

Situational Learning

Protection from Financial Abuse

RHRA
Retirement Homes Regulatory Authority

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Introduction

Retirement homes are responsible for the health and well-being of each resident, which involves protecting residents from financial abuse from anyone, including family members, external care providers, volunteers and retirement home staff.

There are several factors that may increase retirement home residents' susceptibility to financial abuse, including a possible power imbalance between residents and staff and cognitive impairments.

Retirement homes must, therefore, take extra care to ensure that residents' money is not being misappropriated or misused.

To protect residents from financial abuse also means taking protective action that residents may be too afraid or unwilling to do on their own.

When staff and management are trained on their responsibilities, including how to recognize, report and respond to suspected, alleged or witnessed incidents of abuse or neglect, there is a **direct and positive impact on resident safety** in the home.

To help build this essential knowledge, the RHRA offers:

- A Guidance Document for Abuse and Neglect
- A set of four online situational learning modules, including this module

These RHRA learning resources are designed to assist operators in understanding the requirements of select portions of the Retirement Homes Act (the Act) and Ontario Regulation 166/11 (the Regulation). They are not, and do not replace, the home-specific training that is required by the Act and the Regulation.

If anything in this guidance conflicts with requirements in applicable legislation regulations or any other provincial requirements, those requirements prevail and retirement homes must follow them.

About this Situational Learning Module

This module, Protection from Financial Abuse, is designed to build your understanding of:

- ☐ How to recognize financial abuse in a retirement home setting
- ☐ When and how to report and respond to alleged, suspected, or witnessed incidents of financial abuse
- ☐ Responsibilities in relation to the protection of residents from harm, including any form of abuse and neglect
- ☐ Available information resources

Protection from Financial Abuse

Financial Abuse – Definition

Financial Abuse is defined as any misappropriation or misuse of a resident's money or property. This includes incidents where a resident's money or property has been stolen, or where a resident has been coerced, intimidated, or otherwise manipulated into providing money or property to another person.

- Licensees, staff, external care providers, and volunteers are prohibited from borrowing money or other property from a resident or receiving or holding a resident's money or other property except in trust for the payment of rent, care services or legitimate charges connected with the retirement home.
- The intent is to prevent licensees from financially benefitting from the imbalance of power between residents and licensees/staff. It is not to prevent good-faith and consensual gift-giving between staff and residents.

Source: *The Guidance Document for Abuse and Neglect*

Under the Retirement Homes Act (the Act) and Ontario Regulation 166/11 (the Regulation), licensees must protect residents from abuse by anyone and prevent neglect by the home's staff.

Scenario One

A resident, Ron, called the RHRA over concerns relating to some of the fees the home was charging him. He explained that he was being charged by the home for care services that he was receiving from an External Care Provider (ECP). Ron stated that the only care service he is receiving from the home is meals and that he should not be charged fees for other care services.

An inspection was conducted by the RHRA. Monthly invoices were reviewed and showed that the resident was being charged by the home for daily care, even though the care services were being provided by the ECP.

Ron's agreement was reviewed and it showed his signature approving charges by the home only when the ECPs were not able to attend and home staff were required to provide the care.

No one in the home could explain why the home had been charging Ron for daily care services, instead of charging only for the days when the ECP was unavailable.

Knowledge Check 1

In this scenario, the home's daily charges to this resident are:

- ☐ Reasonable and appropriate because the resident's consent was obtained
- ☐ Close to being financial abuse, but not needing to be reported to the RHRA because some charges were valid
- ☐ An example of financial abuse

→ **Correct Answer:** An example of financial abuse

Rationale/Reasoning

Yes, the home's daily charges to this resident are an example of financial abuse.

In this example, the resident was being charged for care services as if they were being provided every day, even though the care from the home was only being provided on the occasions when the ECP was not able to attend to the resident. This practice is an example of the misappropriation of the resident's funds, which is a form of financial abuse.

Resident plans of care must include a statement indicating whether the resident has given their consent to collect information about their care from external care providers.

Homes must have protocols in place to collaborate with external care providers with respect to resident care. Homes should have written contingency plans in place to ensure the necessary care is provided when there will be missed care from an external care provider.

