Mandated Reporter

Observes, has knowledge of, or reasonably suspects Physical Abuse in a Long-Term Care Facility

Serious Bodily Injury
(See reverse for definition)

IMMEDIATELY:

Telephone Report to Law Enforcement

and

Within 2 Hours:

Written Report SOC341 to LTC Ombudsman

and Law Enforcement

and Licensing Agency

No Serious Bodily Injury
(See reverse for definition)

Within 24 Hrs:

Telephone Report to Law Enforcement

and

Within 24 Hrs:

Written Report SOC341 to LTC Ombudsman

and Law Enforcement

and Licensing Agency

Caused by Resident Diagnosed with Dementia by Physician No Serious Bodily Injury

IMMEDIATELY, or as soon as Practicably Possible:

Telephone LTC Ombudsman

or Law Enforcement

and

Within 24 Hrs:

Written Report SOC341 to LTC Ombudsman

or Law Enforcement

AB40 - Yamada W&I Code 15610.67 Effective 01/01/13

General Information (AB 40)

1. Welfare & Institutions Code section 15610.67 definition of "Serious bodily injury:" an injury involving extreme physical pain, substantial risk of death, or protracted loss or impairment of function of a bodily member, organ, or of mental faculty, or requiring medical intervention, including, but not limited to, hospitalization, surgery or physical rehabilitation. Physical abuse that does not meet this definition is considered to be abuse with "no serious bodily injury."

2. Written Report: SOC341

3. If other than Physical Abuse, mandated reporting requirements in LTC facilities have not changed. Report by telephone and written report to either the local LTC Ombudsman Program or Local Law Enforcement immediately or as soon as practicable possible. Report in writing within two working days.

4. Law Enforcement agencies may coordinate efforts with local LTC Ombudsman Programs to provide the most immediate and appropriate response warranted.

5. Physical abuse that must be reported to law enforcement includes: assault, battery, sexual assault, unreasonable physical constraint, improper use of a physical or chemical restraint or psychotropic drugs; see Welfare & Institutions Code section 15610.63

6. The term "LTC Ombudsman" refers to the local Long-Term Care Ombudsman Program. The term "Law Enforcement" refers to the local law enforcement agency.

7. Exceptions to Long-Term Care facilities: State Mental Hospital or State Developmental Center.
(Refer to Welfare & Institutions Code section 15630 as amended by AB40 - Yamada 2012).

8. Local law enforcement must immediately refer the complaint of abuse to the Bureau of Medi-Cal Fraud and Elder Abuse (BMFEA) and to the local LTC Ombudsman, regardless of the local law enforcement's decision to investigate or close the matter. Welfare & Institutions Code section 15630 requires local law enforcement to cross-report all instances of criminal activity that occur in a long-term care facility to the BMFEA.

Elder Justice Act (EJA)
(Skilled Nursing Facilities – Federal Law)

All instances of suspected crimes committed against residents or others receiving care in long-term health care facilities (skilled nursing facilities) receiving at least $10,000 per year in Medicare/Medicaid funds, must be reported, by the facility, to at least one local law enforcement agency and to the Licensing and Certification Program of the California Department of Public Health. The SOC341 is one means for reporting.

The EJA establishes two time-limits for the reporting of reasonable suspicion of a crime, depending on the seriousness of the event: "Events that result in serious bodily injury shall be reported immediately, but no later than 2 (two) hours after forming the suspicion, and all other reports within 24-hours."

NOTE: This training tool is not intended to cover all reporting requirements for skilled nursing and residential care facilities. Reporters should refer to their respective licensing laws to assure all reporting requirements have been met.

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