

ANTI-DISCRIMINATION NOTICE

In accordance with Title VI of the Civil Rights Act of 1964, as amended by the Civil Rights Restoration Act of 1991 (42 USC §1981, 2000e et seq), Section 504 of the Rehabilitation Act of 1973, as amended (29 USC §794), the Age Discrimination Act of 1975, as amended (42 USC §6101 et seq), Title II of the Americans with Disabilities Act of 1990 (42 USC §12101 et seq), and Title IX of the Education Amendments of 1972, the Maine Department of Health and Human Services does not discriminate on the basis of sex, race, color, national origin, disability or age in admission or access to treatment or employment in its programs and activities.

The Affirmative Action Officer has been designated to coordinate our efforts to comply with the U.S. Department of Health and Human Services regulations (45 CFR Parts 80, 84 and 91) and the U.S. Department of Education regulations (34 CFR Part 106) implementing these Federal laws. Inquiries concerning the application of these regulations and our grievance procedures for resolution of complaints alleging discrimination may be referred to the Affirmative Action Officer, 221 State St., Augusta, Maine 04333. Phone (207)287-3488 (Voice) or 1-800-332-1003 (TTY), or to the Assistant Secretary of the Office of Civil Rights, Washington, D.C.

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Adult Abuse Neglect and Exploitation



**Department of
Health and Human Services**

Office of Elder Services

John Elias Baldacci
Governor

What Is Adult Abuse, Neglect, Exploitation?

Abuse, neglect and exploitation of adults happens in Maine. Many people are uncomfortable talking about these problems, especially if the abuser is a family member or friend. Help is available if people are aware of the problem and take steps to report it.

Abuse includes actions which result in bodily harm, pain or mental distress.

Examples of abuse are:

- ⇒ pushing, hitting, shaking, pulling hair
- ⇒ tying to a bed or chair or locking in a room
- ⇒ forcing into sexual activity
- ⇒ giving the wrong medicine or too much medicine on purpose
- ⇒ denying visits with friends or family
- ⇒ name calling, harassment or verbal threats.

Neglect is a failure to provide care and services when an adult is unable to care for him or herself. Neglect may be at the hands of someone else or it may be self neglect. Neglect includes failure to provide:

- ⇒ adequate shelter, clothes or food
- ⇒ personal care
- ⇒ medical attention or necessary medication
- ⇒ necessities such as glasses, dentures, hearing aides, walkers.

Exploitation is the illegal or improper use of an adult's money or property for another person's profit or advantage. Examples of exploitation include:

- ⇒ forcing an adult to change a will or sign over control of assets
- ⇒ forcing an adult to sell or give away property or possessions
- ⇒ keeping the adult's pension or social security check.

What Conditions Contribute to Abuse, Neglect or Exploitation

- ⇒ Misunderstanding of an adult's physical or emotional needs or abilities
- ⇒ Stress because of financial, family, marital or health problems
- ⇒ Alcohol or drug abuse
- ⇒ Mental illness
- ⇒ Lack of training or education
- ⇒ Social isolation

What Are Adult Protective Services?

Adult Protective Services is a program within the Office of Elder Services. Its purpose is to provide and arrange for services to protect adults who are unable to protect themselves from abuse, neglect or exploitation. If the person has mental retardation, services are provided by the DHHS/Office of Adults with Cognitive and Physical Disability Services.

Who May Receive These Services

Any dependent or incapacitated adult who may be in danger of abuse, neglect or exploitation may receive assistance from Adult Protective Services. A dependent adult is a person who has a physical or mental condition that substantially impairs the adult's ability to adequately provide for their daily needs. An incapacitated adult is a person who lacks sufficient understanding to make or communicate decisions about his or her own person or property. These adults may need someone else to make some or all of their decisions for them.

Clients of Adult Protective Services may include:

- ⇒ frail or vulnerable elders
- ⇒ people with mental illness
- ⇒ those with alcohol or drug abuse problems
- ⇒ those with medical problems or disabilities.

