 5320)</b></p>	<p>No abuse definition in the regulations</p>
<p><b>Nursing Home  (Department of Health)  (Chapter 210)</b></p>	<p><i>Abuse</i>—The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm or pain or mental anguish, or deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental and psychosocial well-being. This presumes that instances of abuse of all residents, even those in a coma, cause physical harm, or pain or mental anguish. The term includes the following:</p> <ul style="list-style-type: none"> <li>(i) <i>Verbal abuse</i>—Any use of oral, written or gestured language that willfully includes disparaging and derogatory terms to residents or their families, or within their hearing distance, regardless of their age, ability to comprehend or disability. Examples of verbal abuse include: <ul style="list-style-type: none"> <li>(A) Threats of harm.</li> <li>(B) Saying things to frighten a resident, such as telling a resident that the resident will never be able to see his family again.</li> </ul> </li> <li>(ii) <i>Sexual abuse</i>—Includes sexual harassment, sexual coercion or sexual assault.</li> <li>(iii) <i>Physical abuse</i>—Includes hitting, slapping, pinching and kicking. The term also includes controlling behavior through corporal punishment.</li> </ul>

	<p>(iv) <i>Mental abuse</i>—Includes humiliation, harassment, threats of punishment or deprivation.</p> <p>(v) <i>Involuntary seclusion</i>—Separation of a resident from other residents or from his room or confinement to his room (with/without roommates) against the resident’s will, or the will of the resident’s legal representative. Emergency or short term monitored separation from other residents will not be considered involuntary seclusion and may be permitted if used for a limited period of time as a therapeutic intervention to reduce agitation until professional staff can develop a plan of care to meet the resident’s needs.</p> <p>(vi) <i>Neglect</i>—The deprivation by a caretaker of goods or services which are necessary to maintain physical or mental health.</p>
<p><b>Nursing Home (DHS)</b>  * Only facility in Pennsylvania is South Mountain Restoration Center located in Franklin County</p>	<p>Same as Nursing Home (Department of Health)</p>
<p><b>Personal Care Home (Chapter 2600)</b></p>	<p>The occurrence of one or more of the following acts:</p> <p>(i) The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish.</p> <p>(ii) The willful deprivation by the personal care home or its staff persons of goods or services which are necessary to maintain physical or mental health.</p> <p>(iii) Sexual harassment, rape or abuse, as defined in 23 Pa.C.S. Chapter 61 (relating to protection from abuse).</p> <p>(iv) Exploitation by an act or a course of conduct, including misrepresentation or failure to obtain informed consent which results in monetary, personal or other benefit, gain or profit for the perpetrator, or monetary or personal loss to the resident.</p> <p>(v) Neglect of the resident, which results in physical harm, pain or mental anguish.</p> <p>(vi) Abandonment or desertion by the personal care home or its staff persons.</p>
<p><b>Residential Treatment Facilities for Adults (Chapter 5100)</b></p>	<p>No abuse definition in the regulations</p>

<b>Sexual Treatment and Responsibility Program (Chapter 5100)</b>	No abuse definition in the regulations
<b>State Mental Hospital(Chapter 5100)</b>	No abuse definition in the regulations