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Are Current Policies Sufficient to Solve Elder Abuse Occurring in Long-Term Care Facilities in Korea?

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Abstract

The purpose of this study is to understand abuse of older adults at long-term care (LTC) facilities and to suggest implications in Korea. Elder abuse at LTC facilities increased rapidly after the introduction of the Long-Term Care Act. The characteristics of abuse at LTC facilities are different from those at home in terms of abused older adults and abusers, types of abuse, and obligated reporters. The most vulnerable older adults are women and those with dementia. It is necessary to considering residential environments and customizable strategies to prevent and intervene in abuse. However, the analytic results of four levels of prevention have revealed that policies and programs for abuses exist, but they are not specifically suitable for abused older adults in a facility. Increasing abuse toward older adults cannot be avoided as society sees increases in the number of residents who are older and dependent. Social policies of the guardian system, the ombudsman program, and management of latent cases are suggested. Strengthening the functions of the Elder Protection Agency (EPA) is also suggested.

Problem statement

Since a welfare facilities was established for older adults after the Korean War in the 1950s, they became widespread under the Long-Term Care Insurance Act (LTCA) of 2008. In the early days, these facilities were poorly operated without sufficient resources (e.g., subsidies) and monitoring systems. Violence and maltreatment of residents occurred behind closed doors. However, the problem of elder abuse in facilities

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has been discovered and raised as a social issue with the changing social climate of human rights and increasing number of residents. In particular, one reason for abuse toward older adults is related to the unique Long-Term Care (LTC) environment in Korea. At the beginning of LTCA, the number of LTC facilities was not sufficient to meet the needs of caring services for older adults, so the government solved the facility shortage by allowing the private sector to participate as operators. The number of facilities rose rapidly, by more than 400%, from 1,700 in 2008 to 5,320 in 2009; the private sector accounted for 72.6% of the total number of LTC facilities in 2018 (National Health Insurance Service, 2019). This situation is likely to lead to a low quality of service, human rights violations, and elder abuse in that the private sector seeks to maximize profits in addition to there being competition among the individual organizations. Besides the problem above, complex reasons such as low recognition of elder abuse in society and a shortage of prevention and intervention services against elder abuse are also occurring. Consequently, Korean society faces the unexpected problem of elder abuse in LTC facilities. This paper will review the current situations of elder abuse at LTC facilities, analyze prevention with a framework consisting of four levels targeting population (WHO, 2011), and then suggest solutions.

Current situation of elder abuse in LTC facilities

Exposure to elder abuse at home instigated concern about the problem of abused older adults in society. Since elder abuse is recognized as an incident at home, comparatively speaking, abuse in facilities has received less interest. Secondary data are limited to analyzing the accurate situation of abuse in LTC facilities but could show an overall picture of what is going on. The following analysis shows how many, who, by who, and what type of abuse occurs in LTC facilities.

1. Occurrence of elder abuse in LTC facilities

The proportion of homes where abuses occur is overwhelmingly higher than in other places, but it continuously decreased from 92.9% in 2005 to 84.9% in 2020, as shown in Table 1. However, the proportion of abuse in residential institutions for older adults, including LTC facilities, stayed steady at 2%–3% of elder abuse compared to total abuse between 2005 and 2008. After the LTCA was enacted in 2008, the number of LTC facilities where abuse occurred increased rapidly from 2.1% in 2009 to 6.3% in 2012 and 7.0% in 2014 (these years include residential facilities). Separate statistical reports on LTC facilities showed accurate situations of abuse after the year 2016. The number of abuses in LTC facilities increased by twofold in the 4 years from 2014 to 2019. One reason is the continuous increase in the number of LTC facilities, and the other is that the susceptibility of human rights has been raised.

Table 1. Places where elder abuse occurs (N, %)

	2005	2009	2012	2014	2017	2018	2019
Home	1,893(92.9)	2,358(88.2)	2,909(85.0)	2,983(84.5)	4,129(89.3)	4,616(89.0)	4,450(84.9)
Residential	46(2.3)	55(2.1)	216 ¹⁾ (6.3)	246 ¹⁾ (7.0)	327 ²⁾ (7.1)	380 ²⁾ (7.3)	486 ²⁾ (9.3)
LTC ³⁾					292	321	432
Other ⁴⁾	99(4.9)	261(9.8)	299(8.7)	303(8.5)	166(3.6)	192(3.7)	307(5.9)

Source: Korea Elder Protection Agency

- ¹⁾ Total number of residential facilities and abuses by family member at the facilities are included
- ²⁾ Only the number of facilities where abuses happened in the facility by members of the LTC facility. Statistics since 2016
- ³⁾ The LTC refers to the number of LTC facilities out of total residential facilities
- ⁴⁾ Other: welfare center, public hospital area.

