

New Reporting Requirement for Health Care Providers in NJ

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Just before Governor Corzine left office this year, he signed a few bills into law on his way out the door. One of these was to require emergency responders to report suspected abuse of vulnerable adults. Unfortunately, the law leaves medics and EMTs out of the definition of "health care professional" which got me irritated as soon as I read it. Nevertheless, it does recognize the unique position we are in when it comes to observing behavior and signs of abuse, neglect and exploitation of the patients we treat.

Some definitions to help you understand the requirements:

"Abuse" means the willful infliction of physical pain, injury or mental anguish, unreasonable confinement, or the willful deprivation of services which are necessary to maintain a person's physical and mental health.

"Exploitation" means the act or process of illegally or improperly using a person or his resources for another person's profit or advantage.

"Neglect" means an act or failure to act by a vulnerable adult or his caretaker which results in the inadequate provision of care or services necessary to maintain the physical and mental health of the vulnerable adult, and which places the vulnerable adult in a situation which can result in serious injury or which is life-threatening.

Here's exactly what you have to do:

A health care professional, law enforcement officer, firefighter, paramedic or emergency medical technician who has reasonable cause to believe that a vulnerable adult is the subject of abuse, neglect or exploitation shall report the information to the county adult protective services provider.

The requirement is on the certified individual, not the licensed agency. However, EMS employers should be ready to support their employees by updating policies and procedures relating to reporting. For instance, before this law, such a disclosure would violate HIPAA. Now it does not, but it still belongs on the disclosure log. You do have a disclosure log, don't you?

One idea is to provide a company form for reporting the information required by law:

1. the name and address of the vulnerable adult;
2. the name and address of the caretaker, if any;
3. the nature and possible extent of the vulnerable adult's injury or condition as a result of abuse, neglect or exploitation;
4. and any other information that the person reporting believes may be helpful.

The law will protect you and your employees. It creates immunity from civil and criminal liability arising from the report, information, or testimony, unless the person acts in bad faith or with malicious purpose. It also prohibits employers from discriminating or retaliating against an individual who reports abuse, neglect or exploitation in good faith pursuant to this act. The fine for doing so is up to \$1,000.

The law goes into effect in the middle of May.

[Click here](#) for the full text of the law.