

## **ELDER JUSTICE ACT UNDER 6703 (B)(3) OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT OF 2010**

---

Section 1150 B of the Social Security Act established by section 6703(b) (3) of the Patient Protection and Affordable Act of 2010 requires reporting of any reasonable suspicion of crimes committed against any resident living in a residential facility. The Centers for Medicare and Medicaid services issued a survey and certification memo on June 17, 2011 and revised on January 20, 2012 entitled "Reporting Reasonable Suspicion of a Crime in a Long-Term Care Facility (LTC): section 1150B of the Social Security Act" (ICFs are a type of these long term care facilities).

Each employee is individually responsible to report the reasonable suspicion of a crime against a resident. Employees who fail to report are subject to a civil penalty and exclusion from participating in any Federal health care program.

Reports of the reasonable suspicion of a crime against a resident of this facility must be made in accordance with your agency policy.

This agency may not retaliate against any employee who lawfully reports the reasonable suspicion of a crime against a resident as provided in Section 1150B of the Social Security Act.

This facility may not 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 terms and conditions of employment because of lawful acts done by the employee for making a report, causing a report to be made, or for taking steps in furtherance of making a report pursuant to the Act.

This facility may not file a complaint or report against a nurse or other employee with the appropriate state professional disciplinary agency because of lawful acts done by the employee for making a report, causing a report to be made, or for taking steps in furtherance of making a report pursuant to the Act

An employee may file a complaint with the Office for People With Developmental Disabilities against this facility if this facility retaliates against an employee who has lawfully reported the suspicion of a crime against a resident. To file a complaint for programs surveyed by the Office for People With Developmental Disabilities, you may call the OPWDD information line at 1-866-946-9733.