

Massachusetts Mandatory Reporting Requirements Regarding Elderly/Disabled

<p><i>Who Must Report?</i></p>	<p><u>Elderly</u>: Any of the following, when acting <i>in his or her professional capacity</i>:</p> <ul style="list-style-type: none"> • physician; • physician assistant; • medical intern; • dentist; • nurse; • family counselor; • probation officer; • social worker; • policeman; • firefighter; • emergency medical technician; • licensed psychologist; • coroner; • registered physical therapist; • registered occupational therapist; • osteopath; • podiatrist; • director of a council on aging; • outreach worker employed by a council on aging; • executive director of a licensed home health agency; or • executive director of a homemaker service agency or manager of an assisted living residence. <p><u>Disabled</u>: Any of the following, when acting <i>in his or her professional capacity</i>:</p> <ul style="list-style-type: none"> • Physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, dentist, psychologist, nurse, chiropractor, podiatrist, osteopath; • Public or private school teacher, educational administrator, guidance or family counselor, day care worker; • Probation officer, social worker, foster parent, police officer or person employed by a state agency within the executive office of health and human services*, or employed by a private agency providing services to disabled persons.
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	* This includes the department of elder affairs, the office of health services (which houses the department of public health, the department of mental health, the division of medical assistance and the Betsy Lehman center for patient safety and medical error reduction), the office of children, youth and family services (which houses the department of children and families, the department of transitional assistance, the department of youth services, the child abuse prevention board and the office for refugees and immigrants), the office of disabilities and community services (which houses the department of developmental services, the Massachusetts rehabilitation commission, the Massachusetts commission for the blind, the Massachusetts commission for the deaf and hard of hearing and the Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke), the department of veterans' services, the managed care oversight board, and the health facilities appeals board.
<i>Standard of Knowledge</i>	<p><u>Elderly</u>: Reasonable cause to believe an elderly person is suffering from abuse.</p> <p><u>Disabled</u>: Reasonable cause to believe that a disabled person is suffering from a serious physical or emotional injury resulting from abuse, including unconsented to sexual activity.</p>
<i>Definition of Applicable Victim</i>	<p><u>Elderly</u>: An elder is a person 60 years of age or older.</p> <p><u>Disabled</u>: A disabled person is a person between the ages of 18 and 59, who is mentally retarded, or who is otherwise mentally or physically disabled and as a result of such mental or physical disability is wholly or partially dependent on others to meet his or her daily living needs.</p>
<i>Reports Made To</i>	<p><u>Elderly</u>:</p> <ul style="list-style-type: none"> • Telephone reports made to the Elder Abuse Hotline (800) 922-2275, or the Executive Office of Elder Affairs (617) 727-7750. • Written reports faxed to the Executive Office of Elder Affairs (617) 727-9368. <p><u>Disabled</u>:</p> <ul style="list-style-type: none"> • Telephone reports made to the Disabled Persons Protection

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	<p>Commission hotline at (800) 426-9009, or the Commission at (617) 727-6465.</p> <ul style="list-style-type: none"> • Written reports faxed to the Disabled Persons Protection Commission at (617) 727-6469.
<i>Contents of Report</i>	<p><u>Elderly</u>: Reports must include the:</p> <ul style="list-style-type: none"> • name, address, and approximate age of the elderly person; • nature and extent of the abuse; • name of elderly person's caretaker, if known; • any medical treatment being received or immediately required, if known; • name and address of the reporter and where he or she may be contacted, if the reporter wishes to disclose this information; and • any additional information the reporter believes to be relevant to the investigation. <p><u>Disabled</u>: The statute does not specify what information the written report must contain, but the Disabled Persons Protection Commission created a form for those reporting abuse to complete at http://www.mass.gov/Idppc/docs/form_19c_reporting.pdf.</p>
<i>Timing/Other Procedures</i>	<p><u>Elderly</u>: Reporters must make an oral report immediately followed within 48 hours by a written report</p> <p><u>Disabled</u>: Reporters must make an oral report immediately followed within 48 hours by a written report.</p>
<i>Other</i>	<p><u>Elderly</u>: Failure to report elder abuse can result in a fine of up to \$1,000.</p> <p><u>Disabled</u>: Failure to report abuse of a disabled person can result in a fine of up to \$1,000.</p> <p><u>Internal Reporting</u>: The executive director of a home care corporation, licensed home health agency or homemaker service agency shall establish procedures within such agency to ensure that homemakers, home health aides, case managers or other staff of said agency who have reasonable cause to believe that an elderly person has been abused shall report such case to the executive director of the corporation or agency. The executive</p>

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	director shall immediately make a verbal report of such information or cause a report to be made to the department or its designated agency and shall within forty-eight hours make a written report to the department or its designated agency.
<i>Source/Applicable Statute(s)</i>	<u>Elderly</u> : M.G.L. 19A §§ 14, 156 (2009). <u>Disabled</u> : M.G.L. 19C §§ 1, 10 (2009).

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