

VA MEDICAL CENTER  
MIAMI, FLORIDA

MEDICAL CENTER POLICY MEMORANDUM  
NO.....05-60-04

March 20, 2004

ABUSE OF PATIENTS

I. PURPOSE:

To update VA policy on prevention of abuse of patients, and the procedures to be followed in such cases.

II. POLICY:

It is a strict policy of this Medical Center and the Department of Veterans Affairs that no patient is to be abused in any way, physically or verbally, by an employee.

III. DEFINITIONS:

Patient abuse includes acts against patients, which involve psychological, physical, sexual or verbal abuse. Any action or behavior that conflicts with patient's rights identified in VA regulation 38 CFR 17.34a; intentional omission of care; neglect; willful violations of a patient's privacy; intimidation, harassment or ridicule of a patient; or willful physical injury constitutes major abuse. Examples of minor abuse would include, but not be limited to teasing a patient; speaking harshly, rudely or irritably to a patient; laughing at or ridiculing a patient; scolding a patient, unkindness, indifference, etc., though in certain instances, such acts can be considered major abuse. The patient's perception of how he or she was treated is an essential component of the determination as to whether a patient was abused. One does not have to intend to abuse a patient to commit patient abuse.

IV. RESPONSIBILITIES:

- A. All employees are responsible for avoiding any action which could possibly be considered abuse of patients.
- B. Employees are also responsible for reporting to their Service Chief any abuse of a patient that they witness.
- C. Service Chief is responsible for investigating and reporting any complaints or evidence that a patient has been abused in any way, physically or verbally.

V. PROCEDURES:

- A. Any complaint or evidence that a patient has been abused in any way, physically or verbally, will be reported immediately to the Service Chief. The Service Chief will review the facts and circumstances of the case and contacts QMPI to determine if action is appropriate for further investigation. After consult with QMPI, the Service Chief will report those cases that require further review or investigation to the Medical Center Director so that a complete investigation may be made to determine the facts.
- B. If an investigation is required, the Service Chief will detail the employee who is charged with an allegation of abuse to another duty assignment or duty tour until the investigation is concluded. Upon completion of the investigation, appropriate corrective action should be taken as soon as possible. Since this Medical Center is trusted with the full care of patients, charges of abuse will be sustained if they are reasonable shown by all the evidence. Employees investigating the facts will use sound judgement and discretion in determination of reasonable evidence of abuse.
- C. The administrative penalty action for patient abuse is removal. However, a lesser penalty (admonishment, reprimand, suspension or demotion) may be imposed when mitigating or extenuating circumstances clearly warrant such lesser penalty or the nature of the abuse is minor. An employee who witnesses any violence, rudeness or unkindness of any kind toward a patient and does not promptly report it to the proper authority is subject to disciplinary action.

VI. OTHER:

None

VII. REFERENCES:

MP-5, Part I, Chapter 752; MP-5, Part II, Chapter 8; M-2, Part I, Chapter 35; and VHA

VIII. RESCISSIONS:

Medical Center Policy Memorandum 05-60-95, "Abuse of Patients," dated September 22, 1995.

IX. FOLLOW-UP RESPONSIBILITY:

Chief, Human Resources Management Service (05)

X. This Medical Center Policy Memorandum will remain in effect until rescinded.

Stephen M. Lucas  
Medical Center Director

Number of Attachments: None

Distribution: A

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EMPLOYEE'S SIGNATURE

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DATE