

ABUSE OF PATIENTS

1. **PURPOSE**: To inform employees of the Department of Veterans Affairs policy in cases of suspected abuse of patients by employees.
2. **POLICY**: An absolute requirement of the Department of Veterans Affairs is that patients will be shown every courtesy and that they will, at all times, be treated with kindness and sympathetic respect. Any employee who mistreats a patient, either verbally or physically, will be subject to appropriate disciplinary action. Disciplinary action will be initiated against any employee who witnesses any abuse or mistreatment of a patient and who fails to promptly report the incident to their immediate supervisor.
3. **DEFINITION**: Patient abuse is the maltreatment of a patient, which includes mental, physical, sexual and verbal abuse such as the following:
 - a. Any action or behavior that conflicts with a patient's rights, identified in VA Regulations 38 CFR 17.34a
 - b. Intentional omission of care
 - c. Willful violation of a patient's privacy
 - d. Intimidation, harassment or ridicule of a patient
 - e. Willful physical injury

It should be noted that one does not have to intend to abuse a patient to commit patient abuse.

4. **PROCEDURES**:
 - a. Any abuse will be immediately reported by the employee(s) that witnessed the incident to their immediate supervisor. The employee who first receives an allegation of patient abuse from a patient, member of the patient's family, or other source will also immediately report the allegation to their immediate supervisor. Any incident or allegation of a criminal nature will also be reported to the VA Police. The supervisor receiving the report will immediately notify the medical center's Patient Safety Manager at extension 4018 and the VA Police, as appropriate. Procedures outlined in the current memorandum, Patient Safety Improvement Program, will then be followed in reporting these type incidents; i.e., completion of VA Form 10-2633, Report of Special Incident Involving a Beneficiary.
 - b. The administrative penalty action for patient abuse is removal. However, a lesser penalty of admonishment, reprimand, suspension or demotion, may be imposed when mitigating or extenuating circumstances clearly warrant such lesser penalty or the nature of the abuse is minor.

Abuse of a minor nature constitutes such acts as teasing a patient, speaking harshly, rudely, or irritably to a patient; laughing at or ridiculing a patient; scolding a patient; and indifference to a patient.

c. When there is general or recurring abuse, full inquiry will be made into the methods and kinds of supervision exercised in the care and treatment of patients to determine to what extent the management of the facility is at fault. Those persons found to be responsible or guilty must be dealt with in the proportion to the degree of their responsibility or guilt.

d. Steps will be taken to ensure that all employees are kept fully informed of this policy, so that not only will all possible measures be taken to avoid abuse and mistreatment of patients but also to ensure that any responsible and guilty employees will be disciplined in line with VA policy as specified.

e. Every new employee will be required to acknowledge receipt of this policy statement and will certify that they have read and understand the medical center policy on abuse of patients. The certification will be filed in the employee's official personnel folder.

5. **RESPONSIBILITIES:**

a. **Supervisors** at all levels are responsible for assuring that prompt inquiry or investigation is conducted in instances of alleged abuse or mistreatment of a patient. Charges of abuse or mistreatment of a patient must be sustained against a VA employee if supported by the evidence developed.

b. **Chief, Education and Staff Development**, is responsible for scheduling, on the basis of need, initial and refresher training deemed appropriate in restraining hyperactive patients.

c. **Employees**. It is mandatory for all employees to fully support and strictly comply with this policy.

d. **VA Police** will investigate all incidents of patient abuse dealing directly with circumstances of a criminal nature.

6. **REFERENCES:**

VA Handbook 5021

VA Regulations, Title 38 CFR, 17.33a

Current Joint Commission Comprehensive Accreditation Manual for Hospitals

Attachment

Attachment

PENALTIES IN CASES OF ABUSE OF PATIENTS BY EMPLOYEES

TO: Human Resources Manager (121)

I hereby acknowledge receipt of a copy of the medical center policy on Penalties in Cases of Abuse of Patients by Employees. I have read and completely understand the requirements of this policy.

Employee signature_____

Care Line_____

Date_____