

Long-Term Care Survey Alert

Sexual Abuse: A Cautionary Tale

Recently, a federal appeals court upheld a finding of Immediate Jeopardy level penalties at a facility in Kentucky related to allegations of resident sexual abuse. The court found that because of "systemic failures," the provider did not take "every reasonable measure to protect its residents from abuse."

That case involved a male resident who reportedly harassed a number of female residents, including at least one with dementia, before he was discharged.

The citation carried with it fines totaling a whopping \$765,000.

Admission consideration: In this case, the administrative law judge said that the facility "knew or should have known when it admitted the resident that he was a threat due to a history of sexually aggressive behavior and repeated discharge from other facilities."

Thomas Magnuson, M.D., assistant professor of geriatric psychiatry at the **University of Nebraska Medical Center** and a physician affiliated with the **Home Instead Center for Successful Aging**, in Omaha, Nebraska, urges facilities to beware of hypersexuality, which includes such behaviors as exposure, obscene sexual language, inappropriate masturbation, propositioning of others, and touching breasts and genitalia.

Remember: Any perceived "non-consensual sexual interactions" such as sexual harassment, sexual coercion or sexual assault, can trigger an Immediate Jeopardy citation by surveyors.