

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

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Legislative Document

No. 1780

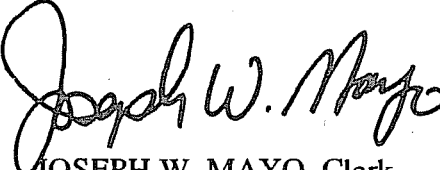
H.P. 1318

House of Representatives, January 25, 1994

**An Act to Require That Medical Personnel Report Suspected Domestic Abuse.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative DORE of Auburn.

Cosponsored by Representatives: HOGLUND of Portland, MURPHY of Berwick.

2 Be it enacted by the People of the State of Maine as follows:

4 Sec. 1. 19 MRSA §770-C is enacted to read:

6 §770-C. Mandated reporting of suspected domestic abuse

8 1. Report required when reasonable cause to suspect. When,  
10 while acting in a professional capacity, a person who is listed  
12 in subsection 2 knows or has reasonable cause to suspect that an  
adult individual has been abused by a member of that individual's  
family or household, that person shall immediately report the  
suspected abuse to the appropriate law enforcement agency.

14 2. Mandated reporters of suspected domestic abuse.  
16 Subsection 1 applies to the following persons: medical or  
osteopathic physicians, residents, interns, emergency medical  
18 service persons, medical examiners, physician's assistants,  
dentists, dental hygienists, dental assistants, chiropractors,  
20 podiatrists, registered or licensed practical nurses, home health  
aides, medical or social service workers, psychologists, mental  
22 health professionals or chairs of professional licensing boards  
that have jurisdiction over mandated reporters. Whenever a  
24 person is required to report in a capacity as a member of the  
staff of a medical or public or private institution, agency or  
26 facility, that person shall immediately notify either the person  
in charge of the institution, agency or facility, or a designated  
28 agent, who shall then cause a report to be made to the  
appropriate law enforcement agency. The staff may also make a  
30 report directly to the law enforcement agency.

32 3. Reporting procedures. Reports regarding abuse must be  
made immediately by telephone to the appropriate law enforcement  
34 agency and must be followed by a written report within 48 hours  
if requested by the law enforcement agency.

36 The reports must include the following information if within the  
38 knowledge of the person reporting:

40 A. The name and address of the adult suspected of being  
abused;

42 B. The nature and extent of abuse, including a description  
44 of injuries and any explanation given for them;

46 C. The family composition of the adult suspected of being  
48 abused and any evidence of prior abuse of the adult or other  
members of the family or household;

50 D. The source of the report, the name of the person making  
the report, the person's occupation and where the person can  
be contacted; and

2           E. Any other information that the person making the report  
3           believes may be helpful.

4  
5           4. Immunity from liability. A person who reports in good  
6           faith under this section is immune from any criminal or civil  
7           liability for the act of reporting. Good faith does not include  
8           instances when a false report is made and the person knows the  
9           report is false. This section may not be construed to bar  
10           criminal or civil action regarding perjury or the abuse that led  
11           to a report.

12  
13           In a proceeding regarding immunity from liability, there is a  
14           rebuttable presumption of good faith.

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### STATEMENT OF FACT

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21           This bill requires medical personnel and medically-related  
22           personnel to report suspected domestic abuse to appropriate law  
23           enforcement agencies. Immunity from liability is extended to  
24           those who report suspected abuse in good faith. This bill is  
25           modeled on the required reporting provisions of the child abuse  
26           and neglect laws.

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31           This document has not yet been reviewed to determine the  
32           need for cross-reference, stylistic and other technical  
33           amendments to conform existing law to current drafting standards.