

# Jonathan Rosenfeld's Nursing Homes Abuse Blog

## Sexual Assaults In Nursing Homes, Not Exactly A Pleasant Topic-- But Is An Issue That Needs Attention

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A widely publicized [Chicago Tribune investigation](#) revealed that authorities have investigated at least 86 cases of sexual violence against elderly and disabled nursing home residents since July 2007, but only one case has led to an arrest. This casts doubt on whether nursing home residents are safe from sexual abuse.

While hardly an easy topic to discuss, the prevalence of sexual abuse amongst nursing home patients is a sad topic that must be addressed-- if for nothing else than to spread awareness of this topic.

### Sexual Abuse in Nursing Homes

Sexual abuse is touching, fondling, intercourse, or any other sexual activity with an older adult who is unable to understand, unwilling to consent, threatened, or physically forced. The abuser can be a fellow resident or even a nursing home staff member. Elderly nursing home residents are more vulnerable to and at [increased risk](#) for sexual abuse because of:

- Dependence on family members, caretakers, agency staff
- Physical frailty or weakness
- Restricted mobility
- Alterations in mental status

The Illinois [Elder Abuse and Neglect Act](#) (320 ILCS 20/1 et seq.) established the [Elder Abuse and Neglect Program](#) in order to respond to allegations of abuse, including sexual abuse. Illinois law requires that persons delivering

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professional services to older adults (social services, adult care, law enforcement, education, medicine, state service to seniors, and social workers) report suspected abuse of older persons who are unable to report for themselves. This mandatory reporting requirement only applies if the reporter believes that the older person is not capable of reporting the abuse themselves. Any physician who willfully fails to report as required by the Act is referred to the Illinois State Medical Disciplinary Board. Any other mandated reporter required by the Act who willfully fails to report is guilty of a Class A misdemeanor. The Department also encourages people to report suspected elder abuse even when not required. If the older person is a nursing home resident, reports are made to the Illinois Department of Public Health's Nursing Home Hotline (1-800-252-4343). ([Previous article](#) on Elder Abuse and Neglect Act)

Nursing home facilities are required to complete criminal background checks and risk assessments for all new residents. However, nursing homes are making errors and omissions, which put vulnerable nursing home residents at risk. The [Illinois Department of Public Health](#) (IDPH) is responsible for enforcing current safety regulations. However, [Illinois Attorney General Lisa Madigan](#) said that IDPH needs to do a better job of preventing safety breaches in Illinois' nursing homes.

In Chicago, a quarter of the city's 119 nursing homes have suffered from rape allegations since July 2007. Of the 86 cases that authorities have investigated, only one arrest has been made. In January 2010, the authorities made arrests at two Chicago nursing homes for residents with outstanding arrest warrants. Twenty people were wanted for charges including assault, domestic battery, and indecent exposure. As a result of these raids, eight people were arrested.

There are a shocking number of nursing home residents with outstanding arrest warrants and felony convictions. At facilities with large numbers of felon residents, there were high numbers of assault and battery allegations. Rainbow Beach Care Center, a South Side nursing home, had eleven people with outstanding arrest warrants, which led to three arrests. Rainbow Beach has about 193 residents, of which 18 are listed felons suffering from mental illness. There were 17 police reports of assault or battery, three reports of narcotics possession, and two cases of sexual violence between March 2008

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and July 2009. At Kenwood Healthcare Center, another South Side nursing home, there were 95 reported felons among the 172 person resident population. During the same March 2008 to July 2009 time period, there were 30 alleged assaults or batteries and six narcotics cases.

As discussed in a [previous article](#), younger, mentally ill felons are being housed with vulnerable elderly nursing home residents, which leads to increased violence in nursing homes. Illinois has the highest number of mentally ill adults under age 65 living in nursing homes. As a result, cases of assault or battery and sexual assault are all too common in Illinois nursing homes. In [December 2009](#), a 22 year-old convicted felon who was a resident at Maplewood Care Nursing Home in Elgin pled guilty to aggravated criminal sexual assault for raping a 69 year-old resident.

