



Mandatory Reporting of Elder Abuse

We recently looked into the role of researchers if they encounter elder abuse of their research subjects. Both the Medical and Campus boards, with advice from ETSU's Legal Department, have reviewed Tennessee Annotated Code for the definition and mandatory reporting regulations of elder abuse.

The definition of an adult when it comes to Elder Abuse is as follows:

T.C.A. § 71-6-102 states: Adult means a person eighteen (18) years of age or older who because of mental or physical dysfunction or advanced age is unable to manage such person's own resources, carry out the activities of daily living, or protect such person from neglect, hazardous or abusive situations without assistance from others and who has no available, willing, and responsibly able person for assistance and who may be in need of protective services; provided, however, that a person eighteen (18) years of age or older who is mentally impaired but still competent shall be deemed to be a person with mental dysfunction for the purposes of this chapter. Advanced age means sixty (60) years of age or older.

Elder abuse involves physical, emotional, and financial abuse. The definition of elder abuse and the regulations involved are as follows:

T.C.A. § 71-6-103 states: "(b) (1) Any person, including, but not limited to, a physician, nurse, social worker, department personnel, coroner, medical examiner, alternate care facility employee, or caretaker, having reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation, shall report or cause reports to be made in accordance with this part. Death of

the adult does not relieve one of the responsibility for reporting the circumstances surrounding the death. However, unless the report indicates that there are other adults in the same or similar situation and that an investigation and provision of protective services are necessary to prevent their possible abuse, neglect or exploitation, it shall not be necessary for the department to make an investigation of the circumstances surrounding the death; provided, that the appropriate law-enforcement agency is notified." (c) An oral or written report shall be made immediately to the department upon knowledge of the occurrence of suspected abuse, neglect, or exploitation of an adult. Any person making such a report shall provide the following information, if known: the name and address of the adult, or of any other person responsible for the adult's care; the age of the adult; the nature and extent of the abuse, neglect, or exploitation, including any evidence of previous abuse, neglect, or exploitation; the identity of the perpetrator, if known; the identity of the complainant, if possible; and any other information that the person believes might be helpful in establishing the cause of abuse, neglect, or exploitation. Each report of known or suspected abuse of an adult involving a sexual offense that is a violation of §§ 39-13-501 -- 39-13-506 that occurs in a facility licensed by the department of mental health and substance abuse services as defined in § 33-2-402, or any hospital shall also be made to the local law enforcement agency in the jurisdiction where such offense occurred.





IRB Review Involving Mandatory Reporting of Elder Abuse

IRB Members and Investigators have specific responsibilities due to these laws.

IRB Member Responsibilities:

- IRB members must evaluate studies to determine whether disclosure of the implications of the laws is required for legally effective informed consent.

Investigator Responsibilities:

- Investigators must ensure that the consent process provides participants with accurate information concerning required reporting.
- Investigators are also responsible for compliance with these regulations.
- Guidance from ETSU Legal should be sought in individual cases.



Informed Consent Issues

If it is determined that the study topic or design involves the possibility of a researcher becoming aware of elder or child abuse, we recommend adding the following suggested language to the Informed Consent Document:

- If the research takes place in Tennessee, use Tennessee language:

“If the study staff finds evidence of child or elder abuse or neglect, they may be required by Tennessee law to report it to local law authorities.”

- If not in Tennessee, use more generic language:

“If the study staff finds evidence of child or elder abuse or neglect, they may be required to report this to local law authorities.”

Suggested circumstances in which this language should be included in the ICDs for studies that collect identifiers:

- When study methodology would make it more likely to uncover this (i.e., whenever using open-ended questions, home visits)
- When study content, as related to the purpose, would make it more likely to uncover this