When the care is provided by the home, charges may be applied for the care service provided on that specific day.

Communicating fees to residents and their families, along with having detailed contingency plans for when scheduled external care is missed, helps protect residents from financial abuse and promotes a culture of care.

Knowledge Check 2

Since the resident signed an agreement consenting to daily charges, does the home's conduct still constitute financial abuse?

Yes or NO

→ **Correct Answer:** Yes

Rationale/Reasoning

Yes, even though the resident signed an agreement consenting to daily charges, the home's conduct still constitutes financial abuse.

Whether consented to or not, charging a resident for services that are not provided is a misuse or misappropriation of a resident's money, thus failing to protect them from financial abuse.

Homes are responsible for the health and well-being of the resident. Due to the imbalance of power, homes must take extra care to ensure that the resident's money is not being misappropriated.

Scenario Two

Sandra has been residing in a retirement home for several years. She is independent and capable of making decisions regarding property and care. Recently, Sandra's monthly payments for rent and care were declined due to insufficient funds in her bank account.

When staff spoke to Sandra regarding the issue, she became emotional and explained that the home should contact her daughter. Sandra said her daughter, who is her SDM, told her that she is not allowed to discuss the payment issue with anyone at the home.

Due to the frequency of declined payments, the General Manager met with Sandra to gain more insight into the situation. Sandra admitted that her daughter had access to her bank accounts and has been withdrawing Sandra's money without her consent. However, Sandra advised that this is a personal family matter and that she does not want the issue to be reported because she will figure it out with her daughter.

Knowledge Check 1

Which of the following reflects how the home should respond to this situation?

A. Give the resident's daughter some time to rectify the situation since she is the resident's SDM.
B. Contact the resident's daughter and express concerns about the declined payments.
C. Contact the resident's bank and discuss the home's concerns about the resident's daughter withdrawing funds.
D. Respond to the situation as an incident of alleged or suspected financial abuse that requires immediate investigation and mandatory reporting.

→ **Correct Answer:** D: Respond to the situation as an incident of alleged or suspected financial abuse that requires immediate investigation and mandatory reporting.

Rationale/Reasoning

The home should respond to the situation as an incident of alleged or suspected financial abuse that requires immediate investigation and mandatory reporting.

The retirement home is responsible for protecting residents from abuse by anyone, including family members, external care providers, volunteers and retirement home staff.

The resident alleged that her daughter was withdrawing funds from her account without her consent, which would constitute financial abuse.

The home must follow their policy for investigating and reporting incidents of alleged or suspected financial abuse.

While these situations can be challenging, especially when the abuser is a family member or a resident advises that it is a family matter, reporting the matter and following the abuse policy promotes a culture of care and can protect residents from further harm.

Knowledge Check 2

Is the home still required to report the alleged financial abuse to the RHRA and police even though the resident has asked them not to?

Yes or No

→ **Correct Answer:** Yes

Rationale/Reasoning

Yes, the home is still required to report the alleged financial abuse to the RHRA and police even though the resident has asked them not to.

Residents may be resistant to contacting police in these situations for various reasons. Some reasons might include disrupting family relationships or causing burden on the home or people involved.

Homes may be hesitant to contact the police if the resident has asked the home not to report the incident, or the home may be unsure if a criminal offense has been committed. In instances where a home may be unsure, the police can confirm if an incident meets this threshold.

Although valuing a resident's wishes is important, it is still a home's responsibility to report suspected abuse and neglect to the RHRA and police.

In this scenario, the home must follow their policy for investigating and reporting incidents of alleged or suspected financial abuse.

Fostering a culture of care could require taking action that residents may be too afraid or unwilling to do on their own.

Reflections

Reflecting on the scenarios in this module and what you've learned, consider the following additional questions.

1. How can the retirement home support the resident who does not want the home to report a family member suspected of financial abuse?
2. What can the retirement home do if the resident or the resident's SDM refuses to pay for additional and necessary care services?

Conclusion

We hope this module helps reinforce a culture of care in your retirement home.

1. What more can you do in your home to build and support a culture of care?
2. How can you ensure the well-being, safety and protection of residents in the retirement home where you work?
3. Is there an opportunity to work through and discuss this module with the management team and staff?

