

**410 IAC 16.2-1.1-2 "Abuse" defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

Sec. 2. "Abuse" means any physical or mental injury or sexual assault inflicted on a resident in the facility, other than by accidental means. (*Indiana State Department of Health; 410 IAC 16.2-1.1-2*)

**410 IAC 16.2-1.1-44 "Neglect" defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

Sec. 44. "Neglect" means:

- (1) an act or omission that places a resident in a situation that may endanger the resident's life or health;
- (2) abandoning or cruelly confining the resident;
- (3) depriving the resident of necessary support, including food, clothing, shelter, and medical care; or
- (4) depriving the resident of education as required by statute.

(*Indiana State Department of Health; 410 IAC 16.2-1.1-44*)

**410 IAC 16.2-3.1-27 Abuse and neglect**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28-5-1

Sec. 27. (a) The resident has the right to be free from:

- (1) sexual, physical, and mental abuse;
  - (2) corporal punishment;
  - (3) neglect; and
  - (4) involuntary seclusion.
- (b) The resident has the right to be free from verbal abuse.
- (c) For purposes of IC 16-28-5-1, a breach of:
- (1) subsection (a) is an offense; and
  - (2) subsection (b) is a deficiency.

(*Indiana State Department of Health; 410 IAC 16.2-3.1-27*)

**410 IAC 16.2-3.1-28 Staff treatment of residents**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28-5-1

Sec. 28. (a) The facility must develop and implement written policies and procedures that prohibit mistreatment, neglect, and abuse of residents and misappropriation of resident property.

(b) The facility must:

- (1) not employ individuals who have:
  - (A) been found guilty of abusing, neglecting, or mistreating residents or misappropriating residents' property by a court of law; or
  - (B) had a finding entered into the state nurse aide registry concerning abuse, neglect, mistreatment of residents, or misappropriation of their property; and
- (2) report any knowledge the facility has of actions by a court of law against an employee, which would indicate unfitness for service as a nurse aide or other facility staff to the state nurse aide registry or licensing authority.

(c) The facility must ensure that all alleged violations involving mistreatment, neglect, or abuse, including injuries of unknown source, and misappropriation of resident property, are reported immediately to the administrator of the facility and other officials in accordance with state law through established procedures, including to the state survey and certification agency.

(d) The facility must have evidence that all alleged violations are thoroughly investigated and must prevent further potential abuse while the investigation is in progress.

(e) The results of all investigations must be reported to the administrator or the administrator's designated representative and to other officials in accordance with state law (including to the department) within five (5) working days of the incident, and if the alleged violation is verified, appropriate corrective action must be taken.

(f) For purposes of IC 16-28-5-1, a breach of:

(1) subsection (b), (c), (d), or (e) is a deficiency; and

(2) subsection (a) is a noncompliance.

*(Indiana State Department of Health; 410 IAC 16.2-3.1-28)*