

NOTICE

Reporting Reasonable Suspicion of a Crime

All operators, employees, managers, agents and contractors of Elizabeth Seton’s Children Center (ESCC) are considered “Covered Individuals” and have the following responsibilities and rights under Federal law:

If you reasonably suspect that a crime has occurred against a resident or other person receiving care at ESCC, you must report that suspicion to local law enforcement and the NY State Department of Health. ***You may satisfy this requirement by*** reporting to the Vice President of Operations/Administrator, who will then file the reports within the following timeframes:

- ***No later than two (2) hours*** after it is first suspected that a crime has occurred if the suspected crime involves an incident or allegation of abuse or results in “***Serious Bodily Injury***” to the resident, or
- ***No later than 24 hours*** if there is no abuse allegation or serious bodily injury involved.

Covered Individuals have the option of filing their own reports with law enforcement and the NY State DOH within these timeframes, **but you are still required to immediately report to the Vice President of Operations/Administrator.**

“Serious Bodily Injury” means an injury (i) involving extreme physical pain; (ii) involving substantial risk of death; (iii) involving protracted loss or impairment of the function of a bodily member, organ or mental faculty; or (iv) requiring medical intervention such as surgery, hospitalization, or physical rehabilitation.

WARNING: If you fail to report the reasonable suspicion of a crime, you may be subject to a civil monetary penalty, currently up to \$ 408,769 and/or you may be excluded from participating in any Federal health care program (e.g., Medicaid).

NO RETALIATION: ESCC will not punish you or otherwise retaliate against you for reporting the reasonable suspicion of a crime in accordance with the law. Examples of punishment or retaliation include: firing/discharge, suspension, demotion, threatening these actions, harassment, and denial of a promotion or any other discrimination against an employee in the terms and conditions of employment. In addition, ESCC may not file a complaint or a report against a nurse or other employee with a state professional disciplinary agency for lawfully reporting a crime.

YOUR RIGHT TO MAKE A COMPLAINT: You have the right to file a complaint with the NY State DOH if ESCC punishes you or otherwise retaliates against you for reporting the reasonable suspicion of a crime against a resident or person receiving care from ESCC. To file a complaint, contact the NY State DOH Nursing Home Complaint Hotline at 1-888-201-4563.

MORE INFORMATION: Please see ESCC’s “Reporting the Reasonable Suspicion of a Crime Policy” or contact the Compliance Officer or the Administrator.