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OFFICE OF THE PRESIDENT
BERKELEY, CALIFORNIA 94720

June 12, 1987

ACADEMIC VICE CHANCELLORS
ADMINISTRATIVE VICE CHANCELLORS

Dear Colleagues:

Re: AB 3988 - Revision of Elder/ Dependent Adult Abuse Reporting Requirements

AB 3988 became effective September 14, 1986, and addressed ambiguities contained in earlier legislation (AB 238, passed September 28, 1985). A copy of AB 3988 is attached (Attachment 1). A copy of previous correspondence from our offices on Dependent Adult Abuse reporting requirements is also attached (Attachment 2).

The amended¹ law covers reporting requirements for both elder and dependent adult abuse¹, and narrows the definition of "care custodian" to persons who work directly with elders or dependent adults as part of their official duties at any of the facilities listed in the definition. Members of support staff and maintenance staff are thereby excluded. The definition of "health practitioner" has not changed and does not include the limiting language.

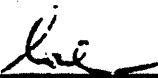
Because the facilities listed in the definition of care custodians include "postsecondary educational institutions which serve dependent adults or elders," certain University academic and staff personnel who are not health practitioners may also be required to report. Such personnel might include campus police, vocational rehabilitation counselors, employee assistance counselors, and academic personnel whose research or teaching responsibilities include contact with dependent adults or elders.

The new bill requires only those employed on or after January 1, 1986 as care custodians or health practitioners to sign a statement affirming knowledge of dependent adult/elder abuse reporting requirements. Since the law modified the content of the employee statement, the California Association of Hospitals and Health Systems is recommending that new statements be obtained from all affected employees. Persons employed before January 1, 1986 to whom the law

¹ The prior separate statute on elder abuse was repealed.

might apply need not sign a statement, but the employer is obligated to provide such employees with information in a form required by law. The employer is responsible for distributing and retaining forms and statements at its own expense.

Please see Attachments 3 and 4 for information for affected employees hired on or after January 1, 1986, and those hired before that date. Questions regarding compliance may be directed to Coordinator Saul Geiser at (415) 642-0913 on behalf of staff personnel, or to Analyst Nancy Capell at (415) 642-4492 on behalf of academic personnel.



Calvin C. Moore
Associate Vice President--
Academic Affairs



Richard M. Catalano
Associate Vice President--
Employee and Labor Relations

Attachments

cc: Chancellors
Senior Vice President Brady
Senior Vice President Frazer
Vice President Hopper
Assistant Vice President Levin
Campus Personnel Managers
Director Phillips
Director Switkes
Coordinator Geiser
University Counsel Hazel
• Analyst Capell



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ADMINISTRATIVE SERVICES
BERKELEY
UNIVERSITY OF CALIFORNIA

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OCT 29 1986

OFFICE OF ASSISTANT VICE PRESIDENT
BERKELEY ADMINISTRATIVE SERVICES

October 20, 1986

DEAN VICE PRESIDENT-
ADMINISTRATION

ACADEMIC VICE CHANCELLORS
ADMINISTRATIVE VICE CHANCELLORS

Dear Colleagues:

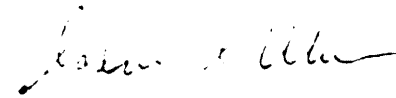
Re: AB 238: Dependent Adult Abuse Reporting Requirements

Attached is a copy of AB 238, which became effective on September 28, 1985.

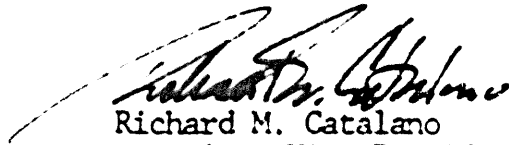
This bill requires that certain employees of educational and other institutions report to the county adult protective services agency instances of suspected abuse of physically or developmentally disabled adults. The bill further requires that persons employed by such institutions on or after January 1, 1986, or hired before and continuing employment after January 1, 1986, sign a statement that they have knowledge of these reporting requirements. The reporting obligations of the employee are summarized in the bill. The statement is to be on a form provided by the employer at the employer's expense and, once signed, is to be retained by the employer.

