

Patient Abuse: Court Expands The Definition Of Sexual Exploitation Of A Vulnerable Adult.

Sexual exploitation is defined as any consensual or nonconsensual sexual conduct with a dependent adult for the purpose of arousing or satisfying the sexual desires of the caretaker or the dependent adult.

A dependent adult is a person over eighteen who is unable to protect his or her own interests or unable to perform or obtain services adequate to meet essential human needs, as a result of a physical or mental condition which requires assistance from another.

A caretaker is a person who has the responsibility for the protection, care or custody of a dependent adult as a result of assuming that responsibility voluntarily or by contract, employment or court order.

SUPREME COURT OF IOWA
August 15, 2008

A ninety year-old male patient in a long-term care facility suffered from a number of health issues including depression, according to the court record in the Supreme Court of Iowa.

Over time he developed a romantic attachment to a female CNA who took care of him. He began acting out trying to touch, embrace and fondle her. The CNA reported him to her supervisor. Her supervisor reassigned her and told her to stay away from him.

CNA Is Caught In The Act Of Allowing the Resident to Fondle Her

After being told to stay away from the resident the CNA was caught in the resident's room by two other CNA's in the act of allowing the resident to fondle her, apparently for her own pleasure rather than his. She abruptly told him to stop, but apparently only because she had just been caught in the act by other staff members.

She was fired and reported to the state for sexual exploitation of a vulnerable adult.

The state Department of Human Services and the state Supreme Court did not accept the argument that sexual exploitation occurs only when the caregiver touches a dependent adult sexually.

Allowing oneself to be touched sexually by a dependent adult also fits the definition of sexual exploitation, the court ruled. **Smith v. Dept. of Human Services, ___ N.W. 2d ___, 2008 WL 3551228 (Iowa, August 15, 2008).**