

TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



TITLE: NURSING HOME/ASSISTED LIVING FACILITY ABUSE		NUMBER: 605
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New X Amends Rescinds	Dated April 23, 2002	
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01 Purpose: To set out policy and procedures for responses to reports of abuse and/or neglect of vulnerable adults at a nursing home or assisted living facility.

02 Policy: In accordance with law, the Department will ensure the protection of any nursing home or assisted living facility resident. The applicable statutory authorities are contained in the Annotated Code of Maryland, Criminal Law Article Sections 3-604 thru 3-606, and 8-101; Health General Article Sections 7-1005, 10-705, 19-346, 19-347; and Family Law Article Sections 14-301 thru 14-309.

03 Definitions:

A. Nursing Home - A nursing home is a medical facility offering a high-level of nursing care for the chronically ill of all ages. Nursing homes (also called skilled nursing facilities) provide round-the-clock medical attention to residents,

B. Assisted Living Facility - Assisted Living is an alternative for seniors that combine the best elements of independent living and personal care. Residents of an Assisted Living Facility can enjoy private rooms or apartments, restaurant style dining, and an array of activities tailored to their interests and abilities, while being provided general assistance with daily living activities or cognitive functions such as bathing, dressing, toiletry, eating, medication management and mobility.

C. “Abuse” means the sustaining of physical pain or injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate the vulnerable adult’s health or welfare is harmed or threatened. It does include sexual abuse of a vulnerable adult, but does not include the performance of accepted medical procedures ordered by a licensed physician.

D. “Neglect” means the intentional failure to provide necessary assistance and resources for the physical needs of a vulnerable adult, including food, clothing, toileting, essential medical treatment, shelter, or supervision. It does not include the provision of non-medical remedial care and treatment for the healing of injury or disease that is: given with the consent of the vulnerable adult; and recognized by State law in place of medical treatment.

E. “Self-Neglect” is the inability of a vulnerable adult to provide himself/herself with the services that are necessary for his/her physical and mental health, and the absence of which impairs or threatens his/her well-being.

F. “Exploitation” may occur when a person knowingly and willfully obtains by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is a vulnerable adult with the intent to deprive the vulnerable adult of his/her property.

G. “Vulnerable Adult” means an adult who lacks the physical or mental capacity to provide for the adult’s daily needs.

04 Procedures:

A. Each allegation of vulnerable adult abuse, neglect, self-neglect, or exploitation at a Nursing Home or Assisted Living Facility will be thoroughly investigated, with a focus on ensuring the protection of the alleged victim and his/her prompt receipt of medical attention, as necessary. Each investigation shall include: a determination of the nature, extent, and cause of the abuse; the identity of the alleged abuser; and any other pertinent fact or matter. All allegations of vulnerable adult abuse, neglect, self-neglect, or exploitation require a written police incident report.

B. Officers responding to a Nursing Home or Assisted Living Facility for a report of a crime shall prepare an appropriate e-justice report, to include at least the following:

- * Nature and extent of the abuse,
- * cause of the abuse,
- * identity of the accused,
- * name of the Nursing Home/Assisted Living Facility
- * documentation of contact with CID personnel

The responding officer will contact the Montgomery County Department of Health and Human Services (DHHS), Long Term Care Ombudsman Program (telephone 240-777-3369) and Adult Protective Services (telephone 240-777-3000) in any Nursing Home/Assisted Living Facility abuse case.

C. CID investigating officer will distribute copies of Nursing Home/Assisted Living Facility abuse reports within 10 workdays as follows:

1. State’s Attorney’s office;
2. Secretary of Health and Human Services; and
3. Appropriate Long-Term Care Ombudsman.

The investigating officer also will make notification of the Department’s findings to the Nursing Home or Assisted Living Facility Administrator upon completion of the investigation.