



# Monterey County Behavioral Health Policy and Procedure

<b>Policy Number</b>	300 B
<b>Policy Title</b>	Reporting Of Elder And Dependent Adult Abuse
<b>References</b>	California Welfare And Institutions Code, Sections 15600 Through 15460
<b>Form</b>	Elder And Dependent Abuse Report: Employee Statement – Elder And Adult Abuse Reporting
<b>Effective</b>	March 1, 1991 Revised: April 6, 2006

## Policy

A report must be made if a person in the reporting group either observed an incident that reasonably appears to be physical abuse, has observed a physical injury where the nature of the injury clearly indicates that physical abuse has occurred, or is told by an elder or dependent adult that he/she has experienced behavior constituting dependent abuse. He/she shall report the known or suspected instance of physical abuse to either the long-term care ombudsman coordinator or to a local law enforcement agency when the physical abuse is alleged to have occurred in a long-term care facility, or to either the county adult protective services agency or to a local law enforcement agency when the physical abuse is alleged to have occurred anywhere else, immediately or as soon as possible by telephone, and shall prepare and send a written report thereof within two working days. [Welfare and Institutions Code Section 15632 (c) (6)]

Any person in the reporting group who has knowledge of or reasonably suspects that other types of abuse have been inflicted upon an elder or dependent adult or that his/her emotional well-being is endangered in any other way, may report such known or suspected instance of abuse to a long-term care ombudsman coordinator when the abuse is alleged to have occurred anywhere else. [Welfare and Institutions Code Section 15632 (c) (6)]

Mandated reporters are defined under Welfare and Institutions Code Section 15610 (h), and (i). All Behavioral Health employees who have direct contact with a client are mandated to report suspected or known elder or dependent abuse. Any other division employee is encouraged to report the same.

Pursuant to Welfare and Institutions Code Section 15632, any person who begins employment on or after January 1, 1986, as a care custodian, health practitioner or with an adult protective services agency, prior to commencing her/or employment and as a prerequisite to that employment shall sign a statement on a form which shall be provided by the prospective employer to the effect that he/she has knowledge of the provisions of Section 15630 and will comply with its provisions (see Attachment 2).

32 Neither the physician-patient nor the psychotherapist-patient confidentiality privileges are applicable, nor do  
33 these privileges exempt therapists from any reporting required by this law. [Welfare and Institutions Code  
34 Section 15637]

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36 A mandated reporter may be charged with a misdemeanor if he/she should have known or did know of an  
37 instance of elder or dependent adult abuse and failed to report it. [Welfare and Institutions Code Section  
38 15634]

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40 The law provides absolute immunity from civil or criminal liability for a mandated reporter and provides similar  
41 immunity for a non-mandated reporter unless the report was false and the non-mandated reporter knew the  
42 report was false. [Welfare and Institutions Code Section 15634 (a)]

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44 The law further provides that the identity of all persons reporting suspected elder or dependent adult abuse  
45 must remain confidential and may be disclosed only between adult protective services agencies, long-term  
46 care ombudsman coordinators, licensing agencies, local law enforcement agencies, or the Bureau of Medi-  
47 Cal Fraud or their legal counsel, or the district attorney in a criminal prosecution, or when persons waive  
48 confidentiality or by court order. [Welfare and Institutions Code Section 15633 (a)]

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50 Reporting responsibilities are individual responsibilities even though an organization may adopt internal  
51 procedures to facilitate reporting. A mandated reporter's supervisor or administrator cannot make the report  
52 for the mandated reporter or in any way prohibit the individual from reporting. [Welfare and Institutions Code  
53 Section 15630 (d)]

## 54 55 **Procedure**

### 56 57 1. Employee Statement – Elder and Dependent Adult Abuse Reporting

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59 Any person who begins employment with the Behavioral Health Division on or after January 1, 1986, in any  
60 of the capacities listed under (4) (above) shall be required to acknowledge his/her understanding and  
61 agreement with the Elder and Dependent Adult Abuse Reporting Law by signing an "Employee Statement –  
62 Elder and Dependent Adult Abuse Reporting." It will be the responsibility of the Personnel Clerk to see that  
63 each new employee for any of the above mentioned disciplines sign said agreement. The statement shall be  
64 filed in the employee's Departmental personnel file. A copy of the statement will be given to the employee.  
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### 66 67 2. Report of Suspected or Observed Elder or Dependent Adult Abuse

68 Any employee of the Monterey County Behavioral Health Division who is mandated by the California Welfare  
69 and Institutions Code to report suspected elder and dependent adult abuse, who suspects or observes  
70 evidence of such abuse in a long-term care facility as defined in Welfare and Institutions Code Section 15610  
71 (c) will report it immediately by telephone to the Ombudsman Coordinator or the local law enforcement  
72 agency. The employee will obtain the name of the elder or dependent adult and necessary information which  
73 must be submitted in writing within two business days to the Ombudsman Coordinator or local law  
74 enforcement agency. If the suspected or observed evidence of abuse is alleged to have occurred in a place  
75 other than a long-term care facility, it shall be reported in the above manner to Adult Protective Services or a  
76 local law enforcement agency.  
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78 3. Therapists must advise the client, matter-of-factly but supportively, regarding their assessment and the  
79 requirement for reporting.

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81 4. To report elder and dependent abuse and neglect:

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83 Elder and Dependent Abuse and Neglect

84 Telephone #: (800) 910-0010

85 Long-Term Care Ombudsman

86 Telephone #: (831) 788-4011

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