

Policy #	22
Policy Title	Reporting Suspected Crimes Under the Federal Elder Justice Act
Effective Date	February 3, 2015
Revision Date	

**Purpose:**

This Policy was adopted in order to comply with the Elder Justice Act (EJA) by ensuring all Team Members are notified of their reporting obligations under the EJA to report a suspicion of crime to the Pennsylvania Department of Health and local law enforcement. It is further the policy of Mennonite Home Communities to post a Notice about Team Members' EJA reporting obligations in the same area where other required Team Member signs are posted.

**Procedures:**

**A. Determination of Applicability (Receipt of \$10,000 in Federal Funds)**

At the end of each calendar year, the Administrator shall make a determination of whether this policy shall continue to be applicable in the coming year. If the Administrator makes a determination that this policy is no longer applicable, then he or she shall take reasonable steps to notify Team Members of that determination. Unless affirmatively notified of the policy's inapplicability, all Team Members should assume that the policy continues to be applicable to them.

**B. Notification of Duty to Report**

Steps will be taken to ensure that Team Members are notified annually of their duties to report under the EJA. Those steps may include, but are not necessarily limited to, the following:

1. Inclusion of duty to report requirements in the employee handbook.
2. Conspicuously post EJA Reporting Requirement sign in the same area that the facility posts other required employee signs, such as wage/hour and OSHA posters.
3. In-service education/New Hire orientation.
4. Provision of a notification letter explaining the duty to report.
5. Placing a notification provision in a service contract.
6. Inclusion in orientation packets for service providers/agency staff.

**C. Reporting by Team Members**

1. *What?* Team Members are required to report to the state survey agency and local law enforcement any reasonable suspicion of a crime against any individual who is a resident of, or receiving care in, the skilled nursing care facility of Mennonite Home Communities. If more than one Team Member has a reasonable suspicion of a crime, each individual is obligated to file the report.

2. *When?* The timeframe in which Team Members must make reports is dependent upon whether the person receiving care was seriously injured.

(a) Serious Bodily Injury – within 2 hours. If the person receiving care incurred serious bodily injury, then a Team Member is required to report the suspicion immediately, but no later than two (2) hours after forming the suspicion.

(b) No Serious Bodily Injury – within 24 hours. If the person receiving care did not incur serious bodily injury, then a Team Member is required to report the suspicion no later than twenty four (24) hours after forming the suspicion.

3. *How?* The Team Member must make the report to the Pennsylvania Department of Health and local law enforcement within the designated time frames above. The Team Member may make the EJA report by e-mail, fax or telephone. This will fulfill the Team Member's obligation to report.

Pennsylvania Department of Health: 800-254-5164/Fax

Manheim Township Police: (717) 569-6401

(a) The Team Member should keep a record of this report (for example, a fax transmission receipt, e-mail receipt, and/or copy of the e-mail).

**If the incident is also an event that involves potential abuse, neglect or misappropriation, the Team Member must also report to the Team Member's supervisor according to Mennonite Home Communities' abuse and neglect prevention policy. This is a separate reporting obligation from that imposed by the EJA. Failure to report an allegation of abuse, neglect or misappropriation may result in disciplinary action up to, and including, termination.**

#### D. Penalties for Failure to Report Suspected Crime

If a Team Member does not report as required by the EJA and as defined in this policy, they may be subject to civil money penalties of not more than \$200,000. They may also be subject to exclusion from participation in any Federal health care program. If the Team Member does not report and the non-reporting exacerbates the harm to the victim of the crime or results in harm to another individual, then they may be subject to civil money penalty of not more than \$300,000 and may be excluded from participation in any Federal health care program.

#### E. Non-Retaliation

Mennonite Home Communities shall not discharge, demote, suspend, threaten, harass, or deny promotion or other employment-related benefit to an employee or in any other manner discriminate against an employee in the terms and conditions of employment because of the employee's lawful reporting done by the employee or file a complaint or report to a state licensing disciplinary board because of lawful acts done by the employee. An individual has the right to file a complaint with the Pennsylvania Department of Health if they feel Mennonite Home Communities has retaliated against an employee or individual who reported a suspected crime under the EJA. Complaints can be filed with the Pennsylvania Department of Health by calling 1-800-254-5164.

#### F. Other Obligations of Organization

Mennonite Home Communities shall comply with all other state and federal reporting requirements relating to reporting allegations of abuse, neglect and misappropriation of property.