


Section: Medical Operations General  
Subject: MANDATORY REPORTING REQUIREMENTS  
Section #: 300.06  
Issue Date: March 21, 2011  
Revision Date:  
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1. The State of Florida Health and Rehabilitative Services has mandatory reporting requirements that may pertain to the operations of Hillsborough County Fire Rescue.
  - a. The information presented in this policy is selected information from F. S. Chapters 39 and 415.
    - i. Any additional questions, to any legal reference(s) made in your management of patient care, should be through Medic-1.
    - ii. Additional information needed about this law should be researched using Florida Statutes and legal counsel.
2. Suspected Child Abuse :
  - a. F.S. Title V Chapter 39 Part II covers the mandatory reporting requirements of child abuse/neglect.
    - i. F.S. 39.201(1)(a) requires that "any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care **shall** report such knowledge or suspicion to the department."
  - b. Each report of known or suspected child abuse, abandonment, or neglect **shall** be made immediately to the State Central Abuse Hotline on the statewide toll free number; **1-800-96-ABUSE (1-800-962-2873)**, which is operated 24 hours a day.
    - i. If the report is filed by a non-caretaker, the call shall be immediately transferred to the appropriate County Sheriff's Office by the Central Abuse Hot Line.
    - ii. Unlike when reporting abuse of the elderly/vulnerable adults, EMS personnel are NOT required to provide their names to the Hot Line staff.
  - c. For the purposes of guiding our decisions and actions, the following legal definitions are provided from F.S. 39.01.
    - i. They are paraphrased, have a statute reference, and essential sections of concern have emphasis added.
    - ii. **Abuse**: any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.
    - iii. **Harm**: Harm to a child's health or welfare can occur when any person:
      1. Inflicts, or allows to be inflicted, upon the child physical, mental or emotional injury. In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Such injury includes, but is not limited to:
        - a. Willful acts that produce the following specific injuries:
          - i. Sprains, dislocations, or cartilage damage
          - ii. Bone or skull fracture
          - iii. Brain or spinal cord damage
          - iv. Intracranial hemorrhage or injury to other internal organs

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- v. Asphyxiation, suffocation, or drowning
      - vi. Resulting from the use of deadly weapon
      - vii. Burns or scalding
      - viii. Cuts, lacerations, punctures, or bites
      - ix. Permanent or temporary loss or impairment of a body part or function
    - b. Purposely giving a child poison, alcohol, drugs, or other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury.
    - c. Leaving a child without adult supervision or arrangement for the child's age or mental or physical condition, so that the child is unable to care for the child's own needs...
    - d. Excessive corporal punishment or other excessively harsh or inappropriate disciplinary action.
  - 2. Commits, or allows to be committed, sexual battery, as defined in F.S. 794, or lewd or lascivious acts, as defined in chapter 800, against the child.
  - 3. Exploits a child, or allows a child to be exploited, as provided in F.S. 450.151.
  - 4. Abandons the child.
  - 5. Neglects the child:
    - a. Fails to supply the child with adequate food, clothing, shelter, or health care although financially able to do so or although offered financial or other means to do so.
      - i. However, a parent or other person responsible for the child's welfare legitimately practicing their religious beliefs, who by reason thereof does not provide specified medical treatment for a child, may not be considered abusive or neglectful for that person alone.
  - 6. Exposes a child to a controlled substance or alcohol.
- iv. Even though the statutes indicate that mandatory reporting must be accomplished using the established Central Abuse Hot Line, there is nothing to prevent any EMT or Paramedic professional from reporting a suspected act of child abuse to the law enforcement agency with jurisdiction "where the alleged abuse occurred".
  - 1. This report is not mandatory, but if personnel feel an immediate law enforcement action is necessary, they are encouraged to report the incident to the local law enforcement agency in addition to the required Central Abuse Hot Line notification.
3. Suspected Adult Abuse:
- a. F.S. 415.101 & 415.103(2) extend the same reporting conditions described for children to aged adults.
    - i. The same mandatory reporting requirements for telephone Hot Line reporting are required.
  - b. Definitions that pertain to this section that may be useful in guiding our decisions are listed below with emphasis added for important consideration. These definitions are extracted from F.S. 415.102:

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- i. Abuse means the non-accidental infliction of physical or psychological injury or sexual abuse upon a disabled adult or an elderly person by a relative, caregiver, or household member.
  - 1. It is also an action by any of those persons which could reasonably be expected to result in physical or psychological injury, or sexual abuse of a disabled adult or elderly person by any person.
  - 2. Abuse also means the active encouragement of any person by a relative, caregiver, or household member to commit an act that inflicts or could reasonably be expected to result in physical or psychological injury to a disabled adult or an elderly person.
- ii. Elderly Person means a person 60 years of age or older who is suffering from infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunction.
  - 1. These infirmities must be to the extent that the ability of the person to provide adequately for the person's own care or protection is impaired.
- iii. Neglect means the failure or omission on the part of the caregiver to provide the care, supervision, and services necessary to maintain the physical and mental health of the disabled adult or elderly person.
  - 1. This includes, but is not limited to, food, clothing, medicine, shelter, supervision, and medical services that a prudent person would consider essential for the well-being of a disabled adult or elderly person.
  - 2. Neglect also means the failure of a caregiver to make a reasonable effort to protect a disabled adult or elderly person from abuse, neglect, or exploitation by others.
  - 3. Neglect is repeated conduct or a single incident of carelessness which produces, or could reasonably be expected to result in, serious physical or psychological injury or a substantial risk of death.
- iv. Exploitation means a person who:
  - 1. Stands in a position of trust and confidence with a disabled adult or an elderly person and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, a disabled adult's or an elderly person's funds, assets, or property with the intent to temporarily or permanently deprive a disabled adult or elderly person of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the disabled adult or elderly person; – or –
  - 2. Knows or should know that the disabled adult or elderly person lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, the disabled adult's or elderly person's funds, assets, or property with the intent to temporarily or permanently deprive the disabled adult or elderly person of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the disabled adult or elderly person.
  - 3. Exploitation may include, but is not limited to:
    - a. Breaches of fiduciary relationships, such as the misuse of power of attorney or the abuse of guardianship duties resulting in the unauthorized appropriation, sale, or transfer of property.
    - b. Unauthorized taking of personal assets.

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- c. Misappropriation, misuse, or transfer of moneys belonging to a disabled adult or elderly person from a personal or joint account;  
– or –
  - d. Intentional or negligent failure to effectively use a disabled adult's or elderly person's income and assets for the necessities required for that person's support and maintenance.
- c. The reporting of such instances to the Central Abuse Hot Line is mandatory and required by the statute.
  - i. Nothing in the statutes precludes any EMT or Paramedic professional from reporting an incident to the law enforcement agency of jurisdiction where the alleged abuse occurred.
  - ii. Personnel are encouraged to report to the law enforcement agency as well as the Central Abuse Hot Line when, in their judgment, the situation warrants law enforcement investigation.
- d. In ALL cases of reporting, a full incident report shall be completed.