

Arkansas Mandatory Reporting Requirements Regarding Elders/Disabled

<p><i>Who Must Report?</i></p>	<p>Physicians; Surgeons; Coroners; Dentists; Dental hygienists; Osteopaths; Resident interns; Nurses; Hospital 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 administrator or owners; Employees in a facility; Employees of the Department of Health and Human Services; firefighters; Emergency medical technicians; Employees of a bank or other financial institution; Employees of the United States Postal Service; Employees or volunteers of a program or organization funded partially or wholly by the Department of Health and 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 clergyman, including 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 Science practitioner, or any other similar functionary of a religious organization by the person consulting him or her.</p>
<p><i>Standard of Knowledge</i></p>	<p>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.”</p>
<p><i>Definition of Applicable Victim</i></p>	<p>An “endangered adult” is:</p>

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	<ul style="list-style-type: none"> • an adult 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 • an adult resident of a long-term care facility 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” means 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 Health and Human Services. <p>A report for a maltreated adult who does not reside in a long-term care facility shall be made to the adult and long-term care facility maltreatment hotline (1-800-482-8049).</p>
<i>Contents of Report</i>	[not provided]
<i>Timing/Other Procedures</i>	An oral report, either by telephone or otherwise, must be made immediately, followed by a written report.
<i>Other</i>	<p>Any person who negligently or willfully fails to make a required report shall be guilty of a Class B misdemeanor and shall be civilly liable for any damages proximately caused by the failure to report.</p> <p>Any person who knowingly fails to make a required report in the manner and time required by law shall be guilty of a Class C misdemeanor.</p> <p>Any person who fails to report a death as a result of maltreatment, as required by law, shall be guilty of a Class C misdemeanor.</p>
<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> , as amended 2007 Ark. Acts 497.