

Arkansas Mandatory Reporting Requirements Regarding Elders/Disabled

Who Must Report?

- Physicians;
- Surgeons;
- Coroners;
- Dentists;
- Dental hygienists;
- Osteopaths;
- Resident interns;
- Nurses;
- Members of a hospital's personnel who are engaged in the administration, examination, care, or treatment of persons;
- Social workers;
- Case managers;
- Home health workers;
- Mental health professionals;
- Peace officers;
- Law enforcement officers;
- Facility administrators and owners;
- Employees in a facility;
- Employees of the Department of Human Services;
- Firefighters;
- Emergency medical technicians;
- Employees of a bank and other financial institutions;
- Employees of the United States Postal Service;
- Employees or volunteers of a program or organization funded partially or wholly by the Department of Human Services who enters the home of or has contact with an elderly person;
- Persons associated with the care and treatment of animals, such as animal control officers and humane society officials;
- Employees who enforces code requirements for a city, township, or municipality; and
- Any clergy member, including without limitation, ministers, priests, rabbis, accredited Christian Science practitioners, or any other similar functionaries of a religious organization, or individuals reasonably believed to be a minister, a priest, a rabbi, an accredited Christian

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	Science practitioner, or any other similar functionary of a religious organization by the person consulting him or her, except to the extent he or she: (i) has acquired knowledge of suspected maltreatment through communications required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith; or (ii) received the knowledge of the suspected maltreatment from the offender in the context of a statement of admission.
<i>Standard of Knowledge</i>	An observation or reasonable cause to suspect that an endangered person or an impaired person has been subjected to conditions or circumstances that constitute adult maltreatment or long-term care facility resident maltreatment.
<i>Definition of Applicable Victim</i>	<p>An “endangered person” is:</p> <ul style="list-style-type: none"> • A person 18 years of age or older who: (1) is found to be in a situation or condition that poses a danger to himself or herself; and (2) demonstrates a lack of capacity to comprehend the nature and consequences of remaining in that situation or condition; or • A long-term care facility resident who: (1) is found to be in a situation or condition that poses an imminent risk of death or serious bodily harm to that person; and (2) demonstrates a lack of capacity to comprehend the nature and consequences of remaining in that situation or condition. <p>An “impaired person” is a person 18 years of age or older who, as a result of mental or physical impairment, is unable to protect himself or herself from abuse, sexual abuse, neglect, or exploitation. A long-term care facility resident is presumed to be an impaired person.</p>
<i>Reports Made To</i>	<p>A report for a resident of long-term care shall be made to:</p> <ul style="list-style-type: none"> • The local law enforcement agency for the jurisdiction in which the long-term care facility is located; and • The Office of Long-Term Care of the Division of Medical Services of the Department of Human Services. <p>A report for a maltreated adult who does not reside in a long-</p>

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	term care facility shall be made to the adult and long-term care facility maltreatment hotline (1-800-482-8049).
<i>Contents of Report</i>	Not provided.
<i>Timing/Other Procedures</i>	A report must be made immediately.
<i>Other</i>	<ul style="list-style-type: none"> • Any mandated reporter who knowingly fails to make a required report shall be guilty of a Class B misdemeanor. • Any mandated reporter who knowingly fails to make a required report in the manner and time required by law shall be guilty of a Class C misdemeanor. • Any mandated reporter who purposely fails to make a required report is civilly liable for damages proximately caused by the failure. • Whenever a person is required to report in his or her capacity as a member of the staff, an employee in or owner of a facility, or an employee of the department, he or she shall immediately notify the person in charge of the institution, facility, or agency, or that person's designated agent, who shall then become responsible for making a report or cause a report to be made within twenty-four (24) hours or on the next business day, whichever is earlier.
<i>Source/Applicable Statute(s)</i>	Adult and Long-Term Care Facility Resident Maltreatment Act, Ark. Code Ann. §§ 12-12-1701 <i>et seq.</i> (2009).

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