Mandatory Reporting Requirements: The Elderly

Missouri

**Question**
Who is required to report?

**Answer**
- **Group A (eligible adult)** – Any person. (§192.2405.1(1))
- **Group B (eligible adult)** – Any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; emergency medical technician, firefighter, first responder; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician’s assistant; podiatrist; probation or parole officer; psychologist; social worker; or other person with responsibility for the care of an eligible adult. (§192.2405.1(2))
  - A duly ordained minister, clergy, religious worker or Christian Science practitioner, while functioning in his or her ministerial capacity, shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.
  - Company that provided management services to nursing home and its president were mandated reporters that were required to report abuse of elderly resident under statute, where they were responsible for the care of the resident. (*State v. Kaiser*, 139 S.W.3d 545 (Mo. Ct. App. 2004))
- **Group C (elderly or eligible adult residing in a facility)** – Any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician’s assistant; podiatrist; probation or parole officer; psychologist; social worker; or other person with responsibility for the care of a person 60 years of age or older or an eligible adult in a facility. (§198.070)
- **Group D (in-home services client)** – Any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; firefighter; first responder; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner,
provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician’s assistant; podiatrist; probation or parole officer; psychologist; or social worker. (§192.2475)

- **Group E (personal care assistance services consumer (physically disabled))** – Any adult day care worker; chiropractor, Christian Science practitioner, coroner, dentist, embalmer, employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician’s assistant; podiatrist; probation or parole officer; psychologist; vendor (i.e., any organization having a written agreement with the department to provide services including monitoring and oversight of the personal care attendant, orientation, and training of the consumer, and fiscal conduit services necessary for delivery of personal care assistance services to consumers (physically disabled)); personal care attendant; or social worker. (§208.912)

- **Group F (vulnerable person)** – Any person. (§630.163)

- **Group G (vulnerable person)** – Any physician, physician assistant, dentist, chiropractor, optometrist, podiatrist, intern, resident, nurse, nurse practitioner, medical examiner, social worker, licensed professional counselor, certified substance abuse counselor, psychologist, physical therapist, pharmacist, other health practitioner, minister, Christian Science practitioner, facility administrator, nurse’s aide or orderly or any other direct-care staff in a residential facility, day program or group home, specialized service operated, funded or licensed by the department or in a mental health facility or mental health program in which people may be admitted on a voluntary basis or are civilly detained pursuant to chapter 632; or employee of the departments of social services, mental health, or health and senior services; or home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; mental health professional; peace officer; probation or parole officer; or other non-familial person with responsibility for the care of a vulnerable person. (§630.162)
  - A duly ordained minister, clergy, religious worker or Christian Science practitioner, while functioning in his or her ministerial capacity, shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

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<th>When is a report required and where does it go?</th>
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<td>• <strong>Group A</strong> – Reasonable cause to suspect that an eligible adult is likely to suffer serious physical harm or bullying and is in need of protective services. (§192.2405.1(1))</td>
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<td>• <strong>Group B</strong> – Reasonable cause to suspect that an eligible adult has been subjected to abuse or neglect or observation of such a person being subjected to conditions or circumstances which would reasonably result in abuse or neglect. (§192.2405.1(2))</td>
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- **Group C** – Reasonable cause to believe that a resident of a facility has been abused or neglected. (§198.070).
- **Group D** – Reasonable cause to believe that an in-home services client has been abused or neglected, as result of in-home services. (§192.2475)
- **Group E** – Reasonable cause to believe that a consumer has been abused or neglected as a result of the delivery of or failure to deliver personal care services. (§208.912)
- **Group F** – Reasonable cause to suspect that a vulnerable person is likely to suffer serious physical harm or is the victim of abuse or neglect. (§630.163)
- **Group G** – Reasonable cause to suspect that a vulnerable person has been subjected to abuse or neglect or observation of such a person being subjected to conditions or circumstances that would reasonably result in abuse or neglect. (§630.162)

**Where does it go?**

- Missouri Department of Health & Senior Services Adult Abuse & Neglect Hotline (1-800-392-0210), fax (573-751-4386).
  - **Groups F, G**: reports concerning vulnerable adults will be forwarded from the Missouri Department of Health and Senior Services
- Reports may be made via online portal: [https://apps4.mo.gov/APS_Portal/](https://apps4.mo.gov/APS_Portal/)

**What definitions are important to know?**

- "**Abuse**" means:
  - **Groups A, B, D, E**: the infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm or corporation and bullying. (§192.2400)
  - **Group C**: the infliction of physical, sexual, or emotional injury or harm. (§198.006)
- "**Bullying**" means intimidation or harassment that causes a reasonable person to fear for his or her physical safety or property and may consist of physical actions including gestures; cyberbullying; oral, electronic, or written communication; and any threat of retaliation for reporting of such acts.
- "**Consumer**" means a physically disabled person determined by the state to be eligible to receive personal care assistance services.
  - The following individuals are excluded from the definition of "consumer": any individual with a legal limitation of his or her ability to make decisions, including the appointment of a guardian or conservator, or who has an effective power of attorney that authorizes another person to act as the agent or on behalf of the individual for any of the duties required by the consumer-directed program.
- "**Disability**" means a mental or physical impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings.
- "**Elderly**" or "**elderly persons**" means persons who are 60 years of age or older.
- "**Eligible adult**" means any person 60 years of age or older who is unable to protect his or her own interests or adequately perform or obtain services necessary to meet essential human needs or any person aged 18-59 with a disability who is unable to protect her own interest or adequately perform or obtain
services necessary to meet essential human needs.

