


<p>California Department of Justice DIVISION OF CRIMINAL LAW Dane Gillette, Chief Assistant Attorney General</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Reporting of Criminal Conduct in Long-Term Care Facilities – Elder Justice Act</p>	<p><i>No:</i> 12-01-BMFEA</p> <p><i>Date:</i> 3-19-2012</p>	<p><i>Contact for information:</i> Northern CA: Lee Careaga, Special Agent Supervisor at (916) 274-2911 Southern CA: Kris Lyle, Special Agent Supervisor at (619) 688-6154</p>

TO: ALL Chiefs of Police, Sheriffs, District Attorneys and ALL Law Enforcement Agencies

Effective immediately, all instances of suspected criminal conduct occurring in long-term care facilities must be reported to local law enforcement agencies. The Federal Elder Justice Act (EJA) of 2009 revised mandatory reporting requirements for suspected crimes and abuse occurring in any long-term care facility. This change of federal law changes the way long-term facilities report such events in California. These changes are effective immediately. All long-term care facilities have received a letter from the California Department of Public Health advising the facilities of the reporting changes.

The EJA now requires all reports of “suspected crimes committed against a resident of the facility to be submitted to at least one local law enforcement agency or jurisdiction, and the Department of Public Health Licensing and Certification Program.” While not in direct conflict with California law, this change in the federal law will, as a practical matter, increase the number of direct referrals by long-term care facilities to your law enforcement agency.

The Bureau of Medi-Cal Fraud and Elder Abuse (BMFEA) is mandated to investigate and prosecute elder abuse occurring in any facility setting. Should you receive a complaint of abuse in such a facility, you must immediately refer the case to the BMFEA and to the local Ombudsman, regardless of your decision to investigate or close the matter. California law (Welfare and 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.

Once a matter is referred to the BMFEA, we will coordinate with your agency to avoid any duplication of effort. Should your agency desire to investigate a matter, the BMFEA will assist as your office sees fit. As a local law enforcement agency, you still have the option of cross-reporting incidents of abuse to your local Ombudsman.

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 with 24-hours.”

The EJA also requires that “facilities shall coordinate with the State and local law enforcement entities to determine what actions are considered crimes in their political subdivision.”

When reporting an incident of abuse to the BMFEA, please send all pertinent information along with a completed SOC 341 – Confidential Report/Not Subject to Public Disclosure Form. General instructions and the form may be found at www.aging.ca.gov, Elder Abuse/Elder Abuse – Reporting Form SOC 341. Mail the form and relevant information to the following or you may send via facsimile at (916) 263-2565:

The Bureau of Medi-Cal Fraud and Elder Abuse
1425 River Park Drive, Suite 300
Sacramento, CA 95815

Please contact our Special Agent Supervisors listed on the front page of this bulletin if you have any questions.

Sincerely,

MARK GEIGER, Director
Bureau of Medi-Cal Fraud and Elder Abuse

For KAMALA D. HARRIS
Attorney General