

# Mandatory Reporting Requirements: The Elderly Nebraska

*Last Updated: April 2023*

Question	Answer
Who is required to report?	<ul style="list-style-type: none"> <li>• Physician, psychologist, physician assistant, nurse, nurse aide or other medical, developmental disability, or mental health professional;</li> <li>• Law enforcement personnel;</li> <li>• Caregiver or employee of caregiver;</li> <li>• Operator or employee of a sheltered workshop;</li> <li>• Owner, operator or employee of any facility licensed by the Department of Health and Human Services (DHHS); and</li> <li>• Human services professional or paraprofessional not including members of the clergy.</li> </ul>
When is a report required and where does it go?	<p><b>When is a report required?</b></p> <ul style="list-style-type: none"> <li>• When a person required to report has reasonable cause to believe that a vulnerable adult has been subjected to abuse, neglect or exploitation; or observes such adult being subjected to conditions or circumstances which reasonably would result in abuse, neglect or exploitation.</li> </ul> <p><b>Where does it go?</b></p> <ul style="list-style-type: none"> <li>• Telephone reports should be made to the Adult Protective Services Hotline (1-800-652-1999) or an appropriate law enforcement agency (i.e., the police department or the town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, or the Nebraska State Patrol).</li> <li>• Online reports should be submitted at <a href="https://neabusehotline-dhhs.ne.gov">https://neabusehotline-dhhs.ne.gov</a>.</li> <li>• Written reports, if requested, must be provided to the local Adult Protective Services Office, within forty-eight hours. The person who takes the initial telephone report will provide information regarding if and where the written report should be sent.</li> </ul>
What definitions are important to know?	<ul style="list-style-type: none"> <li>• <b>“Abuse”</b> means any knowing or intentional act on the part of a caregiver or any other person which results in physical injury, unreasonable confinement, cruel punishment, sexual abuse, or sexual exploitation of a vulnerable adult.</li> <li>• <b>“Caregiver”</b> means any person or entity which has assumed the responsibility for the care of a vulnerable adult voluntarily, by express or implied contract, or by order of a court of competent jurisdiction.</li> <li>• <b>“Cruel punishment”</b> means punishment which intentionally causes physical injury to a vulnerable adult.</li> <li>• <b>“Exploitation”</b> means the wrongful or unauthorized taking, withholding, appropriation, conversion, control, or use of money, funds, securities, assets, or any other property of a vulnerable adult or senior adult by any person by means of undue influence, breach of a fiduciary relationship, deception, extortion, intimidation, force or threat of force, isolation, or by any unlawful means or by the breach of</li> </ul>

a fiduciary duty by the guardian, conservator, agent under a power of attorney, trustee, or any other fiduciary of a vulnerable adult or senior adult.

- **“Isolation”** means intentional acts (a) committed for the purpose of preventing, and which do prevent, a vulnerable adult or senior adult from having contact with family, friends, or concerned persons, (b) committed to prevent a vulnerable adult or senior adult from receiving his or her mail or telephone calls, (c) of physical or chemical restraint of a vulnerable adult or senior adult committed for purposes of preventing contact with visitors, family, friends, or other concerned persons, or (d) which restrict, place, or confine a vulnerable adult or senior adult in a restricted area for purposes of social deprivation or preventing contact with family, friends, visitors, or other concerned persons.
  - Isolation does not include (a) medical isolation prescribed by a licensed physician caring for the vulnerable adult or senior adult, (b) action taken in compliance with a harassment protection order, a valid foreign harassment protection order, a sexual assault protection order, a valid foreign sexual assault protection order, a protection order issued to a victim of domestic abuse, an ex parte order, an order excluding a person from certain premises, or a valid foreign protection order, or (c) action authorized by an administrator of a nursing home.
- **“Neglect”** means any knowing or intentional act or omission on the part of a caregiver to provide essential services or the failure of a vulnerable adult, due to physical or mental impairments, to perform self-care or obtain essential services to such an extent that there is actual physical injury to a vulnerable adult or imminent danger of the vulnerable adult suffering physical injury or death.
- **“Physical injury”** means damage to bodily tissue caused by nontherapeutic conduct, including, but not limited to, fractures, bruises, lacerations, internal injuries, or dislocations, and shall include, but not be limited to, physical pain, illness, or impairment of physical function.
- **“Senior adult”** means any person sixty-five years of age or older.
- **“Sexual abuse”** means sexual contact or sexual penetration without the consent of the victim, when the actor knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or incest.
- **“Sexual exploitation”** includes, but is not limited to, a violation of section 28-311.08 (relating to unlawful intrusion, photograph, film or record image or video of intimate area, distribution or making public an image or video of another person) and causing, allowing, permitting, inflicting, or encouraging a vulnerable adult to engage in voyeurism, in exhibitionism, in prostitution, or in the lewd, obscene, or pornographic photographing, filming, or depiction of the vulnerable adult.
- **“Vulnerable adult”** means any person eighteen years of age or older who has a substantial mental or functional impairment or for whom a guardian has been appointed under the Nebraska Probate Code.

What timing and procedural requirements apply to reports?

- Timing is not specified, except that if requested by the department, a telephone report must be followed by a written report within 48 hours.
- Any law enforcement agency receiving a report of abuse, neglect, or exploitation shall notify DHHS no later than the next working day by telephone or mail.
- A report of abuse, neglect, or exploitation made to DHHS which was not previously made to or by a law enforcement agency shall be communicated to the appropriate law enforcement agency by DHHS no later than the next working day by telephone or mail.

<p>What information must a report include?</p>	<ul style="list-style-type: none"> <li>• A report made by telephone must include the name and address of the caller and, to the extent available: <ul style="list-style-type: none"> <li>• The name, address, and age of the vulnerable adult;</li> <li>• The address of the vulnerable adult’s caregiver(s);</li> <li>• The nature and extent of the alleged abuse, neglect, or exploitation or the conditions and circumstances which would reasonably be expected to result in such abuse, neglect, or exploitation;</li> <li>• Any evidence of previous abuse, neglect, or exploitation, including the nature and extent of the abuse, neglect, or exploitation; and</li> <li>• Any other information that the reporter believes may be helpful in establishing the cause of the alleged abuse, neglect or exploitation and the identity of the perpetrator(s).</li> </ul> </li> </ul>
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> <li>• Any person who willfully fails to make a report shall be guilty of a Class III misdemeanor.</li> <li>• All reports to the Adult Protective Services Adult &amp; Child Abuse &amp; Neglect Hotline are confidential. DHHS will not release a reporter’s name except to law enforcement and county attorneys without a court order.</li> <li>• Any person participating in an investigation or the making of a report pursuant to the Adult Protective Services Act or participating in a judicial proceeding resulting therefrom shall be immune from any liability except (1) as otherwise provided in the Adult Protective Services Act, (2) for malfeasance in office or willful or wanton neglect of duty, or (3) for false statements of fact made with malicious intent.</li> <li>• The definition of “Abuse” includes “Neglect,” and is not limited to knowing or intentional acts (<i>State v. Boyd</i>, 28 Neb. App. 874, 949 N.W.2d 540 (2020)).</li> </ul>
<p>Statutory citation(s):</p>	<p>Neb. Rev. Stat. §§ 28-319, 28-320, 28-351, 28-353, 28-354, 28-356, 28-358, 28-358.01, 28-359, 28-361.01, 28-363, 28-366.01, 28-367, 28-367.01, 28-371, 28-372, 28-375, 28-384, 28-703.</p>