Follow-up, as needed, to ensure that you fully understand your responsibilities and obligations regarding the protection of residents from all forms of abuse by anyone.

Still Have Questions?

If you have any questions or would like to discuss education opportunities, please contact the **Retirement Homes Regulatory Authority** by calling 1-855-275-7472 or visiting the website at www.RHRA.ca.

Please complete this short survey. Thank you for your feedback.

Glossary

Abuse
The Act and Regulation outlines and defines five different types of abuse: Emotional abuse, verbal abuse, physical abuse, sexual abuse and financial abuse.

Incident
Alleged, suspected or witnessed abuse or neglect of a resident(s), and/or other behaviour that results in harm or risk of harm to the resident(s).

Investigation
An investigation may require interviewing multiple people (including the alleged victim), taking photographs of evidence, reviewing records, documents and video footage and keeping copies.

Mandatory Reporting
One of the ways the law protects retirement home residents is by requiring people to immediately report to the RHRA if they have reasonable grounds to suspect harm or risk of harm to a resident has occurred or may occur. This requirement is called mandatory reporting.

Mandatory reporting must happen immediately and should not wait until an investigation has been completed.

Neglect
Neglect is defined as the failure to provide a resident with the care and assistance required for their health, safety or well-being and includes inaction or a pattern of inaction that jeopardizes the health or safety of one or more residents.

Protection
When there is a report of suspected abuse or neglect, the Licensee must take immediate steps to ensure the resident is protected. These steps may include immediate separation of the resident from the alleged abuser, physical and mental assessment, medical attention, counseling and increased monitoring.

Reasonable grounds to suspect
A person has "reasonable grounds to suspect" when they have information that would lead an average person, using normal and honest judgment, to believe that abuse or neglect occurred or may occur.

Resident
A person who lives in a licensed retirement home.

Retirement Home
A residential complex or part of a residential complex which has been licensed to operate as a retirement home by RHRA.

Substitute Decision Maker (SDM)
A person who is legally authorized to make a decision or to give or refuse consent on behalf of another person when required. This could, for example, include a Power of Attorney (POA).

Whistle-blowing Protection
It is a contravention of the Act to retaliate or threaten to retaliate against another person, whether by action or omission, because that person has disclosed anything to the Registrar or an inspector or has provided evidence.

Zero Tolerance
To never tolerate, allow or ignore abuse or neglect of a resident.

Resources

RHRA Guidance Document for Abuse and Neglect

Scenario Reflections - Protection from Financial Abuse

Retirement Homes Act (the Act)

Ontario Regulation 166/11 (the Regulation)

Elder Abuse Prevention (ON)

Behavioural Supports Ontario (BSO)

The Advocacy Centre for the Elderly (ACE)

Alzheimer's Society of Ontario


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Scenario Reflections

Protection from Financial Abuse



How can the retirement home support a resident who does not want the home to report a family member suspected of financial abuse?

- When financial abuse involves a resident's family members, they often ask that the incidents go unreported.
- It is the home's responsibility to protect the resident from financial abuse, which means taking protective action that residents may be afraid or unwilling to do on their own.
- This can have emotional impacts on the resident, highlighting the importance of providing appropriate support to the resident.
- Increased monitoring of the resident should be considered to watch for changes in behaviour, such as increased tearfulness, isolation or depression.
- For residents that are incapable of making decisions regarding their property and care, homes can contact the Office of the Public Guardian and Trustee (OPGT).

What can the retirement home do if the resident or the resident's SDM refuses to pay for additional and necessary care services?

- Prepare and plan ahead. Homes are encouraged to have systems in place to identify and address changing care needs or financial barriers as early as possible.
- Difficult situations may arise when residents or families refuse to accept or pay for services that may be necessary to protect resident well-being. In these situations, the home should document:
  - Details and dates of related conversations that occurred with the resident, their family or power of attorney and the physician
  - The steps recommended to ensure the resident receives the care that they need
- In situations where all options have been exhausted and the required care cannot be provided by the home, the home must provide information that will enable the resident to obtain the care from an external care provider, information about alternatives to living in the retirement home, and information on admission to a long-term care home, if applicable.