The University is subject to compliance with the employee notification requirements established by the bill. A description of those employees who must be informed of the requirements and must sign the statement is contained in Section 3 of the bill, and in the attached material prepared by the California Hospital Association. Campus hospital directors were informed of the requirements in December, 1985, but the requirement may also apply to non-hospital based University employees, such as (but not limited to) student health services personnel, campus police, counseling center personnel, vocational rehabilitation and employee assistance counselors. While faculty with clinical responsibilities will, in most cases, need to be informed and sign statements, the general faculty's obligation should be directed to those individuals who customarily have contact with dependent adults by virtue of research or teaching responsibilities. Because of diversity in programs and services among the nine campuses, we have not attempted to list all employees who might be affected by the reporting requirements.

The attached text should be used for the employee statement. This statement should not be combined with the Child Abuse Reporting Requirement statement issued in 1985. Questions regarding compliance may be directed to Coordinator Saul Geiser at (415) 642-0913 on behalf of staff personnel, or to Senior Analyst Nancy Kain at (415) 642-4492 on behalf of academic personnel.



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Assistant Vice President Levin
Campus Personnel Managers
Director Phillips
Director Switkes
Coordinator Geiser
University Counsel Beam
Senior Analyst Kain

Sample Form

EMPLOYEE STATEMENT -- DEPENDENT ADULT ABUSE REPORTING

California Welfare and Institutions Code Section 15632 requires an employer to provide all "dependent adult care custodians" and "health practitioners" who are employees after January 1, 1986 (both continuing and new employees), with the following statement. The legal definition of "care custodian" includes employees of educational institutions who counsel students and/or employees. California law requires that this statement be signed by the employee as a prerequisite to employment and be retained by the employer.

Section 15630 of the Welfare and Institutions Code requires any care custodian or health practitioner who has knowledge of, or observes a dependent adult in his or her professional capacity, or within the scope of his or her employment, who he or she knows has been the victim of physical abuse, or who has injuries under circumstances which are consistent with abuse, where the dependent adult's statements indicate, or in the case of a person with developmental disabilities, where his or her statements or other corroborating evidence indicates that abuse has occurred, to report the known or suspected instance of physical abuse to an adult protective services agency or a local law enforcement agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

"Care custodian" means an administrator or an employee of any of the following public or private facilities:

- (1) Health facility.
- (2) Clinic.
- (3) Home health agency.
- (4) Educational institution.
- (5) Sheltered workshop.
- (6) Camp.
- (7) Respite care facility.
- (8) Residential care institution, including roster homes and group homes.
- (9) Community care facility.
- (10) Adult day care facility, including adult day health care facilities.
- (11) Regional center for persons with developmental disabilities.
- (12) Licensing worker or evaluator.
- (13) Public assistance worker.
- (14) Adult protective services agency.
- (15) Patient's rights advocate.
- (16) Nursing home ombudsman.
- (17) Legal guardian or conservator.
- (18) Skilled nursing facility.
- (19) Intermediate care facility.
- (20) Local law enforcement agency.
- (21) Any other person who provides goods or services necessary to avoid physical harm or mental suffering and who performs such duties.

"Health practitioner" means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, marriage, family and child counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, a person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, or a psychological assistant registered pursuant to Section 2193 of the Business and Professions Code, a marriage, family and child counselor trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, or an unlicensed marriage, family and child counselor intern registered under Section 4980.44 of the Business and Professions Code, a state or county public health employee who treats a dependent adult for any condition, a coroner, or a religious practitioner who diagnoses, examines or treats dependent adults.

I certify that I have read and understand this statement and will comply with my obligations under the dependent adult abuse reporting law.

(Name)

(Date)