



Health Care Agency Behavioral Health Services Policies and Procedures	Section Name:	Care and Treatment
	Sub Section:	Mandated Reporting
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	Policy Status:	<input checked="" type="checkbox"/> New <input type="checkbox"/> Revised

	SIGNATURE	DATE APPROVED
Director of Operations Behavioral Health Services	<u>Signature on File</u>	<u>4/24/18</u>

SUBJECT: Mandated Child Abuse Reporting

PURPOSE:

To ensure Behavioral Health Services (BHS) staff meet the mandate to report suspected or known child abuse.

POLICY:

BHS staff shall comply with all mandated reporting requirements for known or suspected child abuse. It is the employee’s responsibility to comply with all reporting requirements relating to reporting of child abuse. Employees and trainees who fail to comply with these reporting requirements may be subject to discipline, including suspension, or discharge in addition to criminal charges.

Prior to commencing employment or contracting for personal services with the County of Orange Health Care Agency (HCA), all new BHS staff are required to sign an Acknowledgement of Child Abuse Reporting Requirements form with Human Resources stating they have knowledge of Child Abuse and Neglect Reporting Act (CANRA).

It is the policy of BHS that while meeting mandated reporting requirements, employees will use the “minimum necessary” standard in disclosing information and observe confidentiality regulations as they apply.

SCOPE:

This policy applies to all BHS employees, care custodians and health practitioners who meet the definition of a mandated reporter under California Penal Code (PC) Section 11165.7.

REFERENCES:

The Child Abuse and Neglect Reporting Act (CANRA) California Penal Code, Chapter 916, Sections 11164-11174.3

BHS P&P 04.05.03 Use and Disclosure of Protected Health Information-General Rules

BHS P&P 05.05.02 Tracking Disclosures of Protected Health Information

[Suspected Child Abuse Report \(CAR\)](#)

PROCEDURE:

- I. When filing appropriate reports, both verbal and written, employees shall only identify their clinic as "Health Care Agency." Employees shall not provide any further identification, for example, but not limited to: BHS, Children, Youth and Prevention Behavioral Health, Adult, Older Adult Behavioral Health, Westminster Mental Health, etc.
- II. The mandated reporter shall file the appropriate report(s) when, in his or her professional capacity, or within the scope of his or her employment, the mandated reporter has observed, has knowledge of, suspects, or has been told by a child that he/she has experienced behavior that constitutes:
 - A. Child abuse or neglect, as defined in PC 11165.6,
 - B. Sexual abuse, as defined in Section PC 11165.1,
 - C. Willful harming or injuring of a child or the endangering of the person or health of a child as defined by PC 11165.3,
 - D. Unlawful corporal punishment, as defined in PC 11165.4 ,
 - E. Neglect, as defined in PC 11165.2,
 - F. Abuse or neglect in out-of-home care, as defined by PC 11165.5 or
 - G. A report may be made to an agency specified in PC 11165.9 if a child has suffered serious emotional damage or is at a substantial risk of suffering serious emotional damage, as defined as PC 11166.05.
- III. Reporting shall be by telephone or internet reporting tool (PC 11166) as soon as practicably possible and must be followed up within 36 hours with a written report.
 - A. By Telephone:
 1. Contact Orange County Social Services Agency Child Abuse Registry at (800) 207-4464 or (714) 940-1000.
 2. Follow up within 36 hours of receiving information regarding the incident with a written report by either mail or fax. The mandated reporter must always verify the mailing address or fax number to assure no Protected Health Information (PHI) is sent to the incorrect location.

- B. By confidential internet reporting tool:
 - 1. Contact Orange County Social Services Agency Child Abuse Registry at (800) 207-4464 or (714) 940-1000.
 - 2. Follow up within 36 hours of receiving information regarding the incident by completing a report on the confidential internet reporting tool. The online reporting tool may only be accessed after verbal report is made. The Child Abuse Registry will provide the mandated reporter with instructions and a link for completing the report using the online reporting tool.
- IV. When two or more mandated reporters (regardless of agency) jointly have knowledge of a known or suspected instance of child abuse or neglect, and where there is agreement among them, the telephone reporting requirements may be carried out by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. The team member who does not make the report must document that the other mandated reporter will file the report. Any member who has knowledge that the designated member has failed to report shall make the required report.
- V. The mandated reporter must document in the client's record/chart/folder/Electronic Health Record (EHR) the date, time, name and department of the person to whom the telephone report was made and the purpose of the report.
- VI. Mandated reporters shall notify their supervisor of the filing of the report.
- VII. Supervisors and administrators shall not interfere, impede or inhibit the filing of a Child Abuse Report.
- VIII. The disclosure and the agency or agencies notified must be entered on the Tracking of Disclosures Log in the consumer's chart/folder/EHR (BHS P&P 05.05.02) by the mandated reporter.
- IX. Completed Suspected Child Abuse Report (CAR) Form
 - A. The completed and signed CAR form shall not be filed in the clinical record/folder or clinical portion of the EHR.
 - B. County clinics who enter into the EHR, must scan the CAR form (paper or electronically filed) into the appropriate folder for child abuse reports. The electronically filed CAR must be printed out. County clinics who enter into paper charts, shall email the CAR (paper or electronically filed) to the BHS Health Information Management (HIM) Unit at BHSHIM@ochca.com by the 30th day after completion of the CAR. The paper report should not be retained at the clinic site any longer than 30 days. The CAR and the name of the individual person reporting the abuse must remain confidential.
 - C. County contract providers shall follow their agency's policies and procedures regarding the filing of the completed Suspected Child Abuse Report form.

- X. Any mandated reporter who fails to report an incident of known or suspected child abuse or neglect is guilty of a misdemeanor punishable by up to six (6) months confinement in a County jail, or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine (PC 11166 5c).

- XI. Any mandated reporter who fails to report abuse or neglect, or any person who impedes or inhibits a report of abuse or neglect, which results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5000) or by both that fine and imprisonment (PC 11166.01).