Luis Gomez Elder Abuse Case Review

Abstract

This case review will describe the elder abuse case of Luis Gomez. Gomez was a former certified nursing assistant that was sentenced to at least 23 years in prison after being found guilty of raping elderly women at North Carolina nursing homes on October 19, 2017. This document discusses the following: the case details, signs of elder abuse, lack of action, risk factors, and the charges of the case.

Keywords:

Luis Gomez, Elder women

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Elder abuse can occur anywhere and be perpetrated by anyone that has a contact with an elder. There is not a description or way to figure it if the individual is a perpetrator of abuse. The same is for childhood abuse and domestic violence. This makes it difficult for professionals like Adult Protective Service and law enforcement agents to tackle the problem of elder abuse.

Elder Abuse Case Details

According to close friends and neighbors, Gomez was a good community member that actively participated in the community's activities. For example Gomez was an active participant of the bible study group. This led people to think Gomez was a good person that have a good attitude towards his job as nursing assistant. Nevertheless, Gomez was not a saint.

Signs of Elder Abuse1

As a certified nursing aide, Gomez was responsible with the most intimate of duties. For example, changing diapers, bathing the patients, and assisting them to the bathroom. To this day, Gomez claims that he was just trying to help the female residents and that they were confused. However, the incident that started the investigation was clearly not an accident. Gomez locked a female patient in the bathroom and he raped her. This horrible action led to the patient reporting his actions to a nurse. The nurse went against her boss directions not to get law enforcement involved because she did not think it was a big deal. The nurse Krista Shalda called the police. As a result, many other female residents that have been abuse by Gomez came forward with their stories (Adminm.2019, July 15).

Six distinct female patients, who were housed in three separate nursing homes accused Gomez of physical and sexual maltreatment. The age of Gomez' victims ranged from the fifties to their nineties. However, they all have a commonality, they were all disabled in one way or another. These disabilities left the victims helpless and unable to defend themselves. Furthermore, they were also afraid that if they resisted Gomez' abuse, he would hurt them. Gomez also made

sure his victims were alone when he committed his awful sexual abuses. The first patients that reported the abuse committed by Gomez were shunned and ignored. Consequently, the accusations were dismissed. In fact, the nursing of the Brian Center where the first victim reported, Gail Robertson, intentionally disregarded the situation and did not report any incident that occurred during her time as a director (Adminm.2019, July 15).

Investigators should be suspicious of the following types of abuse: physical abuse, sexual abuse, sexual maltreatment, and psychological mistreatment. The first three type of abuse are obvious about this elder abuse case, however the last one is important but it is difficult to prove. Physical abuse is define as, any non-accidental injury using physical force (Types of Elder Abuse, n.d.). On the other hand, sexual abuse is any non-consensual sexual contact with an elder (Types of Elder Abuse, n.d.). Sexual maltreatment includes unwanted touching, fondling and sexual acts (Types of Maltreatment, n.d.). Psychological mistreatment repeated pattern of caregiver behaviors that implies to the elder that he or she is unloved, unwanted, and worthless. All of these types of abuse are present in this case (Types of Maltreatment, n.d.).

Lack of action.

The Institution did take all the necessary actions to help their patients. The health care institution should had call the police and file a police report from the beginning. Additionally, they should had cooperated with the police. Moreover, they should have expelled Gomez from working with elders since he was first accused of abuse.

State investigators working with the federal centers for Medicare and Medicaid services cited the Brian Center for various problems: “failure to protect residents from sexual abuse, failure to inform the alleged victims’ families and physicians, failure to report suspicion of crime immediately to law enforcement, failure to supervise the alleged perpetrator until he left the facility, failure to assess the residents immediately for injuries, failure to notify the state promptly of allegation, failure to empower staff to call law enforcement (Six Women, n.d).”

Consequently, the nursing home temporarily lost government funding for new residents. The Brian Center was force to pay a fine of $110,402.50 (Six Women, n.d).

According to the information available about this elder abuse case the community was supportive of the perpetrator instead of the victims and the Adult protective service is never mentioned in any of the credible sources of information.

Risk Factors.

There are a few aspects about Gomez personal life that can be considered risk factors to being an elder abuse perpetrator. Gomez was wedded three times and cheated on his wives. Moreover, Gomez was a flirted with many women, including his coworkers. Additionally, Gomez had a tendency toward nastiness. According to his third wife, Gomez had physically assault her and threaten to kill her. Additionally, One of Gomez’ victim claimed that he had bought her a perfume and told her he wanted to marry her (Adminm. 2019, July 15).

Charges and Trial.

On October 19, 2017 in Waynesville, North Carolina, a former certified nursing assistant was sentenced to at least 23 years in prison after being found guilty of raping and physically abusing elder women at various nursing homes. Gomez was a Guatemalan immigrant that moved to Waynesville in the late 1990s from New Jersey. The move was a big change to Gomez because at that time he only spoke Spanish.

The first charges against Gomez were two counts of second-degree forcible rape. According to Chapter 14 article 7B of the North Carolina legislation, anyone that commits this crime is guilty of a class C felony (Rape and Other Offenses, 2018).

The next charge was one count of a second-degree forcible sexual offense. According to Chapter 14 article 7B of the North Carolina legislation, any individual who commits this crime is guilty of a class C felony. These crimes fall under the second-degree margin because the second condition states that the victim is someone with any type of disability. The second condition states the following, “Who has a mental disability or who is mentally incapacitated or physically helpless, and the person performing the act knows or should reasonable know that the other person has a mental disability or is mentally incapacitated or physically helpless” (Rape and Other Offenses, 2018).

The last charges against Gomez were three counts of sexual activity by a custodian. Anyone that commits this crime is guilty of a class E felony and consent is a valid defense (Rape and Other Offenses, 2018).

Throughout this document, the elder abuse case of Luis Gomez was review and analyze. The case discussed the following: the case details, signs of elder abuse, lack of action, risk factors, and the charges of the case. This paper discussed many actions that should not happen in a nursing home, but the sad reality is that those abuses are still happening. Raising awareness and not underestimating the problem can make a positive impact on the way society view elder abuse.

References

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