

Long-Term Care Survey Alert

Reporting To Law Enforcement Of Crimes Occurring In Federally Funded Long-term Care Facilities

Excerpts - Section 6703 - Elder Justice Act - Reporting Reasonable Suspicion of a Crime

Section 6703(b)(3) LONG-TERM CARE FACILITIES. -- Part A of title XI of the **Social Security Act** (42 U.S.C. 1301 et seq.), as amended by section 6005, is amended by inserting after section 1150A the following new section: **SEC. 1150B**

(a) DETERMINATION AND NOTIFICATION.--

(1) DETERMINATION.--The owner or operator of each long term care facility that receives Federal funds under this Act shall annually determine whether the facility received at least \$10,000 in such Federal funds during the preceding year.

(2) NOTIFICATION.-- If the owner or operator determines under paragraph (1) that the facility received at least \$10,000 in such Federal funds during the preceding year, such owner or operator shall annually notify each covered individual (as defined in paragraph (3)) of that individual's obligation to comply with the reporting requirements described in subsection (b).

(3) COVERED INDIVIDUAL DEFINED.-- In this section, the term 'covered individual' means each individual who is an owner, operator, employee, manager, agent, or contractor of a long-term care facility that is the subject of a determination described in paragraph (1).

(b) REPORTING REQUIREMENTS.--

(1) IN GENERAL.-- Each covered individual shall report to the Secretary and 1 or more law enforcement entities for the political subdivision in which the facility is located any reasonable suspicion of a crime (as defined by the law of the applicable political subdivision) against any individual who is a resident of, or is receiving care from, the facility.

(2) TIMING.-- If the events that cause the suspicion--

(A) result in serious bodily injury, the individual shall report the suspicion immediately, but not later than 2 hours after forming the suspicion; and

(B) do not result in serious bodily injury, the individual shall report the suspicion not later than 24 hours after forming the suspicion.

(c) PENALTIES.--

(1) IN GENERAL.--If a covered individual violates subsection (b)--

(A) the covered individual shall be subject to a civil money penalty of not more than \$200,000; and

(B) the Secretary may make a determination in the same proceeding to exclude the covered individual from participation in any Federal health care program (as defined in section 1128B(f)).

(2) INCREASED HARM.-- If a covered individual violates subsection (b) and the violation exacerbates the harm to the victim of the crime or results in harm to another individual--42 USC 1320b --"25.krause on GSDDPC29PROD with PUBLIC LAWS

(A) the covered individual shall be subject to a civil money penalty of not more than \$300,000; and

(B) the Secretary may make a determination in the same proceeding to exclude the covered individual from participation in any Federal health care program (as defined in section 1128B(f)).

Source: The above is printed verbatim from the survey & cert memo, which includes additional excerpts from the Affordable Care Act. You can download the memo at

http://www.cms.gov/Surveycertificationgeninfo/downloads/SCLetter11_30.pdf.