



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

*"Touching Lives Every Day"*

## ***COMPLIANCE ALERT 11-10***

### ***Update on Elder Justice Act***

The Center for Medicaid, CHIP, and Survey & Certification/Survey & Certification Group issued a memo on June 17, 2011 (see source below) that reiterates the **new requirement for reporting responsible suspicion of a crime in a long term care facility (LTC)**. This change had previously been reported in Compliance Alerts 10-34 and 10-51 (attached).

#### **New Reporting Requirements:**

- 2-hour limit after forming the suspicion for reporting if the events that cause the reasonable suspicion of the crime result in serious bodily injury to a resident.
- 24-hour limit after forming the suspicion for reporting if the events that cause the reasonable suspicion of the crime do not result in serious bodily injury to a resident.
- State Agency should be contacted with reports in compliance with the law's requirement that the HHS Secretary should be notified.

**Action for LTCs:** *The attached CMS June 17 Memo should be reviewed by all LTC administrators and managers.* It advises LTC facilities to:

1. Notified covered individuals (employees, managers, agents, contractors) of their reporting obligations annually.
2. Post conspicuous notice for employees specifying the employee's rights, including the right to file a complaint under this statute.
3. Remind covered individuals of non-retaliation for an individual who lawfully reports a reasonable suspicion.
4. Coordinate with law enforcement to determine what actions are considered crimes in their political subdivision.
5. Review policies to ensure adherence to existing CMS Policies.
6. Develop policies and procedures for this new section of the Affordable Care Act. (Section 1150B established by Section 6703(b)(3)).

Source: [http://www.cms.gov/Surveycertificationgeninfo/downloads/SCLetter11\\_30.pdf](http://www.cms.gov/Surveycertificationgeninfo/downloads/SCLetter11_30.pdf)

[..\10-34--EJA in PPACA and reporting requirements--7-8-10.PDF](#)

[..\10-51--Updates in EJA--12-3-10.PDF](#)