



**How to recognize  
and report  
patient abuse  
and neglect**

PROTECTING ★ THE ★ UNPROTECTED

# Patient Abuse and Neglect



**Ohio Attorney General Dave Yost's office** investigates patient abuse, patient neglect and other crimes — including theft — committed against residents of Ohio's long-term-care facilities. You can help protect these residents by reporting suspected problems.



**DAVE YOST**

OHIO ATTORNEY GENERAL

## **After investigations by the Medicaid Fraud Control Unit:**

- 1** A Hamilton County nurse was sentenced to nine years in prison for diverting drugs from a Clermont County nursing facility. The nurse gave the stolen drugs to her boyfriend, who died of an overdose.
- 2** A nurse and two nurse's aides were sentenced to 60 days in jail and five years of community control for forgery and gross patient neglect. The three, employees at a Putnam County nursing home, failed to care for a resident and forged records after she wandered outside in subzero temperatures, dying of hypothermia.
- 3** A Ross County nurse's aide was sentenced to one year in prison for patient abuse, a fourth-degree felony. The aide was working at a Chillicothe nursing facility when she repeatedly struck a resident, bruising her face, splitting her lip and tearing skin on a hand.
- 4** A Cleveland-area lawyer and his wife were convicted of stealing from people for whom he was serving as guardian — including \$90,000 from a resident of a veterans home. The lawyer was sentenced to 30 months in prison and ordered to pay \$300,000 in restitution; his wife was sentenced to 15 days in jail and 18 months of community control and ordered to pay \$60,000 in restitution.
- 5** An Allen County woman was sentenced to 18 months in prison (suspended) and five years of community control and ordered to pay restitution of more than \$31,000 for financially exploiting her own mother, a resident of a Delphos nursing home.

**When Ohio families entrust loved ones to long-term-care facilities, they expect them to receive the best care possible. In many cases, patients are completely dependent on the staff of the facility where they live.**

Most facilities provide exemplary care. Yet abuse, neglect and other serious crimes do happen.

Ohio Attorney General Dave Yost protects residents through the Medicaid Fraud Control Unit, which has been recognized by the U.S. Department of Health and Human Services as one of the most successful of its kind in the country. Staff members investigate allegations of patient abuse, neglect and financial exploitation, and work with local prosecutors to bring offenders to justice.

If you have knowledge of a patient who is the victim of abuse, neglect or financial exploitation, please contact the Ohio Attorney General's Office.

**TO MAKE A REPORT:**

- » Call 614-466-0722 or 800-282-0515.
- » Send a fax to 614-644-9973.
- » Visit [www.OhioAttorneyGeneral.gov/ReportPatientAbuse](http://www.OhioAttorneyGeneral.gov/ReportPatientAbuse).



## **The Medicaid Fraud Control Unit works to protect facility residents**

Federal law authorizes Medicaid Fraud Control Units to investigate allegations of fraud involving the Medicaid program as well as crimes committed against the residents of care facilities throughout Ohio. Forty-nine states and the District of Columbia have such units, with each subject to annual recertification by the U.S. Department of Health and Human Services.

In 1978, the General Assembly authorized the Ohio attorney general to create and oversee the Ohio Medicaid Fraud Control Unit. Ohio Revised Code Sections 109.85 and 109.86 grant the unit original criminal jurisdiction to investigate and prosecute Medicaid fraud statewide and empower it to investigate allegations of patient abuse and neglect and theft from patients in Ohio's long-term-care facilities. The unit's staff of more than 100 includes special agents, analysts, nurses and prosecuting attorneys.

In the past five years, the Medicaid Fraud Control Unit has:

- Investigated more than 5,200 complaints of Medicaid fraud and patient abuse and neglect.
- Generated 806 indictments.
- Secured 734 criminal convictions and 112 civil settlements.
- Recovered more than \$158 million in criminal restitution and civil settlements.

# What constitutes patient abuse and neglect?

## Ohio law:

- Makes it a crime for anyone who owns, operates or administers a care facility, or anyone who is employed by or an agent of such a facility, to abuse or neglect a resident.
- Defines such facilities as nursing homes, group homes, residential-care facilities, assisted-living facilities, adult-care facilities and hospital long-term-care units.
- Defines “abuse” as “knowingly causing physical harm or recklessly causing serious physical harm” to a person through physical contact or the inappropriate use of physical or chemical restraint, medication or isolation.
- Prohibits staff members at care facilities from using restraint, medication or isolation to punish a patient or as a convenience for the staff. Staff members also cannot use such approaches in excess, as a substitute for treatment or in quantities that hinder habilitation or treatment.
- Defines “neglect” as recklessly failing to provide a person with any treatment, care, goods or services necessary to maintain health or safety, resulting in serious physical harm to the patient.

» The Medicaid Fraud Control Unit also investigates allegations of financial exploitation involving residents of long-term-care facilities. When elderly or disabled adults are victimized, Ohio law allows for stiffer penalties for offenses such as forgery, misuse of credit cards, theft and unauthorized use of property.



# Additional Resources

For more information regarding nursing homes and long-term care, visit:

- [www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov)
- [www.odh.ohio.gov](http://www.odh.ohio.gov)
- [www.ltcoho.org](http://www.ltcoho.org)
- [www.aging.ohio.gov](http://www.aging.ohio.gov) and [www.aging.ohio.gov/ombudsman](http://www.aging.ohio.gov/ombudsman)
- [www.medicare.gov/NHCompare](http://www.medicare.gov/NHCompare)



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Health Care Fraud Section  
Medicaid Fraud Control Unit  
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**614-466-0722**

**Attorney General's Help Center**  
**800-282-0515**

To report patient abuse, neglect or financial exploitation, visit  
[www.OhioAttorneyGeneral.gov/ReportPatientAbuse](http://www.OhioAttorneyGeneral.gov/ReportPatientAbuse).