

MANDATORY REPORTING TIPS

Potential Ramifications of Mandatory Reporting

The goals of mandatory reporting may be to hold perpetrators accountable, enhance patient safety and increase health care providers' awareness of the crime. It is critical to recognize, however, that reporting domestic violence to a governmental agency without patient consent may result in harm in some cases. The better health care providers understand the potential ramifications, the better they will be able to work with patients to minimize the risks.

Among the potential risks of mandatory reporting are:

- Putting patients at risk of retaliation;
- Deterring patients from seeking health care or being candid about the abuse;
- Prompting providers to abdicate responsibility for providing care if they view their role as passing the case to another agency;
- Harming patients as the system of response to reports may not take patient safety into account, or may be inadequate and raise false expectations;
- Infringing on patients' autonomy to assess risks and decide what's in their best interests; and
- Infringing on provider-patient confidentiality, which may decrease the patient's trust in the provider and their ability to develop a relationship in which frank discussion of the abuse and the patient's options is possible.

Minimize Harm to Patients Under Current Laws

- Recognize that the critical intervention is not a mandatory report, but providing ongoing and supportive care, addressing safety and guiding the patient through the available options.
- Discuss with the patient your obligation to report the abuse.
- Learn how authorities respond to reports and discuss this with the patient.
- Address the risk of retaliation and the need for precautions.
- Work with the patient and authorities to meet the patient's needs when reporting.
- Maximize the role of the patient's input.
- Work with advocates and authorities to implement a process for responding to reports that enhance safety and autonomy, and to address problems that arise in response to reports.
- Don't view a report of domestic violence as a substitute for thorough documentation in the medical record. Documentation in the medical record is crucial for the patient's ongoing care, and may also prove more useful as evidence in legal cases than a reporting form.

Mandatory Health Care Report is NOT the same as an official police report.

It is different from an official police report that a victim would make directly to police. If a victim of IPV would like emergency assistance, call 911 immediately. If a victim of IPV would like to file a police report about the IPV and is not in acute danger, call police dispatch. If the victim of IPV would like, it is helpful for someone from the health care team to stay with the patient and provide advocacy and support during the report to police.

Ideal Protocol (San Francisco)

Your report is kept on file at the Domestic Violence Unit at the police department. According to current police dept practices, there will be no police follow up to your report (the exception would be an emergency room case where the police may already be involved). If the provider requests a follow up to the mandatory health report, in San Francisco, an IPV advocate (rather than the police) will contact the patient.