Where to Report to Adult Protective Services

**To make a report of abuse, neglect or exploitation of
an incapacitated or dependent adult, call
Adult Protective Services at:**

**Nationwide 24-hour, toll-free
1-800-624-8404**

**TTY (during business hours) 1-800-606-0215
Statewide TTY (after hours) 1-800-963-9490**

To report abuse, neglect or exploitation in a facility licensed by the
Department of Health and Human Services, call:

Statewide toll-free 1-800-383-2441 TTY 1-800-606-0215



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Mandatory Reporting of Adult Abuse, Neglect or Exploitation

Maine law states that certain people must report suspected abuse, neglect or exploitation of an adult if they believe the adult is incapacitated or dependent.

Persons convicted of failing to report may be fined up to \$500. If the person is a professional, the court or the Department also will report to that person's licensing board or accrediting unit.

Individuals Who Must Directly Report:

While acting in a professional capacity:

Ambulance Attendant	Occupational Therapist
Certified Nursing Assistant	Pharmacist
Chiropractor	Physical Therapist
Clergy	Physician (M.D. and D.O.)
Dentist	Physician's Assistant
Emergency Medical Technician	Podiatrist
Emergency Room Personnel	Psychologist
Humane Agent	Registered Nurse
Law Enforcement Official	Social Worker
Licensed Practical Nurse	Speech Therapist
Medical Examiner	Unlicensed Assistive Personnel*
Medical Intern	*(includes Personal Care Assistant/PCA)
Mental Health Professional	

Other Individuals:

Any person who has assumed full, intermittent or occasional responsibility for the care or custody of an incapacitated or dependent adult, whether or not the person receives compensation; or

Any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, whether or not the person receives compensation.

Optional Reporting

Anyone may report suspicion of abuse, neglect or exploitation of a person who is incapacitated or dependent. Making a report is a first step toward providing protection for the adult.

Immunity

Anyone who makes a report in good faith is protected under the law if someone files a suit in a civil court.

Confidentiality

Adult Protective Services maintains confidentiality of reporters except in very limited circumstances.

What to Report?

Give as much information as you can:

- ⇒ The adult's name, address and age
- ⇒ Any known physical or mental impairment
- ⇒ Nature and extent of the danger to the adult
- ⇒ Name of the caretaker, if any
- ⇒ Any other information related to the problem.

Where to Report

To make a report of abuse, neglect or exploitation of an adult with **mental retardation**, call The Office of Adults with Cognitive and Physical Disability Services at:

Portland Office, Region 1 (York & Cumberland)	207-822-0270 Nextalk 1-888-254-0311
Augusta Office, Region 2 (Kennebec & Somerset)	207-287-2205 Nextalk 1-800-606-0215 1-800-232-0944
Lewiston Office (Androscoggin, Franklin & Oxford)	207-753-9100 Nextalk 1-800-606-0215 1-800-866-1803
Rockland (Knox, Lincoln, Sagadahoc & Waldo)	207-596-4302 Nextalk 1-800-606-0215
Bangor Office, Region 3 (Hancock, Piscataquis, Penobscot & Washington)	207-941-4360 Nextalk 1-800-606-0215 1-800-963-9491
Houlton (Aroostook)	207-532-5000 Nextalk 1-800-606-0215 1-800-432-7338

For reporting after business hours, call the CRISIS NUMBER at
1-888-568-1112

What Can Adult Protective Services Staff Do?

- ⇒ Investigate reports of abuse, neglect or exploitation.
- ⇒ Arrange services to help make adults safe.
- ⇒ Arrange services to allow adults the most personal freedom possible.
- ⇒ Seek guardianship and/or conservatorship of adults who are unable to make decisions for themselves and who have no family or friend able to make these decisions for them.

Guardianship and/or Conservatorship

Guardianship and conservatorship provide protection and care for incapacitated adults. Only a Probate Court can declare an adult to be incapacitated and appoint a guardian or conservator.

The Department of Health and Human Services can provide information and help with guardianship and conservatorship for an incapacitated adult who may be in danger of abuse, neglect or exploitation. Any able and willing adult may be a guardian or conservator. If there is no private individual able and willing to assume the responsibility, then the Department of Health and Human Services may be appointed as public guardian or conservator.

What Can You Do to Help?

- ⇒ Learn the facts about adult abuse, neglect and exploitation.
- ⇒ Report suspected cases of abuse, neglect or exploitation.
- ⇒ Invite a speaker to your group or club to discuss the issue.
- ⇒ Share this information with others.