2. Characteristics of abused older adults in LTC facilities

Age and gender of abused elders in facilities. The absolute number of abused female older adults is almost triple that of abused male older adults. In 2019, out of the 432 total abused older adults, there were 302 women (69.9%) and 130 men (30.1%). This trend in different ratios between female and male abused older adults has been maintained since 2009 (Table 2). Over 50% of abused older adults were in their 80s, followed by over 20% in their 70s, and almost 20% in their 90s. At present, the number of female abused older adults aged over 100 years is small, but it will increase along with the rapid increase in the old-old age group. There will not be an exceptional number of male abused older adults in the near future.

Table 2. Gender and age group of abused older adults (N, %)

Year		-60s	70s	80s	90s	100s+	Sub total	total
2009	Male	7(12.7)	5(9.1)	6(11.0)	0(0)	0(0)	18	55
	Female	2(3.6)	10(18.2)	21(38.2)	4(7.3)	0(0)	37	
2012	Male	8(3.7)	26(12.0)	26(12.0)	3(1.4)	0(0)	63	216
	Female	10(4.6)	50(23.1)	68(31.5)	25(11.6)	0(0)	153	
2014	Male	8(3.3)	29(11.8)	24(9.8)	1(0.4)	0(0)	62	246
	Female	13(5.3)	35(14.2)	99(40.2)	34(13.8)	3(1.2)	184	
2017	Male	8(2.7)	29(9.9)	23(7.9)	6(2.1)	1(0.3)	67	292
	Female	4(1.4)	44(15.1)	113(38.7)	62(21.2)	2(0.7)	225	
2018	Male	8(2.5)	47(14.6)	49(15.3)	6(1.9)	0(0)	110	321
	Female	2(0.6)	41(12.8)	116(36.1)	48(15.0)	4(1.2)	211	
2019	Male	7(1.6)	40(9.3)	66(15.3)	17(3.9)	0(0)	130	432
	Female	6(1.4)	50(11.6)	159(36.8)	84(19.4)	3(0.7)	302	

Source: Korea Elder Protection Agency

The proportion of abused older adults. This proportion differs between those with spouses and those without. More than 70% of abused older adults until 2017 did not have a spouse. The number of abused older adults with a spouse has increased, and the gap between those with and without a spouse has narrowed to 10%. This trend is related to an increase in older couples. Regardless of marital status, the person who cares for and watches the older adult is the most important factor in preventing abuse behaviors in facilities:

Table 3. Marital status of abused older adults (N, %)

Year	2009	2012	2014	2017	2018	2019
Married	9(16.4)	43(19.9)	51(20.7)	62(21.2)	136(42.4)	192(44.4)
Non-married	45(81.8)	173(80.1)	195(79.3)	230(78.8)	185(57.6)	240(55.6)
Total	55*	216	246	292	321	432

Source: Korea Elder Protection Agency

*One person did not provide this information

The proportion of abused older adults with dementia. This proportion, regarding both latent and diagnosed dementia, increased to 85.6% of the total number of abused older adults in 2019. Older adults with dementia are the most vulnerable to abuse.

Table 4. Level of dementia (N, %)

	2009	2012	2014	2017	2018	2019
Latent	8	21	33	23	34	55
Diagnosed	12	108	122	231	230	315
Total*	20(36.4)	129(59.7)	155(63.0)	254(87.0)	264(82.2)	370(85.6)

Source: Korea Elder Protection Agency

*This number represents older adults with dementia out of the total number of abused older adults

3. Types of abuse

The rank of abuse types in LTC facilities differ from those of the general older adult population. Generally, emotional abuse is at the top, followed by physical abuse, neglect, economic exploitation, sexual abuse, and abandonment (Korea EPA, 2019, p. 80). As shown in Table 5, the number of abused older adults in facilities has continuously increased every year, but the trend of abuse types remains. The proportion of multi-type abuse and emotional abuse has remained the same, but both neglect and sexual abuse have increased. The characteristics of elder abuse in LTC facilities are different from that of those at home (Korea EPA, 2019, p. 80). Neglect refers to indifference and inappropriate care for older adults that could cause mental problems and ultimately lead to death. Sexual abuse is sexual humiliation (e.g., leaving the older adult naked or changing a diaper without a shield in public) and sexual molestation. All types of abuse should receive attention, but neglect needs immediate intervention.

