

**Employee Notice of Obligation to Report  
Suspected Crimes Under the Federal Elder Justice Act**

Section 6703(b) (3) of the Affordable Care Act, in part, amends Title XI of the Social Security Act (the Act) by adding a new section 1150B. Section 1150B requires long-term care facilities that receive at least \$10,000 in federal funds under the Act during the preceding year to annually notify each covered individual of their obligation to report to the secretary (now assigned to the State Survey Agency) and at least one local law enforcement entity “any reasonable suspicion of a crime,” as defined by local law, committed against an individual who is a resident of, or is receiving care from, the facility.

**WHO IS A “COVERED INDIVIDUAL”?**

A “covered individual” is any owner, operator, employee, manager, agent or contractor of this facility.

**WHAT MUST EACH COVERED INDIVIDUAL DO?**

If a covered individual observes events or becomes aware of information that gives him the reasonable suspicion that a crime has occurred against a resident of individual receiving care from this facility, he **MUST** notify **BOTH**–

- 1) **The State Survey Agency.** You may use a form developed by TDH and available from the facility to make your report. Multiple individuals can make a joint report.
- 2) **A Local Law Enforcement Entity.** The covered individual is responsible for reporting to at least one (1) local law enforcement entity. The facility has identified [LOCAL SHERIFF OR POLICE] as one such entity, but you may report to any local law enforcement entity.

**HOW QUICKLY MUST YOU REPORT?**

- 1) Within **24 hours** (if there is not serious bodily injury) after forming your reasonable suspicion.
- 2) Within **2 hours** (if there is serious bodily injury) after forming your reasonable suspicion.

**RETALIATION IS PROHIBITED**

This Facility may not retaliate against any individual who lawfully reports a reasonable suspicion of a crime under Section 1105B. This Facility may NOT:

- 1) discharge, demote, suspend, threaten, harass or deny a promotion or other employment-related benefit to an employee or in any other manner discriminate against an employee in the terms and conditions of employment because of lawful acts done by the employee;
- 2) The facility may not file a complaint or a report against a nurse or other employee with the state professional disciplinary agency because of lawful acts done by the nurse or employee, for making a truthful report or causing such a report to be made, or for taking steps in furtherance of making a truthful report pursuant to their responsibility under Section 1150B.

If you believe you have been the target of retaliation, you may file a complaint by contacting TDH.

**PENALTIES FOR NOT REPORTING**

If a covered individual FAILS TO REPORT A REASONABLE SUSPICION, he may be subject to a civil money penalty (CMP) of up to \$300,000; and the Department of Health and Human Services (HHS) may take action to exclude the individual from participation in any federal health care program.