



## ELDER JUSTICE ACT

The Elder Justice Act (EJA) is a comprehensive elder abuse prevention law, which was enacted as part of the Patient Protection and Affordable Care Act (Act) on March 23, 2010. The EJA establishes requirements for reporting crimes in long-term care (LTC) facilities that receive \$10,000 or more annually in federal funds.

**Covered Individuals; Reporting Obligations:** Every employee, manager, agent, contractor, owner or operator associated with a LTC facility is a covered individual (CI) under that Act and is **required to report any reasonable suspicion of a crime against facility residents, or individuals receiving care from a LTC facility, to (1) the State Survey Agency (SSA) and (2) local law enforcement agency.**

If a CI reasonably suspects a crime involves **serious bodily injury, including criminal sexual abuse of a resident**, a CI must report their reasonable suspicion immediately, but not later than 2 hours from forming the reasonable suspicion. *Serious bodily injury is defined under the EJA as an injury involving extreme physical pain, substantial risk of death, protracted loss or impairment of the function of a bodily member, organ or mental faculty; or requiring medical intervention such as surgery, hospitalization or physical rehabilitation.* In the event there is no serious bodily injury, the CI must report their reasonable suspicion a crime has occurred not later than 24 hours.

**CI Personal Responsibilities:**

Every CI is *personally responsible* for ensuring that their individual reporting responsibility is fulfilled. If a single report is filed on behalf of multiple CIs it should include the names of all CIs involved in making the report. A facility may file a single report in accordance with facility policy; however, a facility cannot prevent a CI from filing a separate report. If, after making a report, additional CIs form a similar reasonable suspicion based on the same reported events, a separate report should be filed or the original report may be supplemented with any additional information including the names of the additional CIs and the dates and times they formed their reasonable suspicion.

**Penalties:**

If a CI fails to report their reasonable suspicion, the CI may be subject to a civil monetary penalty of up to \$200,000, or up to \$300,000 if the failure to report exacerbates the harm to the alleged victim of the crime or results in harm to another individual. The CI may also be excluded from participation in any Federal healthcare program.

**Key Facts to Remember:**

- A CI must report that a reasonable suspicion of a crime has been committed against an individual receiving care in a LTC facility within the strict time parameters set forth above.
- Immediately notify the senior operators of the facility (Administrator and/or Director of Nursing) and your immediate supervisor. If your supervisor is unavailable, contact your supervisor’s supervisor and so on until you notify an appropriate supervisor.
- Facilities may not retaliate against any CI who reports in compliance with the EJA.
- As provided above, there are significant penalties for CIs and facilities for non-compliance with the reporting provisions of the EJA.
- The specific reporting requirements of the EJA must be followed in addition to a facility’s abuse and neglect reporting policies and procedures.
- CIs are obligated to request, review and understand the LTC facilities’ EJA policies and procedures and ask for any necessary clarification.

By signing this document, I acknowledge that I have read and understand the above information, have asked any questions I have about the reporting requirements of CIs under the Act and have received answers to these questions. I understand that any additional questions I have should be timely directed to my supervisor.

Myra Aguillon  
\_\_\_\_\_  
Print Name

Myra Aguillon  
\_\_\_\_\_  
Signature of Covered Individual

\_\_\_\_\_  
Date

A copy of this signed document must be retained in the CIs personnel record and provided to the facility for incorporation into its records.