

Long-Term Care Survey Alert

LAST MONTH'S What Do You Think?: To Report Or Not To Report Allegations Of Abuse

Here is our experts' answer to last month's question: Should a facility report every allegation of abuse to the state survey agency - and every allegation of a crime (theft, sexual assault, physical assault) to law enforcement agencies?

The facility must report credible allegations of abuse or neglect or evidence of such to the state survey agency and to adult protective services and to any other agencies stipulated by state law, says **Jay Adams**, an attorney in Tallahassee, FL. "And they must report cases involving criminal misconduct to the law enforcement agencies," he adds.

Attorney **Adam Balick** in Wilmington, DE agrees that a facility has a duty to contact law enforcement when there is an allegation that a serious crime has been committed (assault, sexual abuse/rape, theft). "But you have to have a reasonable belief the crime occurred," he says. Balick recalls one incident where a nursing resident repeatedly reported missing property, including a clock that no one at the facility recalled seeing. "When we checked with the resident's family, they explained that the resident had not had the clock for 30 years, and it is now in the home of the resident's brother. This illustrates the need to attempt to corroborate claims before involving law enforcement," he says.