

ABUSE - - FREEDOM FROM

THE LAW

Each patient shall... "Have a right to a **humane psychological and physical environment** within the hospital facilities. These facilities shall be designed to afford patients with comfort and **safety**..."

§ 51.61(1)(m), Wis. Stats. [Emphasis added.]

Each patient shall... "Have the right to be **treated** with **respect** and **recognition** of the patient's **dignity and individuality** by all employees of the treatment facility or community mental health program and by licensed, certified, registered or permitted providers of health care with whom the patient comes in contact."

§ 51.61(1)(x), Wis. Stats. [Emphasis added.]

COMFORT, SAFETY AND RESPECT. (a) Staff shall take reasonable steps to **ensure** the **physical safety** of all patients.

(b) Each patient shall be **treated** with **respect** and with **recognition** of the patient's **dignity** by all employees of the service provider and by all licensed, certified, registered or permitted providers of health care with whom the patient comes in contact."

DHS 94.24(2), Wis. Admin. Code [Emphasis added.]

DECISIONS

1. A mother complained that her **daughter's therapist reported sexual abuse** to the county social worker. The therapist learned that a teacher at her daughter's home school had touched the young woman inappropriately. The therapist reported the allegations to the county social worker. The county Social Services department then got the police involved. The police came to the home school to arrest the teacher. This situation was stressful for both mother and daughter. The incident met the legal definition of sexual abuse. Since she was a **minor**, law **mandates** the **reporting** of the allegation. The therapist's actions were professional and appropriate. (Level III Decision in Case No. 03-SGE-02 on 12/26/03.)
2. The **sister/guardian** of a woman filed a grievance about the **care** the woman had received while she was **living in her own apartment**. She had been receiving supportive home care services from an independent service provider under a general contract with the county. The guardian alleged "**abuse of a vulnerable adult**" because the woman's apartment was not kept clean by the contractor and was "unlivable due to filth". The contract contained no specific requirements, but there was a list of duties for

the staff who visited her apartment. One duty was to clean the apartment weekly. During one particular period, the contractor's employees did not complete many of the required items and the apartment became very dirty. Instead, they spent the time **providing companionship** to the woman. Regardless of her desire for companionship, the **employees were responsible** for keeping the **apartment clean**. Whenever possible the caregivers should be making sure the task list is completed while working with the client to model those skills, and to create a social situation where tasks can be completed together and in a way that is therapeutic for her by reinforcing daily living skills. While it **did not rise** to the level of being "**abuse**", the **contractor violated** her right to a **humane environment**. (Level III Decision in Case No. 03-SGE-04 on 6/15/04.)

3. A patient **complained that the provider allegedly interrogated and emotionally abused her when discussing the potential diagnosis of bipolar disorder with the patient and then subsequently diagnosed the patient with Bipolar Disorder**. It was found to not be a violation of the patients right to be treated with dignity and respect. A violation of the patients right to prompt and adequate treatment was also not found when the provider diagnosed the patient with Bipolar Disorder, as the documentation provided detailed the reasons for the change in diagnosis and the decision appeared to be individualized to the patient's symptoms. (Level III Grievance Decision in Case No 18-SGE-03).

[See: "Introduction to Digest-Date Last Updated" page]