



Dear Provider,

RE: Elder Justice Act

This letter is an annual reminder to provide you information related to (“Facility”) compliance with the requirements of the Elder Justice Act and to remind you of your reporting duties under the Act. Section 6703(b)(3) of the Patient Protection and Affordable Care Act, in part, amends Title XI of the Social Security Act by adding Section 1150B. Section 1150B requires long term care facilities that receive at least \$10,000 in Federal funds under the Act during the preceding year to annually notify each covered individual of their obligation to report to the State Survey Agency and at least one local law enforcement entity “any reasonable suspicion of a crime” as defined by local law, committed against an individual who is a resident of, or is receiving care from, the Facility.

A “covered individual” is defined at Section 1150B(a)(3) as each individual who is an owner, operator, employee, manager, agent, or contract (hospice employee) of such long term care facility. As a care provider at Facility you are considered a “covered individual” who must timely report any reasonable suspicion of a crime against a resident of, or who is receiving care from, a long term care facility. The reporting of reasonable suspicion of crimes falls on **each covered individual** not the Facility.

A brief overview of the process for reporting incidents is as follow:

Process for Reporting to the ISDH

There is no prescribed form for reporting a reasonable suspicion of a crime against a resident to the ISDH. While there is no required form for reporting, the ISDH requests that reports be submitted in writing via either fax or email when possible. Individuals may use the ISDH *Incident Report Form* (a copy is attached hereto for your convenience) or use their own form. The ISDH *Incident Report Form* is the same form used by Facility to report unusual occurrences or reportable incidents. The form has been updated to include reports of suspected crimes. The following are ways to report reportable incidents, to include unusual occurrences or suspected crimes, to the ISDH:

1. Email the report to the ISDH

Email address for incident reports: unusual occurrences and reasonable suspicion of crime reports: incidents@isdh.in.gov

2. Fax the report to the ISDH

Fax number for incident / crime reports: (317) 233-7494

3. Call the ISDH

Complaint / incident report line: 1-800-246-8909 [staffed during state business hours and includes voicemail capacity]; or

Incident report line voicemail: (317) 233-5359

Regardless of the method of reporting, the following information should be included if applicable and known by the individual when reporting a reportable incident or suspected crime against a resident. The *Incident Report Form* may be used for this purpose.

- Facility name
- Facility address
- Facility city, state and zip
- Person making the report and their title
- Date and time of incident
- Residents involved, room number, age and diagnosis
- Staff involved, their title, and professional license or aide registry number
- Brief description of incident
- Type of injury/injuries
- Immediate action taken
- Preventative measures taken
- Type of report (choose one): Initial / Follow-up / Initial with Follow-up

Reporting to the Local Law Enforcement Agency

Regulations require covered individuals to report a reasonable suspicion of a crime directly to their law enforcement entity. The law specifically states “law enforcement entities for the political subdivision in which the facility is located” which suggests the local law enforcement entity. For most facilities, there will be two local law enforcement entities with responsibilities for investigation of potential criminal activity – the County Sheriff and local police agency (City Police Department or Town Marshal). An individual may therefore fulfill their reporting requirement by reporting to either of these local law enforcement entities.

The ISDH encourages discussions between the Facility and local law enforcement entities to determine a reporting process for that facility. The two local law enforcement entities may wish to designate a single source for reporting and provide that contact information. The Facility will provide that contact information to you as covered individuals.

The individual’s responsibility is to report a reasonable suspicion of a crime to the local law enforcement entity. It is up to the local law enforcement agency to then determine an appropriate criminal investigation. The Facility and individual will cooperate and assist with the local law enforcement entity in any investigation subsequent to the reporting of a reasonable suspicion of a crime.

The ISDH has provided information about the reporting requirements to the Indiana Sheriffs' Association and the Indiana Association of Chiefs of Police. Those associations were in turn providing the information to their members throughout the state so that they are aware of the reporting requirement and anticipate communication from local health care facilities about a reporting process.

The ISDH notes that there are other law enforcement entities with local jurisdiction to include the local prosecutor, Indiana State Police and Indiana Office of Attorney General. The local prosecutor is generally not an entity with immediate response capability like local police or county sheriffs. The Indiana State Police and Indiana Office of Attorney General are generally considered to be state law enforcement entities and not located within the political subdivision of the location of the facility. The ISDH has provided information about the reporting requirements to the Indiana Office of Attorney General for coordination with state and local entities.

For further reporting information please visit the Indiana State Department of Health's web page on incident reporting by long term care facilities at <http://www.in.gov/isdh/23638.htm>. Finally, attached to this letter is a poster with additional information regarding your reporting requirements and the form for reporting an incident described above.

Thank you in advance for your cooperation in complying with this provision and should you have any questions please do not hesitate to contact me to discuss this issue.

Cordially,

By:  _____

Gregg Gormal
Senior Director of Operations