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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

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**Bill No:** AB 1973                      **Hearing Date:** May 15, 2018  
**Author:** Quirk  
**Version:** March 22, 2018  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** EC

**Subject:** *Reporting Crimes*

## HISTORY

**Source:** Alameda County District Attorney, Nancy O'Malley

**Prior Legislation:** AB 74 (Speier), Chapter 19, Statutes of 1994  
AB 1652 (Speier), Chapter 992, Statutes of 1993

**Support:** Building Futures with Women and Children; California Commission on Aging; California District Attorneys Association; California State Sheriffs' Association; Congress of California Seniors; Family Emergency Shelter Coalition; Paramedics Plus; Ruby's Place; Safe Alternative for Violent Environments

**Opposition:** None known

**Assembly Floor Vote:** 68 - 0

## PURPOSE

***The purpose of this bill is to clarify that health practitioners employed by or under contract with local government agencies, including emergency medical technicians and paramedics, are mandated reporters.***

*Existing law* defines an emergency medical technician I or II and paramedic as a "health practitioners" (Pen. Code, § 11162.5, subd. (a).)

*Existing law* requires health practitioners, who provide medical services to a patient whom they reasonably suspect suffered wounds inflicted by means of a firearm or assaultive conduct, to submit a report to a local law enforcement agency. (Pen. Code, § 11160, subs. (a)(1) & (2).)

*Existing law* requires health practitioners who are employed in a health facility, clinic, physician's office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department to report firearm or other assaultive conduct. (Pen. Code, § 11160, subd. (a).)

*Existing law* defines "mandated reporter" for the purposes of child abuse and neglect reporting as, among other things, an emergency medical technician or paramedic, or other person certified pursuant to Division 2.5 of the Health and Safety Code. (Pen. Code, § 11165.7, subd. (a)(22).)

*Existing law* states that a health practitioner shall make a report regarding persons suffering from a firearm wound, assaultive, or abusive conduct to local law enforcement agency as follows (Pen. Code, § 11160, subd. (b)(1)-(4).):

- A report by telephone shall be made immediately or as soon as practically possible;
- A written report shall be prepared on the standard form developed by the Office of Emergency Services or a form that fulfills the requirements of the standard form;
- A local law enforcement agency shall be notified and a written report shall be prepared; and
- The report shall include information about the injured person and the injury they sustained.

*This bill* extends mandated reporting duties to health practitioners employed by local government agencies, including emergency medical technicians and paramedics.

## COMMENTS

### 1. Need for This Bill

The author states:

Every year the Alameda County's Domestic Violence Fatality Review Team (ACDVFRT) reviews each fatality in the county to determine whether or not it was the result of an act of domestic violence. The intent of this review is to determine trends that can assist in developing strategies and programs to decrease the number of deaths resulting from domestic violence.

ACDVFRT has found that in deaths resulting from domestic violence, victims had made multiple 911 calls and had repeated visits from Alameda County Emergency Medical Service (ALCO EMS) workers. Documentation by ALCO EMS demonstrated that these first responders were concerned for the safety of the victim, but could not force the victim into the ambulance for treatment at a hospital. Further, there was no county-wide assessment tool that the District Attorney's office or other domestic violence outreach program could use to provide additional resources or to help victims seek a safer environment.

In response, the ACDVFRT created a "Lethality Assessment Program" (LAP) consisting of 5 questions that first responders ask to identify if the victim is at high risk of escalating domestic violence.

In training ALCO EMS workers to use the LAP, County Counsel interpreted the definition of "health care practitioner" in Penal Code §11160(a) as not including ALCO EMS.

Through a number of cross referencing of several sections of the Penal Code, we came to the conclusion that EMS workers are clearly mandated reporters. To avoid any confusion in the future, AB 1973 makes a technical change to Penal Code §11160 to make it clear that EMS workers fall under the definition of health care practitioners that are mandated reporters for domestic violence.

## **2. Health Practitioners and Mandated Reporting**

California law requires that all licensed healthcare professionals are mandated reporters including, but not limited to, physicians, nurses, mental health professionals, medical examiners, all employees in a long-term health facility. These professionals must report child abuse, elder and dependent adult abuse and domestic violence. These abuses are defined as physical abuse, emotional abuse, sexual abuse, financial abuse, neglect, abandonment, and deprivations of goods or services that are necessary to avoid physical harm or suffering.<sup>1</sup>

Mandated reporters must make a report immediately or as soon as practically possible by phone. They must send a written report within 36 hours of receiving the information regarding the incident. Written reports must be submitted on Department of Justice forms or a form that fulfills the standard requirements. The report with factual information about the injury and injured must be made to local law enforcement. (Pen. Code, § 11160, subd. (b)(1)-(4).):

## **3. Emergency Medical Services Structure**

California law requires every county to create a local Emergency Medical Services (EMS) program and to develop a local EMS agency (LEMSA) to supervise the program. LEMSA has direct authority over the EMS workplace through planning, enforcement, and granting of exclusive operating contracts with EMS providers firms. Seventy-five percent of EMS service providers were in the public sector.

By specifying that health practitioners employed by a local agency are mandated reporters, this bill extends those reporting responsibilities to EMTs and paramedics, who were previously not included.

## **4. Argument in Support**

According to Paramedics Plus:

Domestic Violence is a serious issue that impacts victims, their families, and communities across California. It is an intricate and complex issue because the power and control exerted over the victim can be sexual, physical, emotional, and/or psychological. One in four women will experience some form of domestic violence in their lifetime.

It is because of this complexity that victims often have a hard time reaching out for help. When they are brave enough to call for help and dial 911, Emergency Medical Technicians (EMTs) and paramedics are often the first point of contact for the victims.

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<sup>1</sup> "Mandatory\_calif.Pdf," accessed May 1, 2018, [https://www.futureswithoutviolence.org/userfiles/file/HealthCare/mandatory\\_calif.pdf](https://www.futureswithoutviolence.org/userfiles/file/HealthCare/mandatory_calif.pdf).

The Alameda County District Attorney's Office recently implemented a "Lethality Assessment Program" (LAP) consisting of 5 questions that first responders ask to identify if a victim is at high risk of escalating domestic violence. In extending training to Alameda County EMTs and Paramedics, County Counsel interpreted statute to mean that they are not mandated reporters. AB 1973 seeks to make a clarifying change to statute to reflect the important role of EMTs and paramedics have always played in reporting domestic violence.

**-- END --**