

## **ABUSE AND NEGLECT REPORTING**

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The following is a summary of the Omnibus Nursing Home Act in Section 198.070. It is only a summary of key points specific to the instructor and student of this manual for use in long-term care facilities. For a complete reference, refer to the Missouri Code of State Statutes at 198.070.

When any long term care facility employee has reasonable cause to believe a resident has been abused or neglected or financially exploited, the employee shall immediately report or cause a report to be made to the Department of Health and Senior Services.

The report shall contain the name and address of the facility, the name of the resident, information regarding the nature of the abuse or neglect, the name of the person making the complaint, and any other information, which might be helpful in an investigation.

Anyone who fails to make a report or cause a report to be made within a reasonable time after the act of abuse or neglect is guilty of a class (A) misdemeanor.

When the Department of Health and Senior Services receives a report, the department will begin an investigation within twenty-four hours. The department will notify the resident's next of kin or responsible party of the report and the investigation and will further notify them whether the report was substantiated or unsubstantiated. The department will report substantiated abuse to the appropriate law enforcement agency and prosecutor.

If the investigation indicates possible abuse or neglect of a resident, the investigator shall refer the report to the department director for appropriate action. If the department has reasonable cause to believe that immediate removal is necessary to protect the resident from abuse or neglect, the department will seek to protect the resident by petitioning to have the resident removed for temporary care and protection.

Reports shall be confidential.

Anyone, except any person who has abused or neglected a resident in a facility, who makes a report or who testifies in any administrative or judicial proceeding shall be immune from any civil or criminal liability for making such a report or for testifying. It is a crime for any person to purposefully file a false report of elder abuse or neglect.

Within five working days of making the report, the reporter will receive notice that the investigation was initiated.

No person who directs or exercises any authority in a facility shall evict, harass, dismiss or retaliate against a resident, family member or employee who makes an abuse or neglect report to the department. If the reporter has reasonable cause to believe retaliation is being committed against him or her, the department shall provide information about their rights, protections, and options in these cases.

Any person who abuses or neglects a resident of a facility is subject to criminal prosecution.

The department shall maintain the Employee Disqualification List (EDL) and shall place the names of any persons who are or have been employed in any facility and who have been found to have knowingly or recklessly abused or neglected a resident. A person acts “knowingly” with respect to the person’s conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts “recklessly” when the person consciously disregards a substantial or justifiable risk that the person’s conduct will result in serious physical injury and such disregard constitutes a gross deviation from standard of care that a reasonable person would exercise in the situation.

The Missouri Department of Health and Senior Services Elder Abuse and Neglect Hotline phone number is (800) 392-0210.