



**HAWAII HEALTH SYSTEMS**  
C O R P O R A T I O N

*"Touching Lives Every Day"*

## ***COMPLIANCE ALERT 10-51***

### ***UPDATE TO THE Elder Justice Act of 2009***

Compliance Alert 10-34 highlighted changes in the reporting requirements in the "Elder Justice Act of 2009" (EJA) that was included in The Patient Protection and Affordable Care Act (PPACA) signed into law on March 23, 2010. As a reminder, **the key change is that Section 6703(b)(3) of PPACA requires that any reasonable suspicion of a "crime" (as defined by law) that results in "serious bodily injury" to any LTC resident be reported within two (2) hours to the Department of Health and Human Services Secretary and to one or more local law enforcement entities. In addition, reports to the Secretary and law enforcement must be made within 24 hours of "forming a suspicion" if no serious bodily injury has occurred.**

To date, there have been no updates or implementation language coming from CMS on this topic. However, today we received the following information from Gerald Chung, from the Hawaii Department of Health Office of Healthcare Assurance:

"During the national conference call with the CMS Central Office staff today (12/2/10), an inquiry was raised about implementation of the Elder Justice Act with particular concern about the crime reporting. According to Cindy Graunke from the CMS Central Office, CMS has no plans to implement any enforcement at this time since the ownership (as to which federal agency will be assigned the responsibility) of the Elder Justice Act is still to be determined, and there are no funds available.

Consequently, the State Survey Agency will not be taking any action on this reporting requirement of the Elder Justice Act until further notice from the CMS Regional Office."

Action Needed: So for now, there is no change in reporting requirements needed and no other action is needed at this time. However, all HHSC facilities should review policies and procedures and be prepared to implement the new reporting requirements and responsibilities as highlighted Compliance Alert 10-34 when, indeed, CMS comes out with implementation language.

Source: Email correspondence from G. Chung, 12/2/10. Permission granted to disseminate to HHSC facilities.