

 **STATE OF NEW YORK
DEPARTMENT OF HEALTH**

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

May 15, 2008
DPACS: 08-03

RE: Mandated Reporters for Suspected
Child Abuse or Maltreatment

Dear Chief Executive Officer:

In accordance with Social Services Law, this letter is written to clarify for hospitals the reporting requirements in place for mandated reporters who have direct knowledge of or reasonable cause to suspect child abuse or maltreatment.

Chapter 193 of the Laws of 2007 amended section 413 of the Social Services Law and placed an obligation on any mandated reporter who works for a medical institution to *personally* report to the Statewide Central Register of Child Abuse and Maltreatment (SCR) any case of suspected child abuse or maltreatment. The new obligation to *personally* report eliminated the opportunity for facilities to utilize a designated reporter who does not have personal knowledge of the case. This new personal obligation to report to the SCR raised questions regarding the need for multiple reports when multiple mandated reporters had direct knowledge of or had reasonable cause to suspect child abuse or maltreatment. Recent interpretative guidance provided by the Office of Children & Family Services (OCFS) clarifies this point and that information is provided in part below.

“The area of concern is situations in which multiple mandated reporters have direct knowledge of and/or have reasonable cause to suspect child abuse or maltreatment concerning a particular incident, situation or occurrence. For example, multiple mandated reporters may respond to a particular incident or be aware of an incident and as a result multiple mandated reporters have reasonable cause to suspect abuse or maltreatment. OCFS interprets the new law to mean that each of the mandated reporters in that type of situation does not necessarily have to make a separate call to the SCR. An institution, school, facility or agency may establish a policy that complies with the statute so long as one mandated reporter with direct knowledge of the possible abuse or maltreatment and reasonable cause to suspect child abuse or maltreatment has called in a report to the SCR and the report was accepted by the SCR. Once one mandated reporter has done so, any other mandated reporters in the institution, school, facility or agency with direct knowledge of the possible abuse or maltreatment who know that such report was made are not required to make a separate additional report. . . .

A mandated reporter who makes a report must immediately notify the person

in charge of the institution, school, facility or agency, or the designated agent of the person in charge and provide the information reported to the SCR, including the names of other persons identified as having direct knowledge of the alleged abuse or maltreatment and other mandated reporters identified as having reasonable cause to suspect. All other mandated reporters with direct knowledge of the incident also must notify the person in charge or designated agent of the information they have about the alleged abuse or maltreatment, including the fact that a report was made to the SCR and who made the report. If a mandated reporter who did not make the call to the SCR is told by the mandated reporter who called the SCR that a report was not accepted by the SCR, and the mandated reporter who did not make the call believes that he or she has reasonable cause to suspect child abuse or maltreatment, the mandated reporter who did not call the SCR must call the SCR and attempt to make a report, being sure to advise the SCR of any information that might not have been provided by the mandated reporter who previously made the call. As with the initial call to the SCR, the mandated reporter may advise other mandated reporters that the call was made to the SCR and whether a report was accepted or not accepted”

The full text of the informational letter 08-OCFS-INF-01 may be found under “Informational Letters” at http://ocfs.state.nyenet/policies/external/OCFS_2008/#INF. Hospitals are encouraged to review the complete document to ensure that the facility/staff are fully informed of reporting obligations.

In accordance with Department requirements (Section 405.9(d), 10 NYCRR), each hospital is expected to update current hospital policies and procedures to reflect current reporting requirements and provide for the orientation and ongoing education of staff regarding the responsibilities of mandated reporters in cases of identified or suspected child abuse and maltreatment. In addition, each hospital shall have a designated staff member to coordinate reporting activities and to accept reports from mandated reporters within the hospital who have direct knowledge of and/or suspect child abuse or maltreatment. As required by Social Services Law, facility policies and procedures must assure that the hospital’s designee is responsible for confirming with the mandated reporter who made the call that a report was made and accepted by the SCR and for obtaining from the mandated reporter the SCR report number. If the designee is unable to confirm that a report was accepted and has reason to suspect child abuse and maltreatment, the designee would then be personally responsible for making a report to the SCR. For all reporting, once a report has been made and accepted by the SCR, the hospital’s designee becomes responsible for all subsequent administrative responsibilities associated with the report.

Should you have any questions regarding the information provided, please contact this office at (518) 402-1003.

Sincerely,

Martin J. Conroy
Director
Division of Primary & Acute Care Services