CALIFORNIA DEPARTMENT OF AGING
Office of the State Long-Term Care Ombudsman
2880 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833
www.aging.ca.gov
TEL 916-419-7500
FAX 916-928-2267
TTY1-800-735-2929

PROGRAM MEMO

TO: Long-Term Care Ombudsman Program Coordinators, representative staff, and volunteers

EXPIRES: Until superseded

NO: 24-03

PROGRAMS AFFECTED: Long-Term Care Ombudsman

DATE ISSUED: February 28, 2024

SUPERSEDES: N/A

SUBJECT: Updates to Mandated Reporting of Elder and Dependent Adult Abuse and Neglect in Long-Term Care Facilities

Purpose

This Program Memo informs local Long-Term Care Ombudsman programs of updates to the process for mandated reporting of known or suspected instances of abuse and neglect of elder and dependent adults in Long-Term Care Facilities.

Background

AB 1417 (Chapter 580, Statutes of 2023) amended the CA Welfare and Institutions Code relating to mandated reporting of elder and dependent adult abuse in long-term care facilities. The bill clarified the required conditions and standardized the process for mandated reporting of known, suspected or alleged abuse committed by residents diagnosed with dementia occurring in long-term care facilities.

Revised Statute

The revised process outlines the requirements for reporting incidents of abuse pursuant to Title 42 of the Code of Federal Regulations section 483.12 (c)(1). Physical abuse is defined in Welfare and Institutions Code section 15610.63. Abuse or suspected abuse also includes abandonment, abduction, isolation, financial abuse, or neglect. The process was revised in the following manner:

- If the abuse that occurred in a long-term care facility was allegedly caused by another resident of the facility with diagnosed dementia and there was no serious bodily injury, the reporter is required to submit a written report within 24 hours to the long-term care

Ombudsman and the local law enforcement agency.

- For incidents resulting in physical harm, the reporter is required to submit a verbal report to the local law enforcement agency immediately, or as soon as practically possible, but no longer than 2 hours after the incident occurred, and to submit a written report within 24 hours to the long-term care Ombudsman, local law enforcement and the corresponding state licensing agency.

A flow chart has been developed (*AB 1417 Mandated Reporting System for Elder & Dependent Adult Abuse & Neglect in LTC Facilities*) which provides key definitions and details the process that mandated reporters must follow to report elder abuse and neglect. The flow chart is included, in English and Spanish, as Appendices A - E of this Program Memo. These documents are available on the Long-Term Care Ombudsman Program webpage. (https://aging.ca.gov/Providers_and_Partners/LongTerm_Care_Ombudsman/Program_Memos/)

For any questions regarding this PM, please contact the State Ombudsman at Stateomb@aging.ca.gov.

Blanca E. Castro
Office of the State Long-Term Care Ombudsman