



Community Health Connections

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Fact Sheet

ACT 28 of 1995 Neglect of Care Dependent Persons Summary

Who is **protected**? Care-Dependent Person

- Adults age 18 and older who, due to physical or cognitive disability or impairment require assistance to meet the needs for food, clothing, shelter, personal care, or health care.

Who is **liable**? Caretakers

Any person who is owner or operator, manager or employee of a

- Nursing home
- Personal care home
- Domiciliary care home
- Community residential facility
- Adult daily living center
- Home health agency
- Home health service provider, licensed or unlicensed
- Family living home, or
- Any person who provides care to a care-dependent person in the settings described above; or any person who has an obligation to care for a care-dependent person for monetary consideration in the settings described above or in the care-dependent person's home.

The Act **prohibits**:

- Intentionally knowing, or recklessly causing, bodily injury or serious bodily injury by failing to provide treatment, care, goods or services necessary to preserve the health, safety or welfare of a care-dependent person for whom care is provided.
- Intentionally or knowingly using a physical restraint or chemical restraint or medication on a care-dependent person, or isolating a care-dependent person contrary to law or regulation, that results in bodily injury or serious bodily injury.

Reporting is **mandatory**

- When the Departments of Aging, Health or Welfare are conducting regulatory or investigative responsibilities, and come to reasonably believe that a care-dependent person has suffered bodily injury or has been restrained in violation of the Act, a report shall be made to their local law enforcement agency or to the Attorney General.

What must be **observed**?

- The care-dependent person must have suffered either bodily injury or serious bodily injury.

Bodily injury is defined by the Crimes Code in Section 2301 as, "Impairment of physical condition or substantial pain." Violation resulting in bodily injury is punished as a misdemeanor.

Serious Bodily Injury is defined by the Crimes Code in Section 2301 as, "Bodily Injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ." Violation resulting in serious bodily injury is punished as a felony.

Other mandatory reporting in Pennsylvania

Act 13 of 1997

Employees or administrators of facilities, who have reasonable cause to suspect that a recipient has suffered abuse or sexual abuse or serious physical injury or serious bodily injury, must report this. Please see your supervisor for your agency's reporting procedures.