Governor Pat Quinn's Nursing Home Safety Task Force issued a [final report](#) that set out a timetable and road map for an overhaul of the state's long-term care system. The Task Force made proposals to reduce the number of psychiatric patients and convicted felons housed in nursing homes, hoping that these measures will help reduce violent assaults against elderly and disabled nursing home residents. The Task Force hopes to segregate the most dangerous residents into more secure settings and to move mentally disabled people into smaller residential programs that will provide intense supervision and therapy for those people who require it. The report lists an April 30 deadline for implementing many of the major reforms including a more rigorous assessment and screening of new nursing home residents. Hopefully, these reforms will lead to safer nursing home facilities, where older adults can live without fear of brutal violence and sexual assault.

## **Proving Damages**

The first step of proving damages is proving that sexual abuse actually occurred. In many situations, nursing home residents might be unable or unwilling to report allegations of sexual abuse. Many nursing home residents are unable to report sexual abuse because of mental illness or disability or they might be unwilling to report abuse because of fear or shame. [Impaired memory](#), often caused by dementia or brain injury, is a common barrier in the reporting and investigation of suspected sexual abuse. Some elderly victims might be unaware that abuse ever occurred or they may be unable to communicate

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clearly. Therefore, it is just as important that investigators are trained in techniques that assist older adults with their memory.

Oftentimes, the responsibility to notice and report sexual abuse falls to nursing home staff members. In order to reduce the risk of sexual abuse in nursing homes and report allegations of abuse, nursing home staff members must be aware of signs and symptoms of abuse. Nursing home staff must be vigilant in monitoring residents for unexplained injuries, sudden depression, withdrawing, appetite change and other symptoms of abuse. These incidents must be thoroughly investigated and reported to the IDPH in order to ensure that residents who are victims of sexual assault receive appropriate treatment and counseling and that the alleged offender is removed or better monitored in order to prevent future attacks.

Proper training in recognizing symptoms of abuse is necessary because sometimes these symptoms can be different to differentiate from the aging process, restraints, and rough care. Bruises can sometimes be attributed to the aging process or restraints even though they can also be a symptom of assault. Genital injury in the elderly can also be difficult to differentiate from genital bruising and bleeding caused by improper catheterization or rough perineal care. [Common symptoms](#) of sexual abuse include:

- Bruising around genitals or breasts
- Unexplained vaginal or anal bleeding
- Unexplained venereal disease or genital infections
- Torn, stained, or bloody underclothes

If a family member is the victim of sexual abuse, they can bring a claim for injuries. If they are unable to bring a claim on their own, you may bring a suit on their behalf. Damages (compensatory and punitive damages) can include: pain and suffering, disfigurement, mental anguish, medical expenses, loss of enjoyment in life, and shortened life expectancy.

## How Sexual Abuse Affects Elderly Residents

Sexual abuse causes physical and psychological damage to the victim. Nursing home residents who are victims of sexual abuse often suffer from: fear, depression, acting out, withdrawing, decreased appetite, and mental health changes. Because many nursing home residents suffer from underlying medical conditions, any additional onslaught (physical or mental) to their weakened bodies can exacerbate underlying conditions or cause other serious health problems. In addition, elderly persons are more at risk for infections because of weakened immune systems. If injuries are not properly treated, these infections can be life-threatening. Therefore, if a nursing home suspects that a resident has been sexually abused, the resident should receive immediate medical attention and counseling.

If you suspect that a family member has been the victim of sexual abuse while living in a nursing home, immediately alert nursing home staff and the Illinois Department of Public Health in order to ensure that the matter is thoroughly investigated. Sexual abuse can have many negative and long-lasting repercussions, and it is best that the victim receive medical treatment and therapy as soon as possible.

*Thank you to Heather Keil, J.D. for her assistance with this important topic.*

### Sources:

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[Chicago Tribune: Nursing Home Safety Reforms Get Deadline](#)

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