



University HealthCare Alliance

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Owner:	Betty Hong: Exec Dir of Compliance
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References:	

Child Abuse Reporting, CG-14

I. PURPOSE

The purpose of this policy is to establish guidelines for University HealthCare Alliance ("UHA") employees and affiliated providers who meet the definition of a "mandated reporter" of child abuse and neglect under California law.

II. POLICY

It is the policy of UHA that a mandated reporter is required to report any known or suspected child abuse as required under California law. A mandated reporter does not, however, have a duty to investigate the matter—law enforcement will investigate. State and Federal law permits the release of Protected Health Information ("PHI") to the minimum amount necessary to make these required disclosures. The mandated reporter may consider informing the patient or the patient's representative of the report and disclosure unless doing so would place the patient at risk or harm and/or unless staff has reason to believe that the representative is responsible for the abuse/neglect or injury.

When two or more mandated reporters are present and jointly have knowledge of a reportable injury, they may agree to report as a team. The team may select one individual to make a report. Any member of the care team who has knowledge that the designated reporter has failed to make the report, must then make the report.

If a UHA employee who is not a mandated reporter under this law identifies a potential child abuse, he or she should tell a licensed employee or affiliated provider or their supervisor. Questions regarding this process may be directed to the UHA Compliance Department at (510) 731-2635.

The failure to report child abuse may result in fines of up to \$1,000.00 and/or imprisonment in the county jail of up to six (6) months.

III. DEFINITIONS

- A. **Child Abuse:** Physical injury or death inflicted by other than accidental means upon a child, including sexual assault, sexual exploitation, and/or the willful harming or endangering of the person or the health of the child
- B. **Child:** A person under the age of 18
- C. **Mandated Reporter:** For purposes of this policy, a mandated reporter is a person, who based on job title or job duties, is required to report any known or suspected child abuse or neglect. UHA employees or affiliated providers with the following job titles or duties are considered "mandated reporters":
 1. Clinical social worker

2. Physician (including resident or intern)
3. Nurse Practitioner
4. Physician Assistant
5. Psychologist
6. Licensed nurse (registered or practical)
7. An alcohol and drug counselor
8. A clinical counselor (including trainee)

- D. **Neglect:** The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. Neglect includes both acts and omissions
- E. **Reasonable Suspicion:** Means that is objectively reasonable for a person to entertain a suspicion, based on facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience to suspect child abuse or neglect. Reasonable suspicion does not require certainty that child abuse or neglect has occurred, nor does it require a specific medical indication
- F. **Sexual Assault:** Includes but is not limited to the touching and/or penetration of a child's genitals or intimate parts
- G. **Sexual Exploitation:** Includes:
1. Depicting a child in obscene acts;
 2. Promoting, aiding, assisting, employing, coercing etc. a child to engage in prostitution or posting, participating etc. a child in a live act, pictures, drawing etc. that depict or involve obscene sexual conduct.
 3. Depicting a child in or developing, duplicating, exchanging etc. a film, photograph, video tape, negative or slide in which a child is engaged in an act of obscene sexual conduct
- H. **Willful Harming or Endangering:** Means a situation in which any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation in which his or her person or health is endangered

IV. PROCEDURE

A. Reporting

1. UHA mandated reporters are required to report by telephone any known or reasonably suspected child abuse and/or neglect, immediately or as soon as practicably possible, to any of the following (regardless of jurisdiction):
 - a. A police or sheriff's department;
 - b. County probation department; or
 - c. County welfare department.
2. Within 36 hours of receiving information regarding an incident of known or suspected child abuse or neglect, a mandated reporter is required to make, send, fax or electronically transmit a written report to the agency receiving the initial report. The following forms, which can be found on the internet, must be used to report suspected child abuse and/or neglect:
 - a. California form, SS8572
<http://dpss.co.riverside.ca.us/files/pdf/csd-suspected-child-abuse-report.pdf>

- b. California form, *Medical Report: Suspected Child Physical Abuse and Neglect Examination*, Cal EMA 2-900 (if reporting evidence of child sexual assault). <http://www.caloes.ca.gov/GrantsManagementSite/Documents/2-900%20Medical%20Report,%20Suspected%20Child%20Physical%20Abuse%20and%20Neglect%20Examination.pdf>

B. Attestations

1. UHA mandated reporters are required to review and attest to understanding their reporting requirements under this law, which will be implemented at the time of hire and on an annual basis using UHA's mandatory Adult/Child Abuse and Violet Injuries Reporting Requirements form and via HealthStream.

V. COMPLIANCE

- A. All workforce members, including employees, affiliated providers, and contracted staff are responsible for complying with this policy.
- B. Violations of this policy must be reported to the author of this policy. Violations will be investigated to assess the nature, extent and potential risk to UHA.
- C. Employees and contracted staff who violate this policy will be subject to the appropriate disciplinary action up to and including termination.
- D. Affiliated providers who violate this policy will be subject to the appropriate disciplinary action through Medical Group governance or UHA Quality Improvement and Credentialing Committee ("QICC") as appropriate.

VI. RELATED DOCUMENTS

- A. California, *Suspected Child Abuse Report*, form SS8572
- B. California, *Suspected Child Abuse Report*, Instructions
- C. California form *Medical Report: Suspected Child Physical Abuse and Neglect Examination*, Cal EMA 2-900
- D. California *Medical Report: Suspected Child Physical Abuse and Neglect Examination*, Instructions
- E. [Elder Abuse Reporting Policy, CG-15](#)
- F. [Reporting Violent Injuries Policy, CG-16](#)
- G. UHA Mandatory Adult/Child Abuse and Domestic Violence Reporting Requirements form

VII. DOCUMENT INFORMATION

A. Legal Authority Reference

1. California Penal Code §§ 11164-11174.3

This is an internal policy maintained by University HealthCare Alliance dba Stanford Medicine Partners and may be updated from time to time in keeping with the then current laws, regulations, guidance's, policies, and procedures, as applicable. If you are viewing a copy of this policy offline or in paper form, please check to make sure that you are reviewing the latest version of this policy, which can be accessed at <https://stanfordmedicinepartners.policystat.com>. Except as otherwise specified herein, all URL links to external sites referenced in this policy are provided for informational purposes only.

Attachments

No Attachments