

Three Day Elder Abuse Reporting Time Frame Took Effect October 1, 2003

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Starting October 1, 2003, long-term care providers have been required to implement a three-day time frame for reporting suspected abuse, neglect, exploitation or abandonment of a nursing home resident or an elderly person to the Department of Social Services.

Summary of Provision

Public Act No. 03-267: *An Act Concerning Reports of Suspected Abuse, Neglect, Exploitation or Abandonment of Elderly Persons in Long-Term Care Facilities and Establishing the Crime of Abuse of an Elderly, Blind, Disabled or Mentally Retarded Person* ("the Act") revises Conn. Gen. Stat. § 17b-407 (reports concerning long-term care facility residents) and Conn. Gen. Stat. § 17b-451 (reports concerning elderly persons). Previously, these laws contained a five calendar day requirement for reporting suspected abuse, neglect, exploitation or abandonment. Now, the reports must be made within 72 hours. As under current law, the practitioner is required to make the report to the Department of Social Services if he or she has "reasonable cause to suspect or believe" that either a long-term care facility resident (in the case of § 17b-407) or an elderly person who is not a long-term care facility resident (in the case of § 17b-451) has been abused, neglected, exploited or abandoned. This time frame is consistent with the Department of Public Health's requirement for submission of a written report on any allegation of abuse.

In addition to changing the reporting

time frame, the Connecticut General Assembly also amended the two reporting laws as follows:

- The penalty for failure to report is now a class C Misdemeanor (max. penalty is \$500 fine/three months imprisonment) for the first offense and a class A Misdemeanor (max. penalty is \$2,000 fine/one year imprisonment) for any subsequent offenses, rather than an infraction with a \$500 fine.
- If the Department of Social Services conducts an investigation and finds that any individual has abused, neglected, exploited or abandoned a resident in a long-term care facility, the Department must refer the matter to the Chief State's Attorney to investigate and determine whether to initiate criminal charges.
- The laws now both make it clear that anyone who is discharged, discriminated or retaliated against for making a good faith report of abuse, neglect, exploitation or abandonment is entitled to all remedies available under law, including applicable whistleblower laws.

Providers Affected

The new law affects long-term care practitioners along the continuum:

- Chronic and convalescent nursing homes and rest homes with nursing supervision: physicians, nurses, social workers, physical therapists, administrators, nurse aides, "any person employed by a long-term care facility" and other types of professionals are subject to the

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new three-day reporting requirement.

- Residential care homes, hospices, home health care agencies, assisted living services agencies, senior housing and continuing care retirement communities: physicians, nurses, social workers, psychologists, physical therapists, nurse aide, "any staff person employed by a nursing home facility" and other types of professionals working in these settings are obligated to make reports within three days of developing the "reasonable cause to suspect or believe" that abuse, neglect, exploitation or abandonment occurred.

Review of Connecticut Nursing Home Reporting Requirements

The new Department of Social Services reporting time frame does not change reporting requirements to the Department of Public Health and to law enforcement authorities, which remain in place. Under the Connecticut Public Health Code, § 19-13-D8t(g), nursing homes must report any allegation of abuse to the Department of Public Health, initiate an investigation within 24 hours and then file a written report with the Department within three days. In addition, Conn. Gen. Stat. § 19a-553 requires that the administrator of a nursing home report any alleged crime committed by a nursing home resident, visitor or employee to the appropriate law enforcement agency.

For example, if a nursing home resident reported to a nurse that he or she had been physically abused by a nurse aide, the facility is obligated to:

- *Immediately:* report the allegation to the

Department of Public Health and contact local law enforcement authorities.

- *Within 24 hours:* initiate an investigation.
- *Within 3 days:* file a written report on the investigation with the Department of Public Health.
- *Within 3 days:* determine whether there is "reasonable cause to suspect or believe" that abuse occurred and if so, report to the Department of Social Services. *Note that although the facility typically makes the report, the nurse (and other professionals involved) are individually responsible under the law for reporting suspected abuse to the Department of Social Services.*

Recommended Action

- Revise policies and procedures on reporting abuse to reflect three-day time frame
- Make sure all staff are aware of this new time frame for filing reports

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