

California Mandatory Reporting Law: A Summary[‡]

WHEN REQUIRED TO REPORT:

Any health practitioner employed in a health facility, clinic, physician's office, local or state public health department, or clinic or other facility operated by a local or state public health department, is required to make a report if he or she "provides medical services for a physical condition to a patient whom he or she knows or reasonably suspects is":

(1) "suffering from any wound or other physical injury inflicted by his or her own act or inflicted by another where the injury is by means of a firearm", and/or

(2) "suffering from any wound or other physical injury inflicted upon the person where the injury is the result of assaultive or abusive conduct."

"Assaultive or abusive conduct" is defined to include a list of 24 criminal offenses, among which are murder, manslaughter, torture, battery, sexual battery, incest, assault with a deadly weapon, rape, spousal rape, abuse of spouse or cohabitant, and an attempt to commit any of these crimes.

THE REPORT:

The health practitioner is required to make a report by telephone as soon as practically possible, and send a written report to a local law enforcement agency within two working days. When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of violence that is required to be reported, and when there is an agreement among these persons to report as a team, the team may select by mutual agreement a member of the team to make the report.

The report shall include, but not be limited to:

(A) The name of the injured person, if known.

(B) The injured person's whereabouts.[§]

(C) The character and extent of the person's injuries.

(D) The identity of any person the injured person alleges inflicted the injury.

A report must be made even if the person has died, regardless of whether or not the injury contributed to the death, and even if evidence of the conduct of the perpetrator was discovered during an autopsy.

[‡] **PLEASE NOTE:** This document is just a summary and does not include all provisions of the law. Information presented herein should not be construed as legal advice. Specific questions regarding interpretation of the law should be referred to your health care facility counsel or local district attorney. Please see Cal. Penal code §§ 11160-11163.2.

[§] See confidentiality provision on page.8.