



University HealthCare Alliance

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Elder Abuse Reporting, CG-15

I. PURPOSE

The purpose of this policy is to establish guidelines for University HealthCare Alliance (UHA") employees and affiliated providers to report the abuse of an elder or dependent adult as required under California law.

II. POLICY

It is the policy of UHA that a mandated reporter is required to report any known or suspected abuse of an elder or dependent adult as required under California law, with the exception of Section IV-A-7. A mandated reporter does not, however, have a duty to investigate the matter—law enforcement will investigate.

III. DEFINITIONS

A. Abuse of an Elder or Dependent Adult:

1. Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering
2. The deprivation of a care custodial of goods or services that are necessary to avoid physical harm or mental suffering

B. Dependent Adult: Any person between the ages of 18 and 64 years who:

1. Resides in California and who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities are diminished because of age
2. Is admitted as an inpatient to a 24-hour facility as defined under Sections 1250, 1250.2 and 1250.3 of the California Health and Safety Code. These facilities include but are not limited to an acute care hospital, skilled nursing facility and care facilities for those with developmental disabilities

C. Elder: Any resident of California that is 65 years or older

D. **Financial Abuse:** Occurs when any person who has the care or custody of, or stands in a position of trust with, an elder or dependent adult willfully steals the money or property of that elder or dependent adult, to use for the purpose not in the due or lawful execution of his or her trust

E. **Mandated Reporter of Elder Abuse:** Any person who has assumed full or intermittent responsibility for care or custody of an elder or dependent adult, whether or not he or she receives compensation,

including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults. For purposes of this policy, this includes all licensed health care providers including, but not limited to physicians, registered nurses, nurse practitioners and physician assistants

F. Neglect:

1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise
2. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter
3. Failure to provide medical care for physical and mental health care needs. This does not include instances in which an elder or dependent adult refuses treatment
4. Failure to protect from health and safety hazards
5. Failure to prevent malnutrition or dehydration
6. Failure of an elder person or dependent adult to satisfy the above needs for himself or herself because of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health

G. Serious Bodily Injury: An injury involving extreme physical pain, substantial risk of death

IV. PROCEDURE

A. Reporting

1. UHA mandated reporters are required to report any known or reasonably suspected physical abuse, abandonment, isolation, financial abuse, or neglect of an elder or dependent adult to law enforcement or to the Adult Protective Services agency in the county of the patient's resident. Reports must be made by telephone immediately or as soon as practicably possible by phone; and by using the required California state form, which can be found on the internet:
 - a. California form, *Report of Suspected Dependent Adult/Elder Abuse*, SOC 341 (to report physical abuse/neglect); <http://www.cdss.ca.gov/cdssweb/entres/forms/English/SOC341.pdf>
 - b. California form, *Report of Suspected Dependent Adult/Elder Financial Abuse*, SOC 342 (to report financial abuse); and <http://www.cdss.ca.gov/cdssweb/entres/forms/English/soc342.pdf>
 - c. California form, *Forensic Medical Report: Elder and Dependent Adult Abuse and Neglect Examination*, Cal EMA 2-602 (if providing forensic evidence of abuse). <http://elderabuse.stanford.edu/documents/calema%202-602%20Elder%20Forensic.pdf>
2. The applicable form(s) needs to be completed and submitted within two working days of making the report.
3. State and Federal law permits the release of Protected Health Information ("PHI") to the minimum amount necessary to make these required disclosures. The mandated reporter may consider informing the patient or the patient's representative of the report and disclosure unless doing so would place the patient at risk or harm and/or unless staff has reason to believe that the representative is responsible for the abuse/neglect or injury.
4. When two or more mandated reporters are present and jointly have knowledge of a reportable injury, they may agree to report as a team. The team may select one individual to make a report. Any member of the care team who has knowledge that the designated reporter has failed to make the report, must then make the report.

5. If a UHA employee who is not a mandated reporter under this law identifies a potential elder abuse or neglect, he or she should tell a licensed employee, affiliated provider or their supervisor. Questions regarding this process may be directed to the UHA Compliance Department at (510) 731-2635.
6. The failure to report elder abuse or neglect may result in fines of up to \$5,000.00 and/or imprisonment in the county jail not to exceed six (6) months.
7. A mandated reporter who is a physician or registered nurse IS NOT required to report an incident if all the following conditions exist:
 - a. The mandated reporter has been told by an elder or dependent adult that he or she has experienced behavior consisting abuse and/or neglect; and
 - b. The mandated reported is not aware of any independent evidence that corroborates the statement that abuse or neglect has occurred; and
 - c. The elder or dependent adult has been diagnosed with mental illness or dementia, or is the subject of a court ordered conservatorship because of mental illness or dementia; and
 - d. In the exercise of clinical judgement, the mandated reporter believes the abuse and/or neglect did not occur.

B. Attestation

1. UHA mandated reporters are required to review and attest to understanding their reporting requirements under this law, which will be implemented at the time of hire and on an annual basis using UHA's mandatory Adult/Child Abuse and Violet Injuries Reporting Requirements form and via HealthStream.

V. COMPLIANCE

- A. All workforce members, including employees, affiliated providers, and contracted staff are responsible for complying with this policy.
- B. Violations of this policy must be reported to the author of this policy. Violations will be investigated to assess the nature, extent and potential risk to UHA.
- C. Employees and contracted staff who violate this policy will be subject to the appropriate disciplinary action up to and including termination.
- D. Affiliated providers who violate this policy will be subject to the appropriate disciplinary action through Medical Group governance or UHA Quality Improvement and Credentialing Committee ("QICC") as appropriate.

VI. RELATED DOCUMENTS

- A. California form, *Report of Suspected Dependent Adult/Elder Abuse*, SOC 341
- B. California form, *Report of Suspected Dependent Adult/Elder Financial Abuse*, SOC 342
- C. California form, *Forensic Medical Report: Elder and Dependent Adult Abuse and Neglect Examination*, Cal EMA 2-602
- D. California, *Forensic Medical Report: Elder and Dependent Adult Abuse and Neglect Examination*, Cal EMA 2-602, Instructions
- E. [Child Abuse Reporting Policy, CG-14](#)

F. [Elder Abuse Reporting Policy, CG-15](#)

VII. DOCUMENT INFORMATION

A. Legal Authority Reference

1. Welfare and Institutions Code §§ 15610-15610.65; 15630-15632; 15659

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Attachments

No Attachments

COPY