

## APPENDIX E.2.

# VOLUNTARY AND MANDATORY REPORTING DISCUSSION & CLARIFICATION

Voluntary reporting and mandatory reporting standards are very different. Since the Older Adults Protective Services Act (OAPSA) was amended in 1997, all staff employed by “Facilities”, as defined, are mandatory reporters and therefore are obligated to report all suspected abuse. Facilities are guided on reporting by Chapter 15. Protective Services for Older Adults as well as the facility’s licensing requirements and internal policy/procedures. When a mandatory reporter contacts a local area agency on aging (AAA) to make a report (referred to as a Report of Need or RON) it is to be taken by the AAA. Trained AAA staff receiving RON should not expect that all reporters are familiar with protective services law, regulations and or language. Agency staff receiving RON are not to discuss categorization with the reporter. Regulatory standards for reporting are discussed below.

### Voluntary Reporters

#### § 15.21. General reporting provisions.

(a) A person who has reasonable cause to believe that an older adult needs protective services may report this to the local provider of protective services. An area agency on aging shall publicize, on an ongoing basis, the name, address and phone number of the agency where reports are to be made.

Under §15.21 (a), which addresses voluntary reporting, a person who has reasonable cause to **believe** that an older adult needs protective services may make a report.

#### **Clarification:**

Reasonable cause to **believe** is the standard for voluntary reporting. If a voluntary reporter believes that an older adult needs protective services, they can make a report. They do not need absolute proof of the existence of abuse.

It is the responsibility of the AAA intake worker to take the RON information from the reporter, assign a category, and then forward RON to the protective service unit for a final determination on whether the report needs to be investigated.

### Mandatory Reporters

#### § 15.151. General requirements.

(a) Administrators or employees who have reasonable cause to suspect that a recipient is a victim of abuse shall:

- (1) Immediately make an oral report to the agency.
- (2) Make a written report to the agency within 48 hours.

(b) Employees making oral or written reports shall immediately notify the administrator or designee of these reports.

(c) Agencies shall notify administrators, or their designees, and State agencies with facility licensing responsibilities immediately when written reports of abuse are received.

(d) Employees required to report abuse may request administrators or their designees to make, or assist the employees to make, oral or written reports.

Under §15.151 (a), which addresses mandatory reporting, administrators or employees who have reasonable cause to suspect that a recipient is a victim of abuse shall make an immediate oral report.

**Clarification:**

Reasonable cause to suspect is a lower standard than reasonable cause to believe. This means that an administrator or an employee of a “facility”, as defined in the statute, regulations, and policy documentation, must make a report if they suspect it is likely or probable that abuse occurred. Essentially there only needs to be a hint that it is likely or probable. A RON is based on the facility’s reported suspicion of abuse. If the reporter does not know why they are calling, inquire about the incident or abuse and explain the definition of abuse as it relates to protective services. The reporter will need to determine whether abuse is suspected. It is the responsibility of the AAA intake worker to take the RON information from the reporter, assign a category, and then forward the report to the protective service unit for a determination on whether the report needs to be investigated.