

Federal Misconduct – Simplified Definitions

MISCONDUCT	SIMPLE DEFINITION	POSSIBLE EXAMPLES
ABUSE	<p><i>An intentional act by any person that:</i></p> <p>Contradicts a health care facility's policy/procedures AND Is not part of the care plan AND Is meant to cause harm.</p>	<ul style="list-style-type: none"> Physical abuse – hitting, slapping, pinching, kicking, etc. Sexual abuse – harassment, inappropriate touching, assault Verbal abuse – threats of harm, saying things to intentionally frighten a client Emotional abuse – humiliation, harassment, intimidation with threats of punishment or depriving care or possessions
NEGLECT	<p><i>A careless or negligent act by any person that:</i></p> <p>Fails to follow facility procedure or care plan AND Causes or could cause pain, injury or death BUT Is not intended to cause harm.</p>	<ul style="list-style-type: none"> Not using a gait belt when required or transferring a client improperly Failure to perform ROM exercises Turning off a call light Leaving a client wet or soiled Disregarding hydration orders Failure to deliver or administer medication
MISAPPROPRIATION	<p><i>An intentional act by any person that:</i></p> <p>Is meant to permanently deprive a client of property OR Misuses a client's personal property AND Is done without the client's consent.</p>	<ul style="list-style-type: none"> Theft of cash, checks, credit cards, jewelry, medication, etc. Misuse of property, e.g. using a client's cell phone, wearing a client's jewelry, eating a client's box of candy, etc. Identity theft
EXPLOITATION	<p><i>An intentional act by any person that:</i></p> <p>Takes advantage of a client for their own personal gain through the use of manipulation, intimidation, threats, or coercion.</p>	<ul style="list-style-type: none"> Collecting payments from a client to ensure "good care" Intimidating a client to sign over ownership of property or other assets Threatening a client not to report misconduct Pressuring a client for gifts

These definitions apply to alleged violations committed against clients in health care facilities regulated by the Division of Quality Assurance (DQA) within the Department of Health Services (DHS). The Division of Quality Assurance investigates allegations of misconduct by non-credentialed employees and contractors. If a finding of abuse, neglect or misappropriation is substantiated, that individual will be listed on DQA's Misconduct Registry. Employees or contractors with findings may be permanently barred from working in health care facilities regulated by DQA. In addition, DQA receives allegations of harm to clients in regulated health care facilities by any person and may refer to other agencies such as county Adult Protective Services, the elder/adult-at-risk agency, the Department of Safety and Professional Services, the Department of Justice or local law enforcement for investigation.