

Reporting Reasonable Suspicion of a Crime IB

Social Security Act Title XI Part A

2ND Edition
REVISION 2

Section 1150B (b)(1)

2012

APPROVED

REASONABLE SUSPICION: A particularized and objective basis, supported by specific and articulable facts for suspecting a person of criminal activity

(Black's Law Dictionary)

PHYSICAL INJURY:

(ARS 13-105(33))

- The impairment of physical condition.

SERIOUS PHYSICAL INJURY:

(ARS 13-105(39))

- Physical injury that
 1. Creates a reasonable risk of death
 2. Causes serious and permanent disfigurement,
 3. Serious impairment of health or
 4. Loss or protracted impairment of the function of any bodily organ or limb.

ABUSE:

(ARS 46-451(A)(1))

- **Intentional** infliction of physical harm.
- Injury caused by **negligent acts or omissions**.
- **Unreasonable** confinement
- Sexual abuse or sexual assault.

EMOTIONAL ABUSE: (DEFINITION)

(ARS 13-3623(F)(3))

- A **pattern of ridiculing or demeaning** a vulnerable adult by
- Making **derogatory remarks** to a vulnerable adult
- **Verbally harassing** a vulnerable adult
- **Threatening to inflict physical or emotional harm** on a vulnerable adult.

EMOTIONAL ABUSE: (CRIME)

(ARS 13-3623(D))

6 FELONY

- A person who **intentionally or knowingly** engages in **emotional abuse** of a vulnerable adult who is a **patient or resident** in any setting in which
 - a) Health care,
 - b) Health-related services, or
 - c) Assistance with one or more of the activities of daily living is provided or
- Having **care or custody** of a vulnerable adult
Intentionally or knowingly subjects or
Permits the vulnerable adult to be **subjected** to emotional abuse.

Class 6 Felony

THIS SECTION DOES NOT APPLY TO:

(ARS 13-3623(E))

- A health care provider who permits a patient to die or because the patient's condition to deteriorates by **not providing** health care if:
 - 1) A **patient refuses** care directly or indirectly **through a health care directive**
 - 2) Through a **surrogate**; or
 - 3) Through a court appointed **guardian**.

THREATENING OR INTIMIDATING:

**(ARS 13-1202)
CRIMINAL**

- A person threatens or intimidates by **word or conduct** to cause **physical injury** to another person or **serious damage** to the property of another.

ASSAULT:

**(ARS 13-1203)
MISDEMEANOR**

A person commits assault by:

- 1) **Intentionally, knowingly or recklessly** causing any **physical injury**
- 2) **Intentionally placing** another person in **reasonable apprehension** of imminent physical injury; or
- 3) **Knowingly touching** another person with **intent to injure, insult or provoke**.

AGGRAVATED ASSAULT:

**(ARS 13-1204)(A)(1-3;8),(B)
FELONY**

- A person commits aggravated assault under any of the following circumstances:
 - 1) **Causes serious physical injury** to another;
 - 2) **Uses a deadly weapon** or dangerous instrument;
 - 3) Causes temporary but substantial **disfigurement**; or
 - 4) Causes temporary but substantial loss or **impairment** of any body organ or part or a fracture
- This subdivision does not apply if the person who commits the assault is seriously mentally ill, afflicted with Alzheimer's disease or related dementia.
- **Intentionally** or **knowingly impedes** the normal breathing or circulation of another by applying pressure to the throat or neck or by obstructing the nose and mouth either manually or through the use of an instrument.

DUTY TO REPORT ABUSE, NEGLECT & EXPLOITATION OF A VULNERABLE ADULT.

**(ARS 46-454)(A)
MISDEMEANOR**

- ...a registered nurse practitioner, ... or other person who has **responsibility for the care** of a vulnerable adult and who has reasonable basis to believe that **abuse or neglect** of the adult has occurred or **exploitation** of the adult's property has occurred
- shall immediately report or cause reports to be made to ... a peace officer...

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