

Mandated Reporter

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

Serious Bodily Injury
(See reverse for definition)

No Serious Bodily Injury
(See reverse for definition)

Caused by resident
diagnosed with
Dementia by physician;
No serious bodily injury

**IMMEDIATELY:
(Within 2 hours)**
Telephone Report
To
Law Enforcement

AND

Within 2 hours:
Written Report
To
Ombudsman
AND
Law Enforcement
AND
Licensing Agency



SOC
341

Within 24 hours:
Telephone
Report
To
Law Enforcement



AND

Within 24 hours:
Written Report
To
Ombudsman
AND
Law Enforcement
AND
Licensing Agency



SOC
341

**IMMEDIATELY
or as soon as
Practicably Possible:**
Telephone
To
Ombudsman
OR
Law Enforcement



AND

Within 24 Hours:
Written Report
To
Ombudsman
OR
Law
Enforcement



SOC
341

General Information (AB 40)

1. Welfare & Institution Code §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.
All other bodily injuries would be considered, “no serious bodily injury”.
2. Written Report: SOC341 (cross-reporting); CDA223 (referral).
3. If other than Physical Abuse, no change in law. Report by telephone and written report to either Ombudsman or Local Law Enforcement immediately or as soon as practicably possible. Report in writing within two working days.
4. Law Enforcement may coordinate efforts with Ombudsman 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 & Institution Code §15610.63
6. The term “Ombudsman” refers to local Ombudsman Program. The term “Law Enforcement” refers to local law enforcement.
7. Exceptions to Long-Term Care facilities: State Mental Hospital or State Developmental Center. (Refer to SB1051).

Elder Justice Act (EJA)

(Skilled Nursing Facilities – Federal Law)

All instances of suspected criminal conduct occurring in long-term care facilities (skilled nursing facilities) must be reported, by the facility, to local law enforcement agencies, via the SOC341. 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.”

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.”

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

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.