Table 5. Type of abuse (N, %)

Year	Physical	Emotional	Sexual	Economical	Neglect	Abandon	Total
2009	16(19.4)	28(33.7)	1(1.2)	8(9.6)	22(26.5)	8(9.6)	83
2012	81(26.1)	93(30.0)	16(5.2)	13(4.2)	99(31.9)	8(2.6)	310
2014	81(21.1)	93(24.2)	66(17.3)	9(2.3)	123(32.0)	12(3.1)	384
2017	129(33.2)	42(10.8)	76(19.6)	20(5.2)	120(30.9)	1(0.3)	388
2018	87(21.2)	30(7.3)	124(30.3)	5(1.2)	164(40.0)	–	410
2019	126(21.2)	61(10.2)	124(20.8)	67(11.3)	217(36.5)	–	595

Source: Korea Elder Protection Agency

The responses were to multiple choice questions

4. Characteristics of abusers

Since 2016, the number of female abusers has been triple that of male abusers. In terms of age and gender, the largest number of abusers is women in their 50s. The proportion of abusers seems to reflect the proportion of care workers by age and gender. Over 96.3% of abusers are care workers. The difference between the number of abuse cases and the number of abusers shows that more than one abuser is involved in an abuse case. In other words, an abused older adult could suffer from more than one type of abuse.

Table 6. Relationship between the abused and abusers (N, %)

Year	Health care providers	People working at the LTC	People working at the related facilities	Others	Family and relatives	Him/herself (the abused)	Total
2009	1(1.6)	24(38.0)	4(6.3)	5(7.9)	27(42.9)	2(3.2)	63
2012	2(0.7)	226(80.1)	10(3.5)	6(2.1)	38(13.5)	–	282
2014	2(0.7)	221(73.9)	5(1.7)	13(4.3)	56(18.7)	2(0.7)	299
2017	1(0.2)	591(98.2)	7(1.2)	2(0.3)	1(0.1)	–	602
2018	17(2.9)	559(94.4)	11(1.9)	3(0.5)	2(0.3)	–	592
2019	5(0.7)	675(96.3)	18(2.6)	1(0.1)	2(0.3)	–	701

Source: Korea Elder Protection Agency

5. Obligated reporters

As shown in Table 7, reporters are grouped into those who are obligated and those who are not. Out of the 15 professional groups obligated to report elder abuse, professionals reporting elder abuse in LTC facilities are concentrated in six profession groups that are related directly to personal care and formal care for older adults. However, the proportion of obligated reporters accounts for about 30% of the total number of reporters. Although government efforts to add professions to the list of obligated reporters and strengthen the duty to report with a penalty for ignoring observations reporting elder abuse, 70% of total reporters are, from most to least, non-obligated others, relatives, and related organizations.

Table 7. Obligated and non-obligated reporters (N, %)

	2009	2012	2014	2016	2017	2018	2019
Obligated	16(29.0)	72(33.3)	95(38.6)	58(32.9)	83(28.4)	141(43.9)	148(34.2)
Non-obligated	39(71.0)	144(66.7)	151(61.4)	118(67.1)	209(71.6)	180(56.1)	284(65.8)
Total	55	216	246	176	292	321	432

Source: Korea Elder Protection Agency

Obligated: health care provider, person who engages in service, public official, person working at the LTC, etc.

Non-Obligated: abused, family or relative, others

6. Case judgment

The reported cases of elder abuse are judged by a review committee for decisions regarding whether an action qualifies as elder abuse. The reported cases are divided into three groups based on the results: critical situations for life (emergency), less critical situations (non-emergency), and suspected abuse cases (latent). General cases are evaluated as no abuse is occurring at the time of report receipt. The number of abuse cases judged as non-emergency increased to 70% in 2019, followed by latent cases (about 30%). For example, physical restraint is a serious physical abuse but not life threatening. Latent cases should be attended to because they could become abuse cases or they may reflect more serious cases being hidden.

Table 8. Results of case judgment on abuses cases (N, %)

	2009	2012	2014	2017	2018	2019
Emergency	2(3.6)	9(4.2)	5(2.0)	23(7.9)	0(0)	1(0.2)
Non-emergency	37(67.3)	141(65.6)	178(72.4)	150(51.4)	222(69.2)	308(71.3)
Latent	16(29.1)	65(30.2)	63(25.6)	119(40.8)	99(30.8)	123(28.5)
Total	55	215	246	292	321	432

Source: Korea Elder Protection Agency

Social policies and strategies against elder abuse

There are two ways to fight elder abuse at LTC facilities: prevention and intervention. These two methods are not exclusive and neither is superior to the other. Social policies for preventing elder abuse are specified in the Welfare of Old Persons Act (WOPA). Interventions are social services directly given to abused older adults as well as to abusers by Korea and the Regional Elder Protection Agency (EPA) and relevant welfare centers. To analyze the prevention and intervention strategies, the social policy and services provided by the government and the related welfare service center will be reviewed by using a framework WHO developed that is structured according to the target intervention population at four different levels (WHO, 2011, p. 43).

