



TOMÁS J. ARAGÓN, M.D., Dr.P.H.
State Public Health Officer & Director

State of California—Health and Human
Services Agency
**California Department of
Public Health**



GAVIN NEWSOM
Governor

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AFL 21-26

TO: Adult Day Health Center
Congregate Living Health Facility
Intermediate Care Facility
Intermediate Care Facility/Developmentally Disabled
Intermediate Care Facility/Developmentally Disabled-Continuous Nursing
Intermediate Care Facility/Developmentally Disabled-Habilitative
Intermediate Care Facility/Developmentally Disabled-Nursing
Nursing Facility
Skilled Nursing Facility

SUBJECT: Mandated Reporting Requirements of Potential Abuse, Neglect, Exploitation, or Mistreatment of Elders or Dependent Adults

AUTHORITY: Title 42 Code of Federal Regulations (CFR) section 483.12(c)(1)
Welfare and Institutions Code (WIC) section 15630
Health and Safety Code (HSC) section 1418.91(a)(b)

All Facilities Letter (AFL) Summary

- This AFL reminds facilities of mandated reporting requirements of abuse, neglect, exploitation, and/or mistreatment of residents, particularly elders or dependent adults.
- Pursuant to Title 42 CFR section 483.12(c)(1) and WIC section 15630, facilities must report suspected or known abuse to their local law enforcement agency, long term care (LTC) ombudsman, and district office (DO).

Background

Reporting of elder or dependent adult mistreatment is vital in protecting the health and welfare of one of California's most vulnerable populations. Pursuant to Title 42 CFR section 483.12(c)(1) and WIC section 15630 (b)(1) (A)(i & ii), facilities must report any instance of suspected or alleged abuse, neglect, exploitation, and/or mistreatment of elders or dependent adults to their local law enforcement agency, LTC ombudsman, and DO.

Any person who has assumed full or part time care or custody of an elder or dependent adult is considered a mandated reporter, as defined in WIC section 15630(a). Pursuant to WIC section 15630(b)(1), a mandated reporter must file a report if they have observed, obtained knowledge of, or suspect abuse, neglect, exploitation, and/or mistreatment of any elder or dependent adult under their care.

When to Report

LTC facilities have specific reporting timeframes and reporting entities, as required by Title 42 CFR section 483.12(c) (1) and WIC section 15630 (b)(1)(A)(i & ii). Below is a description of the regulatory timeframes for reporting suspected or known abuse, neglect, exploitation and/or mistreatment of elders and dependent adults. Reportable incidents can include, but are not limited to, physical abuse, abandonment, abduction, deprivation, financial abuse, mental suffering, or neglect.

Pursuant to Title 42 CFR section 483.12(c)(1) for incidents that involve abuse or result in serious bodily injury, facilities must:

- Call local law enforcement immediately, but no later than two hours after the allegation is made.
- File a written or electronic report to the LTC ombudsman, local law enforcement, and DO within two hours.

Pursuant to Title 42 CFR section 483.12(c)(1) for any other reasonable suspicion that does not result in abuse or serious bodily injury, facilities must:

- Call local law enforcement as soon as possible, but no later than 24 hours after the allegation is made.
- File a written or electronic report to the LTC ombudsman, local law enforcement and DO within 24 hours.

How to Report

Facilities should use the following forms:

- Abuse: "Report of Suspected Dependent Adult/Elder Abuse" (SOC 341) (PDF)
- Financial abuse: "Report of Suspected Dependent Adult/Elder Financial Abuse" (SOC 342) (PDF)

Please provide as much information as possible so receiving entities can best assist as needed. The written report should include the following:

- Name, address, telephone number, and occupation of the person reporting
- Name and address of the victim
- Date, time, and place of the alleged incident
- Other details, including the reporter's observations and beliefs concerning the incident
- Any statement relating to the alleged incident made by the victim
- Name of any individuals believed to have knowledge of the alleged incident
- Name of the individuals believed to be responsible for the alleged incident and their connection to the victim

Failure to comply with the above reporting requirements will result in a class "B" violation as required by HSC section 1418.91(b). A mandated reporter that fails to report abuse, as required by WIC section 15630(h), will result in:

- A misdemeanor punishable by not more than six months in a county jail, or
- A fine of not more than \$1,000, or
- Both the fine and imprisonment

Willful failure to report abuse which results in death or great bodily injury will result in:

- Not more than one year in county jail, or
- A fine of not more than \$5,000, or
- Both the fine and imprisonment

Once the report has been filed, CDPH recommends facilities retain the reporting documents in their recordkeeping system along with the name of the individual who received the report. In the event an inspection is warranted, those documents may be required to assist in the investigation. All elder or dependent adult abuse reports are confidential and are not subject to public disclosure.

If you have questions regarding this AFL, please contact your local district office.

Sincerely,

Original signed by Cassie Dunham

Cassie Dunham

Acting Deputy Director

Resources:

- SOC Form 341 (PDF)
- SOC Form 342 (PDF)

Center for Health Care Quality, MS 0512 . P.O. Box 997377 . Sacramento, CA
95899-7377
(916) 324-6630 . (916) 324-4820 FAX
Department Website (cdph.ca.gov)



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