



**BUREAU OF FACILITY LICENSURE AND CERTIFICATION  
DIVISION OF NURSING CARE FACILITIES**

**DEFINITIONS**

*The following definitions should be applied for reporting purpose:*

**ABUSE**--The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm or pain or mental anguish, or deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental and psychosocial well-being. This presumes that instances of abuse of all residents, even those in a coma, cause physical harm, or pain or mental anguish. The term includes the following:

Types of abuse include:

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

1. **Verbal abuse**--Any use of oral, written or gestured language that willfully includes disparaging and derogatory terms to residents or their families, or within their hearing distance, regardless of their age, ability to comprehend or disability. Examples of verbal abuse include:

(a) Threats of harm.

(b) Saying thing to frighten a resident, such as telling a resident that the resident will never be able to see his family again.

2. **Sexual abuse**--Includes sexual harassment, sexual coercion or sexual assault.

3. **Physical abuse**--Includes hitting, slapping, pinching and kicking. The term also includes controlling behavior through corporal punishment.

4. **Mental abuse**--Includes humiliation, harassment, threats of punishment or deprivation.

5. **Involuntary seclusion**--Separation of a resident from other residents or from his room or confinement to his room (with/without roommates) against the resident's will, or the will of the resident's legal representative. Emergency or short term monitored separation from other residents will not be considered involuntary seclusion and may be permitted if used for a

limited period of time as a therapeutic intervention to reduce agitation until professional staff can develop a plan of care to meet the resident's needs.

6. **Neglect**—The deprivation by a caretaker of goods or services which are necessary to maintain physical or mental health.

*The following definitions should be applied when determining whether resident abuse, neglect, or misappropriation of resident property has occurred:*

**ABUSE** means the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical pain or mental anguish.

**INTERPRETATION**-This presumes that instances of abuse of any resident, whether cognizant or not, cause physical harm, pain, or mental anguish.

Types of abuse include:

1. **Verbal abuse**-Refers to any use of oral, written, or gestured language that includes disparaging and derogatory terms to residents or their families, or within hearing distance to describe residents, regardless of their age, ability to comprehend, or disability. Examples of verbal abuse include, but are not limited to: threats of harm; saying things to frighten a resident, such as telling a resident that she will never be able to see her family again.
2. **Sexual abuse**-Includes, but is not limited to: sexual harassment, sexual coercion, or sexual assault.
3. **Physical abuse**-Includes, but is not limited to: hitting, slapping, pinching, kicking, etc. It also includes control of resident's behavior through corporal punishment.
4. **Involuntary seclusion**-Mean separation of a resident from other residents, from his or her room, or confinement to his or her room (with or without roommates) against the resident's will or the will of the resident's legal representative. Temporary, monitored separation from others will not be considered involuntary seclusion and may be permitted if used for a limited period of time as a therapeutic measure until professional staff can develop a plan of care to meet the resident's needs.
5. **Mental abuse**-Includes, but not limited to: resident humiliation, intimidation, threatening demeanor, harassment, threats of punishment or deprivation, or denial of food or privileges.

**NEGLECT** means failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness. Neglect occurs on an individual basis when a resident receives a lack of care in one or more areas (e.g., absence of frequent monitoring for a resident known to be incontinent, resulting in being left to lie in urine or feces). [Neglect also occurs when a number of residents receive a lack of care in one or more regulatory groupings; a finding which reflects the facility's failure to have developed policies or implemented procedures to prohibit neglect.]

A finding of neglect must not be made if the accused individual demonstrates that such neglect was caused by factors beyond the control of the individual.

**INTERPRETATION-Neglect** refers to failure through inattentiveness, carelessness, or omission to provide timely, consistent, safety adequate, and appropriate services, treatment of care, including but not limited to: nutrition, medication, therapies, and activities to daily living. The absence of reasonable accommodations of individual needs and preferences may result in resident neglect.

**MISAPPROPRIATION OF RESIDENT PROPERTY**-Means the deliberate misplacement, exploitation, or wrongful (temporary or permanent) use of a resident's belongings or funds without the resident's consent.

Source: 28 PA Code, 201.3

Source: CFR488.301, 488.335

HCFA State Operations Manual Appendix P