
 <p><b>HAWAII HEALTH SYSTEMS</b> CORPORATION "Quality Healthcare for All"</p>	<p>Department:</p> <p><b>Quality Through Compliance</b></p>	<p>Policy No.:</p> <p><b>CMP 048A</b></p>
	<p>Issued by:</p> <p>Audit and Compliance Committee</p>	<p>Revision No.:</p>
<p><b>POLICY</b></p>	<p>Approved by:</p>  <p>HHSC Board of Directors By: Carol VanCamp Its: Secretary/Treasurer</p>	<p>Effective Date:</p> <p>September 19, 2013</p>
<p>Subject:</p> <p><b>HIPAA Victims of Abuse or Neglect Disclosures</b></p>		<p>Supersedes Policy:</p>
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Last Reviewed: August 19, 2013. Next Review: August 19, 2016

- I. **PURPOSE:** This Policy supports the legal reporting requirements for Hawaii Health Systems Corporation (HHSC) facilities when treating a patient who is, or appears to be the victim of abuse or neglect, and establishes guidelines and roles/responsibilities for those involved in the care and support of such patients.
- II. **DEFINITIONS:**
- Child Abuse or Neglect – The acts or omissions of any person or legal entity related to, residing with, or otherwise responsible for caring for a child have resulted in harm or a reasonably foreseeable substantial risk of harm to the child’s physical or psychological health or welfare
- Vulnerable Adult – A person eighteen years of age or older who, because of mental, developmental, or physical impairment, is unable to communicate or make responsible decisions to manage the person’s own care or resources; carry out or arrange for essential activities of daily living; or protect oneself from abuse.
- Vulnerable Adult Abuse – Physical, psychological or sexual abuse, financial exploitation, caregiver neglect or self-neglect of a vulnerable adult.
- Domestic Abuse – Acts of one family or household member upon another family or household member including:
1. physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault
  2. Sexual assault
  3. Stalking
  4. Intentionally, knowingly or recklessly causing damage to property so as to intimidate or attempt to control the behavior of the family or household member.
- III. **POLICY:** Hawaii Health Systems Corporation (HHSC) may disclose protected health information for the purposes of reporting abuse or neglect. Disclosure is made in the exercise of professional judgment by HHSC and in accordance with state and federal laws.
- A. Child Abuse or Neglect: HHSC shall report cases where there is reason to believe that acts or omissions of a person (or legal entity) related to, residing with, or otherwise responsible for caring for a child have resulted in harm or a reasonably foreseeable substantial risk of harm to the child’s physical or psychological health or welfare. Mandated reporters include Medical Staff members, health care professionals and other employees of HHSC in their professional or official capacity.

1. Immediate verbal reports must be made to Child Protective Services (CPS) Intake or to the Police Department.
  2. Protected health information related to the alleged incident of child abuse or neglect, including, but not limited to medical records and medical reports, shall be disclosed to CPS or the Police Department in response to a request for information for the purpose of investigating the alleged incident.
- B. Vulnerable Adult Abuse: HHSC shall report cases where it knows or has reason to believe that a vulnerable adult: 1) has incurred physical, psychological or sexual abuse, financial exploitation, caregiver neglect or self-neglect, or 2) is in danger of any of the foregoing if immediate action is not taken. Mandated reporters include Medical Staff members, health care professionals and other employees of HHSC in their professional or official capacity.
1. An initial verbal report shall be made promptly to Adult Protective Services. NOTE: If an injury falls under category of suspicious wounds, a mandated report must be made to Police Department as directed by HHSC policy on Disclosure for Law Enforcement Purposes (CMP 0050).
  2. HHSC will promptly inform the vulnerable adult or his/her personal representative that a mandated report has been made except if:
    - a) The vulnerable adult's treating provider, in the exercise of professional judgment, believes informing the individual would place the individual at risk of serious harm, or;
    - b) The vulnerable adult's treating provider would be informing a personal representative of the individual and the provider reasonably believes:
      - i. The personal representative is responsible for the abuse, neglect or injury and;
      - ii. Informing such person would not be in the best interests of the individual as determined by the provider's exercise of professional judgment.
- C. Domestic Violence: Disclosure of protected health information related to domestic abuse (other than that of a child or vulnerable adult) shall be directed by HHSC policy on Disclosure of Protected Health Information for Law Enforcement Purposes (CMP 050A).
- D. An accounting of any disclosures or release of protected health under this policy will be made as directed by HHSC policy on Accounting for Disclosures of PHI (CMP 040A).
- E. HHSC Facilities shall implement procedures to operationalize this Policy.
- IV. **APPLICABILITY**: This Policy applies to all HHSC facilities and HHSC medical staff.
- V. **AUTHORITY**: Hawaii Revised Statutes (HRS) Section 350-1.1; HRS Chapter 587; HRS 346-222 through 346-226; Standards for Privacy of Individually Identifiable Health Information (HIPAA), 45 CFR 164.512(b)(ii) & (c).
- VI. **ATTACHMENT**: None.