

The Senior Snippet

Written by Erin LeBlanc

Residents have the right to freedom from physical restraints and physical and verbal abuse.

The topic of using restraints has been under intense and watchful eyes since the late 1980s, when it began with the public's care and concern with regard to the standard of care in long-term care settings.

Since October of 1990, nursing facilities have had to comply with a significant federal mandate that nursing home residents have "the right to be free" from physical restraints not required to treat their medical symptoms.

Congress imposed this requirement because of concerns about widespread use of physical restraints in nursing homes, which restrict a person's ability to move about freely. The April 1, 1992 surveyor guidelines define physical restraints as "any manual method or physical or mechanical device, material or equipment attached or adjacent to the resident's body that the individual cannot remove easily which restricts freedom of movement or normal access to one's body."

Examples of physical restraints include hand mitts, vests that tie residents to their chairs or beds and restrictive chairs, such as Gerichairs with lap trays and small wheels that limit mobility.

One of the major reasons for using restraints is protecting the safety of frail and confused elders. However, research shows that physical restraints do not make people safer. In fact, restraints are often harmful.

When a person stops using a body part, that part no longer works very well. The old saying "use it or you'll lose it" is true—people who are restrained become much weaker physically. These residents often try to get out of their restraints, sometimes resulting in serious injuries such as broken bones and concussions.

The following is from "What is Nursing Home Abuse?" by Kelly Riddle, KelMar & Associates.

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“To investigate nursing home abuse, you must first understand what ‘abuse’ actually is, where it comes from and the characteristics associated with the abuse.

“According to the Funk and Wagnall’s Standard Dictionary, abuse is ‘to use improperly or injuriously; to misuse, to hurt by treating wrongly; to injure or to speak in coarse or bad terms.’ When applied to nursing homes, it is to intentionally mishandle or to verbally degrade a person.

“For the most part, the abuse is an intentional action or actions that have formed a pattern in which the person is treated. Let’s face it, accidents happen to everyone in every type of job and situation. However, abuse is going beyond an ‘accident’ and has a direct correlation to the mental frame of mind or condition of the person(s) involved.

“By the time a person finds themselves in a nursing home, they have usually reached a sense of helplessness and are insecure about themselves and their future. Abuse can come from a variety of causes; however, all abuse has the same characteristic of an intentional action. Regardless of the reason, a willful intent is a fundamental characteristic for the abuse to have occurred.

“Unfortunately, some people are unhappy with their own lives, and they take this out on everyone around them. The elderly are an easy target because they are weak and defenseless. In many cases, the resident has had a stroke or other medical condition that has caused them to lose their speech or their motor skills. When a person is unable to speak or to resist, the resident can often times become a target of the abuse.”

There are many forms of abuse including verbal, emotional and physical. Some of the more commonly found types of abuse include:

—verbally degrading the resident.

—verbally threatening the resident.

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—emotionally manipulating the resident.

—emotionally threatening the resident.

—physically injuring the resident.

—physically manipulating the resident.

—sexually abusing the resident.

When should you contact an ombudsman?

—to resolve complaints.

—to request better individual care.

—to confidentially communicate problems and concerns.

—to gain feedback prior to choosing a nursing home.

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