

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop 02-02-38
Baltimore, Maryland 21244-1850



Center for Medicaid, CHIP, and Survey & Certification/Survey & Certification Group

MAR 11 2011

Cheryl C Battee, BSN, MS, RN
SVP & Compliance Officer
Fundamental Administrative Services, LLC
920 Ridgebrook Road
Sparks, MD 21152

Dear Ms. Battee:

Thank you for your note in which you ask for guidance in regards to the implementation of the Elder Justice Act. Specifically, you seek clarification on whether it is necessary to report crimes to the Centers for Medicare & Medicaid Services (CMS) and if facilities should continue to report to the State under current guidelines and time frames. Further, you ask if enforcement has been postponed.

The Elder Justice Act is found in Title VI, Subtitle H of the Affordable Care Act. Section 1150B: Reporting To Law Enforcement Of Crimes Occurring In Federally Funded Long-Term Care Facilities, of the Elder Justice Act requires certain employees and owners of Federally funded nursing homes to report to the Secretary and local law enforcement any reasonable suspicion of a crime occurring in the facility. At the present time we are formulating the necessary procedures and communications. We plan to issue guidance in the near future.

I appreciate your time and efforts to be fully informed of the implementation of the Elder Justice Act. Thank you again for your note and I hope you find the information provided helpful.

Sincerely,

A handwritten signature in black ink that reads "Thomas E. Hamilton". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Thomas E. Hamilton
Director