1. Universal approach

This targets the general population or the whole of a group of individuals, such as a specific profession.

Publicity of elder abuse toward the general population and professors. Since education only provided to professional personnel related to abuse is insufficient for promoting and preventing elder abuse, raising public awareness of the problem is important. The government has developed some strategies under WOPA: 1) declaring the “Day of Elder Abuse Prevention,” 2) introducing the production, distribution, and transmission of publicity videos on the precaution, prevention, and risk of elder abuse.

2. Selective approach

This targets individuals at risk of elder abuse, either as victim or perpetrators.

Human rights against elder abuse. The year 2011 was definitely a turning point in the political response against elder abuse. Human rights were emphasized and reinforced in social policies to prevent elder abuse. The Korea EPA was obligated to take a role and action to prevent elder abuse from the respect of human rights of old persons under WOPA. Since 2017, human rights have been emphasized on all processes such as prevention, intervention, and follow-up.

Care worker education concerning human rights and elder abuse. People abusing elders at LTC facilities could be care workers, staff, and other older adults. All workers at LTC facilities are required to participate in education about human rights and elder abuse, for more than one hour, at least once a year under WOPA.

3. Indicated approach

This targets the victims or perpetrators of maltreatment.

Punishment for direct perpetrators. Elder abuse can be called “a crime related to elder abuse”; the abusers are basically considered criminals. This means that their situation has become more rigid because the WOPA includes paragraphs related to criminal acts associated only to elder abuse. Being convicted of elder abuse leads to a restriction of work possibilities at institutions related to older adults for 10 years after serving their sentence. In addition, abusers must follow recommendations for attending classes by the head of the EPA.

Administrative measurement given to facilities. Elder abuse in facilities is a very serious problem and needs administrative intervention that is subjected to the LTCA as well as WOPA. The LTCA applies more specific and rigid standards than does the WOPA. Under the LTCA, the local government discloses the name of the business for a maximum period of 6 months or cancels its designation as a long-term care institution depending on the level of severity (enforcement roles of the LTCA).

Services for victims and family members. When the reported case is judged as abuse, the EPA offers services for victims and family members. The services include medical and psychological treatment, counseling, and accommodation in shelters

for victims. After a case of elder abuse ends, the EPA provides follow-up services to prevent reoccurrence for abused elders and families.

Appointment and education for the obligated reporters. Since 2004, the WOPA has appointed a head officer and staff in five institutions, and there was an expansion of up to 15 institutions twice (WOPA article 39–6). In 2011, the heads and workers of LTC facilities were additionally designated as obligated reporters. This provision is meaningful in that the government showed that it is concerned about elder abuse at LTC facilities. The appointed people attend training programs concerning elder abuse and their reporting duties when they receive their license and as well as on the job. Furthermore, a new provision was created to penalize people who did not fulfill their duty to report elder abuse.

4. Organizational and multicomponent intervention

This was designed to improve professional practice through, for instance, guidance and protocols.

The Elder Protection Agency. As a government response to elder abuse, the EPAs were launched in 2004. The functions of Korea EPA and Regional EPAs were redefined in 2011. The Korea EPA has roles in developing national plans, offering necessary support, and providing resources to regional EPAs in addition to monitoring them. Regional EPAs provide services for abused older adults based on results about whether a case is abuse and then are involved at the state level. The results are four different levels of involvement: emergency case (abused older adult needs to be separated from the abuser), non-emergency case (abused older adult is in a safe and stable situation), latent case (the older adult is not abused/the situation is potentially abusive), and general case (the older adult is not being abused/there is no evidence of abuse or abuse behavioral factors).

Operation of the review committee. Korea and the regional EPA have developed a review committee for elder abuse cases. A regional EPA review committee assesses elder abuse cases to make relevant decisions. The Korea EPA review committee assesses abuse cases decided by the regional EPA in situations of conflicts or denials of abuse decisions. This committee mediates disputes between regional EPA and reported facilities.

Evaluation of administration and services of LTC facilities. The National Health Insurance Service (NHIS) continuously controls and evaluates details of LTC benefits every 3 years. Since the NHIS gives a rating of A to E according to the results and discloses the rank to the public, the facilities are incentivized to receive the highest possible score to recruit clients. The item related to elder abuse has the highest weight in the score, meaning that LTC facilities have an incentive to avoid elder abuse.

