

Mandatory Reporting Laws

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Last Update: July 11, 2022.

Definition/Introduction

In the United States, mandatory reporting laws establish a legally enforceable duty for those who have contact with vulnerable populations to report to state and local authorities when mistreatment or abuse of those populations is suspected or confirmed. While these laws, and the populations they cover, vary by state, they generally include children, the disabled, and the elderly. Some states also assign this reportable duty to abuse between intimate partners. These laws typically cover neglect, as well as physical, sexual, emotional, and financial abuse. While those individuals mandated to report also vary by state, they generally include childcare providers, clergy, coaches, counselors, healthcare providers, law enforcement, principals, and teachers.[1][2] In addition to their obligation to report mistreatment of vulnerable patients, healthcare professionals are also required to report certain infectious diseases deemed to be public health hazards to state and local authorities.[3]

Issues of Concern

Children

Abuse in the pediatric population is a significant cause of morbidity and mortality. The mistreatment of children is a serious issue of public health concern, and it affects 1 in 8 children before the age of 18 years. Sadly, studies indicate that homicide is within the top five causes of death for children of every age group.[4] The effects of abuse and neglect do not stop at age 18; however, physical and mental health problems due to abuse as a child can extend far into adulthood.[5] Numerous studies have shown a correlation between adults who experienced abuse as children and the development of a host of adult morbidities, ranging from cardiovascular disease to depression.[6]

Intimate Partners

Intimate partner abuse represents an area of abuse sometimes overlooked when compared to other populations. This abuse, however, is experienced by nearly 1 in 3 women during their lifetime.[7] While women are the chief victims of intimate partner abuse, the issue also affects men, with one study showing men comprising 17% of the victims of intimate partner violence.[8] These populations tend to be seen more frequently outside regular business hours when compared to other abused patients. Like other groups, however, victims are often at significant risk for further, more severe injury if there is no intervention.[9]

Elderly

Abuse and mistreatment are also common among the elderly, with a New England Journal of Medicine study asserting a likely prevalence of 10% of the entire population aged 60 years and above.[10] Elder abuse is made more likely by circumstances facing many elderly patients: poor physical health, functional impairment, and residence in nursing homes. Indeed, those elderly patients residing in nursing homes are at risk of abuse not only from staff but

also from other residents.[10] Though frequent, elderly abuse is historically underreported, which has led to the creation of diagnostic tools to aid in its identification.[11][12]

Infectious Diseases

Policymakers are also concerned with the incidence of certain infectious diseases deemed serious public health concerns. As with laws regarding the mandatory reporting of abuse and mistreatment of vulnerable populations, the number and types of mandatory reportable diseases are dependent on the laws of the governing state, though many states adopt the recommended list published by the Centers for Disease Control (CDC).[3] The CDC regularly publishes updated lists of diseases it recommends for reporting, as this allows the organization to deal with new and novel illnesses as they appear.[13]

Clinical Significance

Healthcare providers have an important ethical and legal role in identifying and reporting abuse in children and other vulnerable populations to their appropriate state agencies. These are issues profoundly affecting the health and well being of a significant portion of the population. In the clinical setting, the most common form of maltreatment reported by healthcare professionals is neglect, which can encompass medical, nutritional, physical, or emotional neglect.[14] These situations are not merely theoretical; for instance, with an estimated 37% of all American children involved with Child Protective Services by the age of 18, many healthcare professionals will deal with these issues frequently in their practice.[15]

In the assessment of suspected abuse, the healthcare provider should obtain a complete history, perform a full physical examination, obtain appropriate laboratory analyses, and contact the proper authorities.[16][5] Given the fact that each state has different laws, familiarity with the mandatory reporting laws of one's state is critically important for any healthcare provider.[2] Failure to follow the reporting laws of the state may result in criminal sanctions for the provider, and may even impart civil negligence liability in some jurisdictions. In contrast, providers are not generally liable for reporting suspicious situations subsequently found to be benign.[17]

Regarding the reporting of infectious diseases, the obligation to report certain diseases may be viewed as an obligation of the healthcare provider to the broader community imposed by public policy. Unfortunately, there is significant evidence that many diseases go underreported. Underreporting is likely multifactorial, but may generally be attributable to lack of sufficient knowledge of reportable diseases and confusion with the reporting process in general.[18] Here again, a healthcare provider must know their relevant state laws.

Nursing, Allied Health, and Interprofessional Team Interventions

Training on recognizing and reporting suspected child abuse and neglect is critical to health professional education and patient safety.[19] Such training should apply to all types of healthcare professionals, as each owes a legal duty to report these cases. Systemically, the chances of missing cases of abuse and neglect are minimized if all types of healthcare professionals have similar training regarding recognition of the issue.

The health care team should coordinate with other professionals and community agencies in providing proper treatment and resources to the victimized patient.[5] Similarly, an interprofessional approach is important for the identification of reportable diseases to lessen the risk of underreporting. Reporting these diseases is critical to public health efforts to stem their growth, and ultimately, to allow for their eradication. Such ambitious goals require the participation and coordination of knowledgeable professionals dedicated to their patients and their communities.

Review Questions

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Disclosure: Richard Thomas declares no relevant financial relationships with ineligible companies.

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