

**STOP ELDER ABUSE!**

**CONSUMER GUIDE TO STOPPING  
NURSING HOME NEGLECT**

**best ways to protect Nursing Home Elders**

**Hamill Law Group  
(617) 479-4300**

Learn the

# STOP ELDER ABUSE!

## A CONSUMER GUIDE TO STOPPING NURSING HOME ABUSE/NEGLECT

In this [free Guide](#) you will learn:

- ❖ Learn the best ways to approach the problem of abuse or neglect that is occurring while your loved one is still in the Nursing Home
- ❖ Learn the best “in-house” methods for stopping neglect
  - ❖ Learn powerful and immediate tools to stop abuse.
    - ❖ The Five best ways to report neglect.
    - ❖ The “Magic Number” to call in an emergency.
    - ❖ Nine ways to deal with poor treatment.

WRITTEN FOR MASSACHUSETTS RESIDENTS BY  
MASSACHUSETTS  
ATTORNEY BERNARD J. HAMILL

Hamill Law Group  
Advocates for Elder Nursing Home Victims  
36 Miller Stile Rd.  
Quincy, MA. 02169  
(617) 479-4300  
Fax (617) 245-1963  
[BJH@Hamill-Law.com](mailto:BJH@Hamill-Law.com)  
<http://www.hamill-law.com/>  
FREE Consultation

## Problem Resolution

### First Rule: Document, Document, Document

Record times, dates and locations of all communications with staff. Get their names and positions. Take pictures. Verify events and all witnesses. Ask to see treatment and or incident reports. In addition, **document the complaint process**. Keep a journal of your conversations (including who you spoke to, when, and what was said) for all parties that you speak with regarding the complaint. This information may be important if you do not receive a satisfactory or timely response

(A) First try to resolve issues **in house** – do whatever you can to resolve the problem directly with staff. If this is not successful, bring the issue to the next level in the nursing home. Each facility has a defined protocol for handling problem issues.

(1) Empower yourself: Get a copy of your Care Plan. You are entitled to it. It is a multidisciplinary roadmap or plan of treatment signed by all members of the Nursing Home treatment staff: i.e., dietary, nursing, rehab, your Doctor, nursing etc. You may be surprised by what is in your plan. It may reveal many treatments that are not being given to your loved one.

(2) Request a care plan conference.

A care plan conference is a meeting where staff and residents talk about your care in the facility. You can bring up problems, and ask questions to staff who provide your care. Staff members who work with your loved one should be involved. This includes nursing assistants, nurses, physicians, social worker, activities staff, dietician, occupational and physical therapists. Care planning meetings are required whenever there is a *significant change* in physical or mental health that might require a change in care.

(3) Talk with your Doctor. That's right: the doctor "assigned" to you or your loved one is YOUR Doctor not the Nursing Home's Doctor. He/She works for you. He is paid by your insurance. He is NOT a member of the nursing home staff nor does he answer to or take directions from the nursing home. Many residents are not aware of this. Have him contact the Director of Nurses on your behalf to accomplish your objectives and to follow through with your plan of care.

(4) Talk with Director of Nursing and or the administrator.

(5) If a "**Family Council**" exists, tell the Council of your complaint. Others in the facility may be experiencing the same issues. The function of a Family Council is to address problematic issues with the nursing home administration. The Council can also file a complaint with the agencies mentioned in this report if problems exist with other residents. Note that **Family-Run Councils differ from Facility-Run Councils**. Sometimes, nursing homes organize **Facility Run Family Councils** will be chaired by a staff member. Nursing home run Family Councils frequently do not provide members

with a venue for expressing serious concerns in private. Only a true **Family-Run** council provides members with confidentiality.

Facilities sometimes run a quarterly or semi-annual event to update the families/friends of residents on various educational topics and nursing home news. These gatherings would more appropriately be called a Family “Forum”, not a Family “Council”.

(6) Contact your regional or local **State Long Term Care Ombudsman**

**State Long Term Care Ombudsman**

Mary McKenna  
State LTC Ombudsman  
Massachusetts Exec Office of Elder Affairs  
State LTC Ombudsman  
1 Ashburton Place  
5th Floor  
Boston, MA 02108-1518  
Work: (617)727-7750  
Fax: (617)727-7750

The Long Term Care Ombudsman Program was developed to assist residents of nursing and rest homes. Services include: complaint investigation and resolution; The program works closely with the Department of Public Health's Division of Health Care Quality in resolving issues and concerns. Contact your Ombudsman

Your nursing home ombudsman is an advocate for nursing home residents and has the power, based on federal law, to intervene on your behalf. Complaints are treated confidentially, and you will control the complaint process. Ombudsmen will *not* act without consulting you. Your ombudsman can also refer you to other agencies in the state that can also assist with your complaints.

(B) If In house attempts at resolving your issues try these *outside strategies*:

**(1) File a formal complaint with the State. Here's how:**

**Where/How to File Complaints** <http://www.masspro.org/forms.php>

**(a) Telephone:**

Call the Abuse Neglect State Hotline:  
**(617) 753-8000 ext 2** or Toll free **1-800-462-5531 x 2**

REPORT ABUSE HOTLINE  
Division of Health Care Quality  
Complaint Unit  
99 Chauncy Street  
Boston, Massachusetts 02111

(b) **Write** a formal complaint with the **Massachusetts Department of Public Health (“DPH”), Division of Health Care Quality (“DHCQ”)**. This is the state agency that enforces nursing home laws and regulations through regular inspections and complaint investigations. This is the primary agency handling serious complaints which cannot be resolved through standard channels.

**Division of Health Care Quality (DHCQ)**

Bureau of Health Quality Management  
Department of Public Health  
99 Chauncy Street  
Boston, MA 02111

(2) Contact the **Massachusetts Peer Review Organization (“MassPro”)** at

Masspro  
245 Winter Street  
Waltham, MA 02451-1231  
Phone 781-890-0011  
Fax 781-487-0083  
<http://www.masspro.org/>  
Attn: Karen Marchant  
[kmarchant@masspro.org](mailto:kmarchant@masspro.org)  
781-419-2586

(3) Contact The [Massachusetts Attorney General’s Office](#)  
“Consumer Protection Division”

**Attorney General’s Office**  
**One Ashburton Place**  
**Boston, MA 02114**  
**Telephone: 617-727-2200**  
**Jesse Caplan, Chief**

You can file a complaint directly with the Attorney General’s Office about an emergency situation in a nursing home. An example would include any immediate danger to a nursing home resident.

(4) Contact the Massachusetts Advocates for Nursing Home Reform (MANHR)

[http://www.manhr.org/contact\\_info.aspx](http://www.manhr.org/contact_info.aspx)  
P.O. Box 560224  
Medford, MA 02156  
Toll Free: (800) 988-4450  
[info@manhr.org](mailto:info@manhr.org)

(5) **Contact the Massachusetts Office on Aging**

Jennifer Davis Carey

MA Executive Office of Elder Affairs  
One Ashburton Place  
5th Floor  
Boston, MA 02108  
Work: (617)727-7750  
Fax: (617)727-7750

(C) Other Options:

- a - Hire an Elder Care Attorney
- b - Hire a private Nurse Advocate – Highly Recommended!!!!
- c - Go Public: Contact the Media
- d - Contact your State Legislator

Your state legislators make laws governing long-term care facilities and the DHCQ. If you are not satisfied with the response from the DHCQ or other agencies, tell your state legislators about your experience and ask them to take action.

e- Call the Police if there has been a violent or sexual assault.

Links :

<http://www.manhr.org>

Find Your ombudsman <http://www.theconsumervoice.org/ombudsman/massachusetts>