- **Facility** means any residential care facility, assisted living facility, intermediate care facility, or skilled nursing facility.
- **In-home services client** means an eligible adult who is receiving services in his or her private residence through any in-home services provider agency (entity under contract with the department or a Medicaid participation agreement).
- **In-home services provider agency** means a business entity that is under contract with the department or with a Medicaid participation agreement that employs persons to deliver any kind of services provided for eligible adults in their private homes.
- **Neglect** means:
  - Groups A, B, D: the failure to provide services to an eligible adult by any person, firm or corporation with a legal or contractual duty to do so, when such failure presents either an imminent danger to the health, safety or welfare of the resident or a substantial probability that death or serious physical harm would result. (§192.2400)
  - Group C: the failure to provide, by those responsible for the care, custody, and control of a resident in a facility, the services which are reasonable and necessary to maintain the physical and mental health of the resident, when such failure presents either an imminent danger to the health, safety or welfare of the resident or a substantial probability that death or serious physical harm would result. (§198.006)
- **Resident** means a person who by reason of aging, illness, disease, or physical or mental infirmity receives or requires care and services furnished by a facility and who resides or boards in or is otherwise kept, cared for, treated or accommodated in such facility for a period exceeding twenty-four consecutive hours.
- **Vulnerable person** means a person in the custody, care, or control of the Department of Mental Health that is receiving services from an operated, funded, licensed, or certified program.

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<th>What timing and procedural requirements apply to reports?</th>
<th>Reports must be made immediately, and may be made orally or in writing.</th>
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| What information must a report include? | Groups A and B (§192.2410): The report must include, if known:  
  - Name, age and address of the eligible adult;  
  - Name and address of any person responsible for the eligible adult’s care;  
  - Nature and extent of the eligible adult’s condition; and  
  - Other relevant information.  
Group C (§198.070): If reporting about an incident relating to a resident in a facility, the report must include:  
  - name and address of the facility,  
  - name of the resident, |
- information regarding the nature of the abuse or neglect,
- name of the complainant, and
- any other information which might be helpful in an investigation.

**Group D (§192.2475):** If reporting about an incident relating to in-home services, the report must include:
- name and address of the in-home services provider agency,
- name and address of the in-home services employee,
- name and address of the in-home services client,
- name and address of the home health agency,
- name and address of the home health agency employee,
- information regarding the nature of the abuse or neglect,
- name of the complainant, and
- any other information which might be helpful in an investigation.

**Group E (§208.912):** If reporting about an incident relating to personal care assistance services, the report must include:
- name and address of the organization that has a written agreement with the Department of Health and Senior Services to provide services,
- name and address of the personal care attendant,
- name and address of the consumer (as defined below),
- information regarding the nature of the abuse or neglect,
- name of the complainant, and
- any other information which might be helpful in an investigation.

**Group F and G (§630.163):** If reporting about an incident relating to a person in the custody, care, or control of the Department of Mental Health that is receiving services from an operated, funded, licensed, or certified program, the report must include:
- The name, age, and address of the victim;
- The name and address of any person responsible for the victim’s care;
- The nature and extent of the victim’s condition; and
- Any other relevant information.

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<th>Anything else I should know?</th>
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<td>If an individual working in the above-stated positions fails to report within a reasonable time, he or she is guilty of a Class A misdemeanor.</td>
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<td>If an individual working in the above-stated positions in Group B or G knowingly fails to make a report, he or she is guilty of a Class A Misdemeanor and subject to a fine of up to $1,000.</td>
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<td>If an individual in Group G is convicted or guilty of failing to make a report and is subsequently convicted of failing to make a report then the person is guilty of a Class D felony and shall be subject to a fine of up to $5,000.</td>
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<td>Any residential facility, day program or specialized service operated, funded or licensed by the department that prevents or discourages a patient, resident or client, employee or other person from reporting that a patient, resident or client of a facility, program or service has been abused or neglected shall be subject to loss of their license, and civil fines of up to $5,000 for each attempt to prevent or discourage reporting.</td>
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<td>The duty to report elderly abuse under statute that required mandated reporters to immediately report such abuse does not terminate with the death of the victim because</td>
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a report of abuse may nevertheless operate to ameliorate the circumstances of another similarly-situated senior citizen or to bring the abuser to justice. *State v. Kaiser, 139 S.W.3d 545 (Mo. Ct. App. 2004)*