

Misconduct – Simplified Definitions

MISCONDUCT	SIMPLE DEFINITION	POSSIBLE EXAMPLES
ABUSE	<p><i>An intentional act that:</i></p> <p>Contradicts a health care facility's policy/procedure AND Is not part of the care plan AND Is meant to cause harm.</p>	<ul style="list-style-type: none"> Physical abuse – hitting, slapping, pinching, kicking, etc. Sexual abuse – harassment, inappropriate touching, assault Verbal abuse – threats of harm, saying things to intentionally frighten a client Emotional abuse – humiliation, harassment, intimidation with threats of punishment or depriving care or possessions
NEGLECT	<p><i>A careless or negligent act that:</i></p> <p>Fails to follow facility procedure or care plan AND Causes or could cause pain, injury, or death BUT Is not intended to cause harm.</p>	<ul style="list-style-type: none"> Not using a gait belt when required or transferring a client alone Failure to perform ROM exercises Turning off a call light Leaving a client wet or soiled Skipping work in a client's home without notifying your employer Disregarding hydration orders Failure to deliver or administer medication
MISAPPROPRIATION	<p><i>An intentional act that:</i></p> <p>Is meant to permanently deprive a client of property OR Misuses a client's personal property AND Is done without the client's consent.</p>	<ul style="list-style-type: none"> Theft of cash, checks, credit cards, jewelry, medication, etc. Misuse of property, e.g., using a client's cell phone, wearing a client's jewelry, eating a client's box of candy, etc. Identity theft
<p><i>Applies to Federally Certified Nursing Homes</i></p> <p>EXPLOITATION</p>	<p><i>An intentional act by any person that:</i></p> <p>Takes advantage of a client for their own personal gain through the use of manipulation, intimidation, threats, or coercion.</p>	<ul style="list-style-type: none"> Collecting payments from a client to ensure "good care" Intimidating a client to sign over ownership of property or other assets Threatening a client not to report misconduct Pressuring a client for gifts

These definitions apply to alleged violations committed against clients in health care facilities regulated by the Department of Health Services (DHS), Division of Quality Assurance (DQA). DQA investigates allegations of misconduct by non-credentialed employees or contractors. If a finding of abuse, neglect or misappropriation is substantiated, the individual will be listed on Wisconsin's Misconduct Registry. Employees or contractors with findings may be permanently barred from working in facilities regulated by DQA. DQA also receives allegations of harm to clients in regulated health care facilities by any person and may refer to other agencies such as county Adult Protective Services, the elder/adult-at-risk agency, the Department of Safety and Professional Services, the Department of Justice or local law enforcement for investigation.