

# FAMILY PRACTICE MEDICAL GROUP OF SAN BERNARDINO, INC

## Elder and Dependant Adult Abuse Reporting Requirements Employee Acknowledgement Form (Welfare & Institutions Code 15659)

***California law requires mandated reporters to routinely screen their patient population for instances of elder/dependent adult abuse. And those mandated reporters who have knowledge of, or observes, a patient in his/her professional capacity or within the scope of his/her employment whom he/she knows or reasonably suspects has been the victim of elder/dependent adult abuse to report the known or suspected abuse incident to a local law enforcement agency immediately or as soon as possible by telephone, and to prepare and send a written report to the same agency within 2 working days of receiving the information concerning the incident. Hospitals are mandated by law to report by telephone and in writing, a victim of abuse that is transferred to the hospital within 36 hours of transfer.***

Section 15630 of the Welfare and Institutions Code requires physicians, nurses, pharmacists and most other medical practitioners and certain non-medical practitioners, such as coroners, social workers, psychologists, family counselors, nursing home Ombudsmen, law officers, and probation and welfare personnel who, within the scope of their employment, have observed an incident that reasonable appears to be elder or dependant abuse, to report such information immediately by telephone to the appropriate authorities. A report must be made when the person:

- 1) Observes an incident that reasonably appears to be physical abuse;
- 2) Observes a physical injury where the nature of the injury, its location on the body, or the repetition of the injury, clearly indicates that physical abuse has occurred; or
- 3) Is told by an elder or dependent adult that he/she has experienced behavior constituting physical abuse.

Physical abuse which must be reported includes, in addition to physical or sexual assault or batter, the use of physical or chemical; restraints or psychotropic medication 1) for punishment, 2) for a period of time significantly longer than that for which the restraint or medication was authorized by the instructions of a physician providing medical care to the elder or dependant adult at the time the instructions were given; or 3) for any purpose not consistent with that authorized by the physician.

Abuse which may be reported, but is not required to be reported, includes known or reasonable suspected instances of abuse other than physical abuse, including cases of mental abuse, fiduciary abuse, neglect, abandonment, isolation or other treatment resulting in physical harm or pain or mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. The report by telephone must include, if known: the name, address, telephone number and occupation of the person making the report, the name and age of the victim, the present location of the victim, the date, time and place of the incident, the names and addresses of family members or any other person responsible for the victim's care, the nature and extent of the victim's condition, and any other information including information that led the person to suspect abuse.

The reporting duties of mandated reporter are individual and cannot be delegated to another individual. If 2 or more mandated reporters are present in a situation, they may, by mutual agreement, designate one of themselves to make the required telephone and written reports. However, if a mandated reporter becomes aware that the designated individual failed to report, he/she must then report. Failure to report elder/dependent adult abuse as prescribed above is a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine. A healthcare practitioner may also be liable in civil court for

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damages that occur if the victim is further victimized because of a failure to report the abuse. A healthcare practitioner may also lose his/her license or credential.

Supervisors or administrators may not impede or inhibit reporting by a mandated reporter, nor may they take any actions against the reporter for making a report. Any supervisor or administrator, who violates this, is guilty of an infraction punishable by a fine not to exceed \$5,000.00.

I understand that I am a legally mandated reporter and hereby attest that I understand my obligation to report elder/dependent adult abuse as described above and will fulfill this obligation.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_

Printed Name/Title: \_\_\_\_\_  
Phone #: \_\_\_\_\_