

APPENDIX C.1

AAA NOTIFICATION REQUIREMENTS FOR FACILITY REPORTS

Under §15.45, facility reports that are received by the AAA (including reports designated as no need) require *immediate* notification to licensing. This includes all voluntary and mandatory reports. Long-term care ombudsman notification is also required for reports received for consumers residing in or receiving services from Skilled Nursing, Personal Care, Assisted Living, Dom Care, ADLC, and LIFE Centers. There is no specific regulatory time frame for long-term care ombudsman notification; however, agencies are encouraged to develop standards so that reporting obligations are completed timely and consistently. Completion of the required notifications must be documented. Only information, as allowed by regulation, can be provided to licensing and the long-term care ombudsman. Information should be provided as listed below.

As a reminder, any report received by another planning and service area that will be referred shall be done *immediately* after receipt and recording of the RON to assure immediate notification by the appropriate planning and service area responsible for the categorization and initiation of the RON.

Under §15.45, the initiation of the investigation under state-licensed facilities is accomplished by the referral of the report to the appropriate administrative office.

1. **Licensing Receives:**

- Older adult's name
- Facility name
- Nature of the report (Type of abuse)

The Report of Need may not be sent to licensing via fax or in any other format. Licensing is not entitled to the entire Report of Need. Licensing may not receive any specific details contained in the report if the report is *not* related to the facility.

When in the course of the AAA conducting an investigation, and the concerns are related to the facility, then the protective service worker shall share report details and investigative information with licensing. Records may also be shared with licensing. §15.45(b)(2) requires the agency to coordinate its investigative activities and findings with the licensing agency to avoid duplication of effort and to foster jointly developed remedies to situations requiring protective services intervention.

2. **Long-term care ombudsman Receives:**

- Facility name
- Nature of the report (Type of abuse)

The long-term care ombudsman may not be told the alleged abuser's name or any of the details contained in the report. The long-term care ombudsman may not receive any information on the final status of the report.

The long-term care ombudsman is notified for all reports where a consumer is residing in or receiving services from Skilled Nursing, Personal Care, Assisted Living, Dom Care, ADLC, and LIFE Centers. The long-term care ombudsman program tracks reports as required.

REQUIREMENTS OF AAA STAFF RECEIVING THE REPORT-§15.151

Section 15.151(c) requires the area agency on aging protective service staff, on-call worker, or any other designated AAA staff person to complete the following actions for mandatory abuse reports:

- **Immediately notify the reporter of their reporting obligations under §15.151.**
- **Immediately notify the facility administrator or if the administrator is not available notify the administrator's designee of the report.**

The designee is the person acting on behalf of the administrator when the administrator is not on the premises. The administrator of a facility is only notified when the report received is designated as a mandatory report. If the report is voluntary the administrator is not notified. Protective service staff, on-call workers, or any other designated AAA staff person must be properly trained on what actions must be completed when a mandatory report is received.

- **Immediately notify the licensing agency (see above)**

Discussion: Protective service staff, on-call workers, or any other designated AAA staff person must be properly trained on the licensing notification requirements when facility reports are received. Licensing must be immediately notified for mandatory and voluntary reports.

ADDITIONAL REPORTING REQUIREMENTS FOR AAA STAFF- (ONE OF THE FOUR SERIOUS)- §15.152

In addition to the reporting obligations required by §15.151 facilities have additional reporting requirements if the suspected abuse rises to the level of what is considered serious abuse. Serious abuse is:

- Sexual abuse
Intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest. The definition does not include sexual harassment.
- Serious physical injury
An injury that does one of the following:
 - (i) Causes a person severe pain.
 - (ii) Significantly impairs a person's physical functioning, either temporarily or permanently.
- Serious bodily injury
Injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ.
- Suspicious death
A death that is unexpected and its circumstances or the cause of death is medically or legally unexplained.

The standard for facility staff to complete the additional reporting requirements is reasonable cause to suspect that it is likely or probable that serious abuse occurred, essentially there only needs to be a hint that it is likely or probable that the abuse rises to the level of serious.

When a facility makes a serious abuse report to the AAA, the AAA staff person receiving the report must:

- **remind the reporter of, in addition to requirements under §15.151, the additional reporting requirements found in §15.152.**
- **remind the reporter of the requirements to notify law enforcement and PDA when the alleged abuse rises to the level of serious.**

AAA intake, protective service and on-call staff must be trained in mandatory abuse reports and all reporting requirements to ensure full compliance with the regulations.

REPORTS TO PDA- 15.154(A)

The AAA is required to forward a cover letter and the facility's written report within 48 hours of the AAA's receipt of the written report for ALL mandatory abuse reports alleging one of the four serious allegations.

Please note that a written report is not transmitted to PDA for voluntary reports alleging sexual abuse, serious physical injury, or serious bodily injury. Voluntary suspicious death reports are not transmitted using mandatory abuse report processes.

Notifications of an older adult's death during an active case will be forwarded to PDA.

REPORTS TO CORONER BY AGENCIES- 15.154(B)

If an older adult dies during a protective service investigation initiated by a report under §15.152, the AAA protective service staff are required to contact the county coroner. The standard for reporting to the coroner is *reasonable cause to suspect*. The protective service worker only has to have a "hint of suspicion" that the older adult may have died as a result of abuse. The protective service worker does not have to know for certain that the abuse occurred; the worker only has to suspect that there might be a correlation between the allegations and the older adult's death.

The protective service investigation does not have to be substantiated for the protective service worker to make a report to the coroner. If an older adult dies before the report can be substantiated or unsubstantiated the report to the coroner is still made.

The protective service worker is also required to notify the coroner and law enforcement under §15.46 (g) *Report of death*: "If the death of an older adult reported to need protective services occurs prior to the agency's investigation of the report, during the investigation or at any time prior to the closure of the protective services case, when there is some nexus between the death and the need for protective services, the agency shall immediately report that death to the police and the county coroner".

In summary, if the protective service worker becomes aware, at any time during an investigation or while providing protective services, that there is a possible nexus between the report received and the death of an older adult then the protective service worker will:

- Immediately notify the coroner orally as required under §15.46(g) and §15.154(b)
- Forward a copy of the written report to the coroner as required under §15.154(b)
- Notify local law enforcement of the death as required under §15.46(g)