Suggestion for a new approach to resolve elder abuse

1. Improving the criteria to accurately judge a reported case as abuse

At the request of the EPA, Kwon and Lee (2014) developed criteria to judge abuses in living institutions that reflect these institutions' characteristics in addition to common criteria for judging elder abuse in all settings. The number of conflicts between facilities and adult children of abused older adults has increased because definitions of abusive behaviors in elder abuse cases are often burred. Consequently, there are twice as many general cases as abuse cases (Korea EPA, 2020). The decision on the level of abuse is often controversial. The present criteria of elder abuse in living facilities needs to be revised to articulate abusive behaviors as well as to include their frequency and intensity while considering different traits of abusers' relationships and places in LTC.

2. Increasing the number of care workers

As mentioned above, the number of neglect cases is increasing in LTC facilities (Kim et al., 2011). Many indicators of neglect are related to providing clients with inappropriate and insufficient services to meet their desires and needs. These behaviors appear under the burden of care due to a shortage of care workers. Currently, LTC facilities must have one care worker per 2.5 older adults, not considering shiftwork, resulting in a lack of manpower at all times (Ministry of Health and Welfare, 2019). Care workers easily burn out and leave such settings. Increasing the number of care workers is one solution to prevent abuse.

3. Providing education concerning abuse and human rights

Prevention of abuse should have precedence over intervention after an abuse case occurs. All workers, including care workers, should have an awareness of elder abuse and human rights. The present yearly training is insufficient to continuously recognize elder abuse. It is important to establish a new education system to expand the definition of those who are required to participate and to provide appropriate content depending on the participants' type, position, career, and length of work in the facilities.

4. Strengthening the guardian system

As shown in Table 4, elders with dementia are a high-risk group for being exposed to abuse. In addition, they are less likely to seek help when victimized because of cognitive disorders. The government has operated a pilot project called the "public guardian system" for older adults with dementia and low incomes and who are over the age of 65 and without family. The participants who are supported by the public guardian program can be protected in LTC residences. Demographically, abused older adults tend to be female, single, older, and have dementia; therefore, older single female elders with dementia are the most vulnerable group, and they must be attended to through the guardian system.

5. Strengthening the function of the ombudsman

An “honorary adviser” who is appointed by the local government under WOPA visits the LTC facilities, talks with clients and workers, accesses data, and provides recommendations for working out problems to prevent elder abuse as an ombudsman. However, the current study indicates that ombudsmen have limitations in that their position is honorable and temporary (Son, 2017), so it is difficult for them to effectively determine whether elder abuse is occurring. An hour’s visit at a facility is not enough time to meet residents and workers and investigate signs of abuse. This ombudsman program should be strengthened and include recommendation rights, visiting hours, and rewards in order to function well.

6. Providing services for victims in LTC facilities

Some interventions from the EPA are likely not suitable for older adults who live in LTC facilities. In fact, there are no specific services for abused older adults in LTC facilities. Specifically tailored services for such individuals in LTC facilities are needed to lessen mental shock and depression and to deliver medical treatment and mental health counseling.

7. Managing latent cases

Although latent cases are not considered abuse, they are likely to turn into abuse cases at some point in the future. A systematic program to monitor latent cases should be established to protect these cases of older adults who are vulnerable to abuse.

8. Expanding and strengthening EPA

As mentioned above, Korea and regional EPAs have common and individual functions that provide services and are involved in the prevention and intervention of abuse. EPAs need to be endowed with the power to develop and provide programs and better services for abused older adults.

Conclusion

Elder abuse has increased along with an increase in LTC facilities after the induction of the LTCA. However, abuse in LTCs has not received attention. A case of abuse happening in an LTC facility is different from that at home in terms of characteristics of the abused older adult and the abuser, type of abuse, and obligated reporters. Social policies and programs in each area are insufficient for solving the current problems of abuse in LTC facilities. It is necessary to develop a customized response against abuse along with the revised provisions of WOPA. Older adults who are most vulnerable to abuse are female and single and have dementia. Guardian institutions need to protect these individuals who have multiple risk factors.

The reason for the increasing neglect is related to problems of care workers, who are easily burned out because of employee shortages as compared to the care needs of

elders. Due to the rapidly aging population in Korea, an increasing number of older adults are highly likely to live in LTC facilities. Residents in LTC facilities are aging and facing deteriorating physical and mental functions, which makes it possible to foster an environment that is insensitive to human rights or abusive behaviors. Korean society faces a new social challenge to prevent abuses in LTC facilities; it needs to stop abuse at LTC facilities where older adults will reside in their later life in order to guarantee human rights and their quality of life.

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