



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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GOVERNOR

May 04, 2015

ALL COUNTY LETTER (ACL) NO. 15-33

REASON FOR THIS
TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY ADULT PROTECTIVE SERVICES (APS)
PROGRAM MANAGERS

SUBJECT: IMPLEMENTATION OF ASSEMBLY BILL (AB) 40, NEW REPORTING REQUIREMENTS FOR SUSPECTED ELDER AND DEPENDENT ADULT ABUSE, REVISED REPORTING FORM SOC 341, AND REVISED ACKNOWLEDGMENT FORM SOC 341A

REFERENCE: AB 40 (CHAPTER 659, STATUTES OF 2012); WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS 15630, 15631, AND 15610.67; ACL 06-59, DATED DECEMBER 19, 2006

The purpose of this ACL is to provide instructions for the implementation of AB 40, which adds requirements for the reporting of elder and dependent adult abuse. AB 40 amended Sections 15630 and 15631 of, and added Section 15610.67 to, the WIC. This ACL also transmits to counties and mandated reporters the revised forms SOC 341, "Report of Suspected Dependent Adult/Elder Abuse" and SOC 341A, "Statement Acknowledging Requirement to Report Suspected Abuse of Dependent Adults and Elders." The provisions of AB 40 necessitated revisions to these forms.

AB 40 REQUIREMENTS

AB 40 requires that, if suspected or alleged physical abuse against an elder or dependent adult that occurs in a Long-Term Care (LTC) facility, except a state mental health hospital or a state developmental center, results in serious bodily injury, as defined therein, a mandated reporter shall make a telephone report to the local law enforcement agency, immediately, and no later than within two hours of the reporter observing, obtaining knowledge of, or suspecting the physical abuse. AB 40 further requires that a written report be made to the local LTC Ombudsman Program (LTCOP), the corresponding licensing agency, **and** the local law enforcement agency within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse.

If the suspected abuse that occurs in a LTC facility does not result in serious bodily injury, AB 40 requires that, the mandated reporter make a telephone report to the local law enforcement agency within 24 hours of the reporter observing, obtaining knowledge of, or suspecting the physical abuse. A written report shall then be made to the LTCOP, the corresponding licensing agency, and the local law enforcement agency within 24 hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse.

If the suspected abuse occurs in a state mental health hospital or a state developmental center, AB 40 authorizes the report of abuse to be made to the designated investigator of the California Department of State Hospitals, the California Department of Developmental Services, or the local law enforcement agency. This bill deletes the local ombudsman from the list of persons to whom a mandated reporter may report under these circumstances.

Under AB 40, a person who is not a mandated reporter may report suspected or alleged abuse that occurred in a LTC facility to both the LTCOP and the local law enforcement agency.

SOC 341

The provisions of AB 40 necessitated changes to the SOC 341, "Report of Suspected Dependent Adult/Elder Abuse". This form documents the information given by the reporting party if there is an incident of suspected or alleged elder or dependent adult abuse.

CDSS Adult Programs Division modified this form in consultation with members of the California Counties Protective Services Operations Committee, a subcommittee of the California Welfare Department Association Adult Services Committee, Community Care Licensing, and the LTCOP.

SOC 341A

The SOC 341A, "Statement Acknowledging Requirement to Report Suspected Abuse of Dependent Adults and Elders," is a form completed by mandated reporters in licensed facilities.

Availability of SOC 341 and SOC 341A Forms

Counties are advised that the revised SOC 341 and SOC 341A shall be used effective immediately. The English versions of the forms are available at:

<http://www.cdss.ca.gov/agedblinddisabled/PG1808.htm>

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Questions about accessing the form may be directed to the Forms Management Unit at fmudss@dss.ca.gov.

Questions regarding this ACL or the use of forms SOC 341 or SOC 341A, should be directed to the Policy and Operations Bureau at (916) 651-5350.

Sincerely,

Original Document Signed By:

EILEEN CARROLL
Deputy Director
Adult Programs Division

Attachments: SOC 341, SOC 341A

c: CWDA