



Policy: GG.1706
Title: **Child Abuse Report**
Department: Medical Management
Section: Case Management

CEO Approval: /s/ Michael Hunn 12/26/2023

Effective Date: 12/01/1997

Revised Date: 12/01/2023

Applicable to:

- ☒ Medi-Cal
- ☒ OneCare
- ☐ PACE
- ☐ Administrative

I. PURPOSE

This policy defines the process that shall be used to assess and report instances of suspected Child Abuse for a Member.

II. POLICY

- A. A Practitioner is mandated to report reasonable suspected or observed conditions of Child Abuse or Neglect within thirty-six (36) hours after receiving information concerning the event.
- B. CalOptima, a Health Network, a Practitioner, and a Contracted Perinatal Support Services (PSS) Provider shall report suspected, or observed, Child Abuse, or Neglect, including cases involving a pregnant minor, to Orange County Child Protective Services or to local law enforcement by telephone and written report in accordance with the provisions of this Policy and California Penal Code, Sections 11164 through 11174.3.

III. PROCEDURE

- A. CalOptima, a Health Network, a Practitioner, or a Contracted PSS Provider shall report suspected or observed Child Abuse or Neglect by telephone to the local law enforcement agency and to the Orange County Child Protective Services twenty-four (24) hour hotline at (714) 940-1000, or (800) 207-4464, and shall send a follow-up written report via the Orange County Child Protective Services website, or facsimile to (714) 938-0289, within thirty-six (36) hours after receiving information concerning the event. The report shall include:
 - 1. Name, business address, and telephone number of the Mandated Reporter;
 - 2. Capacity that makes the person a Mandated Reporter;
 - 3. Information that gave rise to the reasonable suspicion of Child Abuse or Neglect;
 - 4. Source, or sources, of information leading to the report;
 - 5. Child's name, address, and present location;
 - 6. Child's school, grade, and class, if applicable;
 - 7. Names, addresses, and telephone numbers of the child's parents or guardians; and

8. Name, address, and phone number and other relevant personal information about the person, or persons, who might have abused or neglected the child.
- B. The Mandated Reporter shall make the report even if some of the required information is unavailable, or unknown, to the Mandated Reporter.
 - C. Information on reporting requirements as well as contact information for the Orange County Child Protective Services is provided to all contracted Providers via the CalOptima Provider Manual.
 - D. If CalOptima discovers that a Mandated Reporter has not taken appropriate action to report reasonable suspected or observed conditions of Child Abuse or Neglect, as required, or that the Mandated Reporter has not made the report within the appropriate time frame, CalOptima shall proceed as follows:
 1. For a CalOptima employee: The CalOptima Case Management Department shall re-train the employee.
 2. For a Health Network, a Practitioner, or Provider: The CalOptima Case Management Department shall refer the incident to the CalOptima Quality Improvement (QI) Department for investigation.
 - E. A Mandated Reporter's identity will remain confidential pursuant to California Penal Code, Sections 11167.5 & 11167 (d)(1). No agency, or person, shall disclose the identity of any person who reports under this article to that person's employer, except with the employee's consent, or by court order.

IV. ATTACHMENT(S)

- A. Suspected Child Abuse Report Form

V. REFERENCE(S)

- A. CalOptima Contract with the Centers for Medicare and Medicaid Services (CMS) for Medicare Advantage
- B. CalOptima Contract with the Department of Health Care Services (DHCS) for Medi-Cal
- C. California Penal Code, §§11164 - 11174.3
- D. CalOptima Provider Manual, Section K:1 Child Protective Services
- E. County of Orange Social Services Agency Child Abuse Reporting Guidelines

VI. REGULATORY AGENCY APPROVAL(S)

None to Date

VII. BOARD ACTION(S)

None to Date

VIII. REVISION HISTORY

Action	Date	Policy	Policy Title	Program(s)
Effective	12/01/1997	GG.1715	Child Abuse Report	Medi-Cal
Revised	05/01/1999	GG.1715	Child Abuse Report	Medi-Cal
Retired	04/01/2007	GG.1715	Child Abuse Report	Medi-Cal
Revised	04/01/2007	GG.1706	Child Abuse Report	Medi-Cal

Action	Date	Policy	Policy Title	Program(s)
Revised	01/01/2008	GG.1706	Child Abuse Report	Medi-Cal
Revised	02/01/2016	GG.1706	Child Abuse Report	Medi-Cal OneCare
Revised	02/01/2017	GG.1706	Child Abuse Report	Medi-Cal OneCare
Revised	04/01/2018	GG.1706	Child Abuse Report	Medi-Cal OneCare
Revised	04/01/2019	GG.1706	Child Abuse Report	Medi-Cal OneCare
Revised	07/01/2020	GG.1706	Child Abuse Report	Medi-Cal OneCare
Revised	04/01/2022	GG.1706	Child Abuse Report	Medi-Cal OneCare
Revised	12/01/2023	GG.1706	Child Abuse Report	Medi-Cal OneCare

IX. GLOSSARY

Term	Definition
Child Abuse	As defined in Section 11165 <i>et al.</i> of the California Penal Code, and for the purposes of this policy, means: <ol style="list-style-type: none"> 1. A physical injury which is inflicted by other than accidental means on a child by another person; 2. Sexual abuse, including both sexual assault and sexual exploitation; 3. Willful cruelty or unjustifiable punishment of a child; 4. Cruel or inhuman corporal punishment or injury; or 5. Neglect, including both severe and general neglect.
Child Neglect	As defined in Section 11165.2 of the California Penal Code and applied in this policy, means 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. The term includes both acts and omissions on the part of the responsible person.
Child Sexual Abuse	Acts of sexual assault on and/or the sexual exploitation of minors as defined in Section 11165 <i>et al.</i> of the California Penal Code.
Health Network	A Physician Hospital Consortium (PHC), physician group under a shared risk contract, or health care service plan, such as a Health Maintenance Organization (HMO) that contracts with CalOptima to provide Covered Services to Members assigned to that Health Network.
Mandated Reporter	Those individuals listed in California Penal Code Section 11165.7.
Perinatal Support Services (PSS)	Perinatal services as defined in the Contract for PSS.
Physical Abuse	For the purposes of this policy, defined as any act which results in a non-accidental physical injury.
Practitioner	A licensed independent practitioner including, but not limited to, a Doctor of Medicine (MD), Doctor of Osteopathy (DO), Doctor of Podiatric Medicine (DPM), Doctor of Chiropractic Medicine (DC), Doctor of Dental Surgery (DDS), Doctor of Psychology (PhD or PsyD), Licensed Clinical Social Worker (LCSW), Marriage and Family Therapist (MFT or MFCC), Nurse Practitioner (NP), Certified Nurse Midwife, Physician Assistant (PA), Optometrist (OD), Registered Physical Therapist (RPT), Occupational Therapist (OT), or Speech and Language Therapist, furnishing Covered Services.
Provider	<p><u>Medi-Cal</u>: A physician, nurse, nurse mid-wife, nurse practitioner, medical technician, physician assistant, hospital, laboratory, ancillary provider, or other person or institution that furnishes Covered Services.</p> <p><u>OneCare</u>: Any Medicare provider (e.g., hospital, skilled nursing facility, home health agency, outpatient physical therapy, comprehensive outpatient rehabilitation facility, end-stage renal disease facility, hospice, physician, non-physician provider, laboratory, supplier, etc.) providing Covered Services under Medicare Part B. Any organization, institution, or individual that provides Covered Services to Medicare members. Physicians, ambulatory surgical centers, and outpatient clinics are some of the providers of Covered Services under Medicare Part B.</p>