

**Abuse, Neglect, & Exploitation**

When, What and How to report to the Complaint Hotline

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Complaint Coordinator  
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**Article 14-Reporting Abuse, Neglect or Exploitation of Certain Persons**

A mandated reporter who has reasonable cause to believe that a resident is being or has been abused, neglected or exploited or in a condition which is the result of such ANE or is in need of protective services, shall report immediately such information to the Kansas Dept. on Aging.




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**Objectives**

- Review statutory reporting requirements
- Review definitions of ANE
- Understand what KDOA does with ANE allegations and findings
- Learn how to contact the hotline
- Learn how to access and use the Facility Self Investigation Report Forms




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Mandated reporters KAR 39-1402

- Licensed psychologist
- Chief administrative officer of a medical care facility
- Adult care home administrator or operator




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Mandated reporters continued

- Licensed social worker
  - Any person licensed to practice any branch of the healing arts
  - Licensed professional or practical nurse
  - Teacher, bank trust officer, guardian and conservator
- Failure to make a report is a Class B Misdemeanor




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Definitions--KSA 39-1401

Abuse means any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to a resident, including:

- 1) infliction of physical or mental harm
- 2) any sexual act with a resident when the resident does not consent or when the other person knows or should know that the resident is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship




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- 3) unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm a resident



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- 4) unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician's order or as a substitute for treatment except where such conduct or physical restraint is in furtherance of the health and safety of the resident or another resident



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- 5) a threat or menacing conduct directed toward a resident that results or might reasonably be expected to result in fear or emotional or mental distress to a resident



- 6) fiduciary abuse

- 7) omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical, mental harm or illness



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Neglect

- Means the failure or omission by one's self, caretaker or another person to provide goods or services which are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness.




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Exploitation

Misappropriation of resident property or intentionally taking unfair



advantage of an adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person.




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Kansas Nurse Aide Registry

- KNAR was established in response to OBRA '87 which required each state to establish and maintain a registry of all individuals who successfully complete a NATCEP or CEP
- Maintained and administered by Health Occupations Credentialing at KDHE




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- Requirement to check the KNAR was incorporated into state licensure regulations and is now found at KAR 26-41-101(f) under Administration—Staff treatment of residents
- Calendar year 2011 KDOA placed 41 findings of ANE on the KNAR




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2011 Findings placed on the KNAR by KDOA:



- 9 Abuse
- 20 Abuse & Neglect
- 3 Neglect
- 9 Exploitation
- 41

Why both Abuse and Neglect?




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Some Statistics about Intakes

- 2004 3974
- 2005 4806
- 2006 6115
- 2007 6466
- 2008 6304
- 2009 6122
- 2010 6351
- 2011 7085



Some intakes have more than one complainant and may represent more than one call or contact. Many contacts result in no intake.




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### How to contact the Hotline

**Phone: 1-800-842-0078**  
 Monday – Friday 8 AM to 5 PM

**FAX : (785) 296-0256**

**E-mail:** [carolyn.anderson@aging.ks.gov](mailto:carolyn.anderson@aging.ks.gov),  
[marjane.kennedy@aging.ks.gov](mailto:marjane.kennedy@aging.ks.gov), and [ernie.beery@aging.ks.gov](mailto:ernie.beery@aging.ks.gov)

Please address E-mails and FAXES to all three



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1. Provide your name, facility name and phone number
2. You may include the following information:
  - resident(s) involved
  - date of incident
  - description of incident and any injuries involved
  - immediate actions taken by staff
  - further corrective action plan




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[www.Agingkansas.org](http://www.Agingkansas.org)



Click on Long Term Care




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Next click on Licensure and Certification



P.S. Our new name is really Survey and Certification




Now look for "Complaint Program"

