

What You Don't Know Could Hurt



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Are You Familiar?



Are you familiar with your state's law that governs health care reporting of injuries, suspected abuse and/or domestic violence to law enforcement?

1. **Yes**
2. **No**
3. **Unsure**

Are You Familiar?



Do you know if your state has laws requiring health care protocols, screening for domestic violence or training for health care providers?

1. **Yes**
2. **No**
3. **Unsure**

Mandatory Reporting of Domestic Violence



Forty-seven states and DC have enacted mandatory reporting legislation

Generally fall into 3 categories:

1. States that require reporting of injuries caused by weapons
2. States that mandate reporting for injuries caused in violation of criminal laws, as a result of violence, or through non-accidental means
3. States that specifically address reporting in domestic violence cases

Implications for Victims of Domestic Violence



- Applying mandatory criminal injury reporting laws to domestic violence cases is most often not helpful to domestic violence victims
- The most critical elements of providing domestic violence victims with quality health care responses include offering ongoing and supportive access to medical care, addressing safety issues, and guiding patients through available options

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Mandatory Reporting Exceptions for Domestic Violence



- New Hampshire
 - Oklahoma
- Pennsylvania

Protocols, Screening and Training Statutes



- Very few states have enacted state statutes requiring domestic violence health care protocols, or screening requirements for health care providers/facilities
- Fifteen states have enacted laws requiring training on domestic violence for health care providers, and the requirements greatly vary

Disclosing Limits of Confidentiality



- Prior to assessment for domestic violence sexual assault
- HIPAA considerations

Mandatory Reporting Considerations



- Enhancing Patient Safety and Increasing Access to Health Care Services
- Improving Health Care Provider Responses to Domestic Violence Victims
- Preserving Patient Autonomy and Control of the Decision-Making Process
- Protecting Patient Confidentiality
- Recognizing the Value of Informed Consent in Health Care Environments
- Advocating for Victims of Domestic Violence

Advocacy Tips



- Be clear about your message
- Do your homework
- Understand the parameters of legal definitions
- Reach out to allies
- Reach out to law enforcement, prosecutors and policy makers

Resource



Compendium of State Statutes and Policies on Domestic Violence and Health Care



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What does the Compendium include?



State-specific summaries on:

- Mandatory reporting of domestic violence to law enforcement by health care providers
- Insurance discrimination against victims of domestic violence
- Health care protocols addressing domestic violence
- Screening for domestic violence by health care professionals
- Training on domestic violence for health care professionals