

# California Nursing Home Abuse and Neglect FAQ

---

 [californiainjuryaccidentlawyer.com/california-nursing-home-abuse-neglect-faq/](http://californiainjuryaccidentlawyer.com/california-nursing-home-abuse-neglect-faq/)

There is nothing quite as devastating as visiting your loved one in a nursing home, assisted living facility, or other care center and recognizing they have been abused or neglected. At Johnson Attorneys Group, our California nursing home abuse lawyers are prepared to put an end to nursing home abuse and neglect. ***As a way to help nursing home victims begin exploring their legal options, our team has assembled a list of frequently asked questions.***



## What is Nursing Home Abuse?

---

Nursing home abuse refers to the illegal mistreatment of an elder who is under the care of a nursing home. This abuse is usually committed by a staff member who has a legal and contractual obligation to provide care and protection to an elder.

These are some of the types of nursing home abuse:

- **Physical Abuse:** This includes inflicting physical pain or injury on an elder, or threatening to do so. It can also include withholding a basic need from an elder. Chemical abuse of elders is extremely common in California, where 25 percent of nursing home residents are currently medicated with antipsychotic prescription drugs.
- **Emotional Abuse:** This includes inflicting mental pain or anguish on an elder through verbal or nonverbal acts.
- **Sexual Abuse:** Any form of non-consensual sexual contact with an elder in a nursing home is considered sexual abuse, as well as forcing an elder to view a sexual act against their will.

- **Exploitation:** This form of abuse involves illegally taking or misusing the funds or property of an elder who is in the care of a nursing home.

An elder abuse and neglect lawyer at Johnson Attorneys Group can explain these forms of abuse in greater detail under California law.

## What is Nursing Home Neglect?

---

Nursing home neglect occurs when a staff member refuses or fails to provide food, shelter, healthcare, protection or other needs to an elder which are required by law.

## What is the Nursing Home Reform Act?

---

This was a law passed by the US Congress in 1987. The Nursing Home Reform Act set federal standards for the services that nursing homes are required to provide, such as nursing and pharmaceutical services. The law requires unannounced surveys at least once every 15 months to ensure that the proper level of care is being provided.

As an additional protection for elders, California passed the Elder Abuse and Dependent Adult Civil Protection Act in 1990. The laws allow you or a loved one to file a civil suit for damages with the help of an elder abuse and neglect lawyer if you are being abused in a nursing home facility.

## What Obligations Do Nursing Home Facilities Have Concerning a Resident's Property or Financial Accounts?

---

An elder has the right to manage their own finances or to designate a person they trust to manage the money for them. Fraudulent billing practices are sadly common when it comes to elders in nursing home care, in addition to the theft of personal belongings or property. All nursing home staff, including administrators and others who are not directly responsible for the care of an elder, are required by law to report suspected financial abuse of an elder.

## What Rights Do Nursing Home Residents Have?

---

The Residents' Bill of Rights was established in the 1987 Nursing Home Reform Act of Congress. Residents have the right to be free from abuse and neglect; the right to privacy; to freedom from personal restraints; to have their medical, psychological, physical and social needs met; to be treated with dignity; to take part in residential and family groups; to communicate freely; to exercise self-determination; and to voice complaints without reprisals.

Nursing home residents also have the right to take an active part in their care plan and to be notified in advance of any upcoming changes in their care or treatment.

## Where Should Suspected Abuse be Reported?

---

Suspected nursing home abuse in California should be reported to the resident's County [Office of the State Long-Term Care Ombudsman](#) and local law enforcement. The [Bureau of Medi-Cal Fraud and Elder Abuse](#) should be contacted in suspected cases of financial abuse. Your elder abuse and neglect lawyer from Johnson Attorneys Group can help with this process.

## What Are the Most Common Causes of Nursing Home Abuse and Neglect?

---

Elder abuse and neglect usually arises from staffing issues at a nursing home. If a care facility is understaffed, the nurses and other care providers can suffer from stress which in turn leads to neglect through inattention or outright abuse of an elder. Slip and fall accidents are an extremely common and preventable form of neglect in understaffed nursing homes.

## Are Nursing Home Abuse Cases Ever Settled Out of Court?

---

A large majority of nursing home abuse cases are settled in California before ever reaching trial. A 2001 study of nursing home abuse cases found that only 8 percent of the cases actually went to trial.

## How Do I Remove a Loved One from a Negligent or Abusive Nursing Home?

---

A nursing home does not have the right to prevent you from removing a loved one from its care, even against medical advice. It's a good idea to ask your loved one's doctor of a discharge order, but this is not necessary.

## What Can be Recovered if I File a Lawsuit?

---

You can recover civil and medical damages for suffering abuse in a California nursing home. The total amount will depend on the severity of the abuse and whether the nursing home settles the case out of court.

## Contact a California Nursing Home Abuse and Neglect Lawyer at Johnson Attorneys Group for a Free Case Evaluation

---

Nursing home neglect and abuse are serious problems. If a senior you love has suffered as a result of abuse or neglect by a nursing home, assisted living facility, or other care centers, Johnson Attorneys Group may be able to help you obtain full and just compensation from

negligent parties. Contact our law office toll-free, 24 hours a day, seven days a week, at 1-800-208-3538.