



**CALIFORNIA
DEPARTMENT OF AGING (CDA)**

ACL # 13-15

FAX Cover

TO: All Community-Based Adult Services (CBAS) Providers
FROM: CBAS Branch
DATE: September 5, 2013
SUBJECT: Elder and Dependent Adult Abuse Reporting

This fax is being sent as a follow up to the recent California Department of Aging (CDA) webinar *Changes in Mandated Reporting of Elder and Dependent Adult Abuse* to provide supplemental reference material and clarifying information.

For More Information:

Access the CDA CBAS website at:

www.aging.ca.gov/ProgramsProviders/ADHC-CBAS/Default.asp

Contact CDA at:

- ✓ Email – CBAScda@aging.ca.gov
- ✓ Phone – (916) 419-7545

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ACL # 13-15

Date: September 5, 2013

To: Community-Based Adult Services (CBAS) Center Administrators and Program Directors

From: CBAS Branch

Subject: Elder and Dependent Adult Abuse Reporting

Purpose This letter is being sent as follow up to the recent California Department of Aging (CDA) webinar *Changes in Mandated Reporting of Elder and Dependent Adult Abuse* to provide supplemental reference material and clarifying information.

Webinar References On August 27, 2013, CDA conducted a webinar on changes to the Elder and Dependent Adult Abuse laws enacted with Assembly Bill 40 on January 1, 2013. The webinar focused on the mandated reporter's role in cases when he or she observes, has knowledge of, or reasonably suspects physical abuse in a long-term care facility.

Use the links below to access information referenced during the webinar on AB 40 related mandated reporting changes:

Mandated Reporter Chart:

https://www.aging.ca.gov/ProgramsProviders/LTCOP/Docs/Mandated_Reporter_Flowchart_LLE.pdf

SOC 341 Form for Reporting:

www.dss.cahwnet.gov/cdssweb/entres/forms/English/SOC341.pdf

Phone Numbers for Local Ombudsman:

www.aging.ca.gov/Programs/LTCOP/Contacts/

CBAS Provider and Staff Abuse Reporting Responsibilities

The August 27, 2013, webinar focused narrowly on actual or suspected physical abuse that takes place in a CBAS center. CBAS providers and staff have additional responsibilities regarding elder and dependent adult abuse reporting under the Elder Abuse and Dependent Adult Civil Protection Act (Welfare and Institutions Code (WIC) Sections 15600-15675:

http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml)

Staff in Adult Day Health Care/CBAS centers are defined in the Act as care custodians and are mandated reporters of all forms of suspected abuse, including: physical, mental, or emotional abuse; abandonment; abduction;

isolation; financial abuse; or neglect.

CBAS center staff should be familiar with the requirements for timeliness of reporting, where to report suspected abuse occurring **in** versus **outside** the CBAS center, penalties for failure to report, confidentiality of reports, etc., specified in WIC Sections 15600-15675. Center administrators should also ensure that center policies and procedures are updated and address requirements for:

- Ensuring that each employee:
 - has been informed of his/her reporting requirements
 - understands what constitutes abuse
- Obtaining a signed statement from each employee indicating the above and maintaining it in his/her personnel file. Use the link below to see a sample form for employee acknowledgment of reporting responsibilities:
<http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/SOC341A.pdf>

PLEASE NOTE: Abuse reporting requirements are in addition to CBAS center unusual incident reporting requirements per the California Code of Regulations, Title 22, Sections 54401 and 78427. To meet incident reporting requirements, CBAS providers must report any death, serious injury, or unusual incident which threatens the welfare, safety, or health of any participant to the California Department of Public Health Licensing District Office (San Jose or Orange County) and CDA.

Questions

Questions about elder and dependent adult abuse reporting may be directed to the State Long Term Care Ombudsman at 1-800-231-4024.

For questions about this letter, please call the CBAS Branch at (916) 419-7545.