



UTSW/BioTel EMS TRAINING BULLETIN October 1, 2015

EMS TB 15-006

Child/Elderly/Disabled Abuse & Neglect Reporting Procedure

Purpose:

1. To set forth for UTSW/BioTel EMS Providers the reporting procedure for the suspected abuse, neglect or exploitation of children, the elderly or the disabled.

Background:

1. Texas ranks in the top 3 states with the highest number of reported child abuse cases.
2. Similar to reporting requirements for physicians, Texas Family Code defines the **duty and obligation** of non-physician "professionals" to report to a proper, state-designated authority **any** suspected child abuse or neglect:
 - a. "Professional" is defined as a person "licensed or certified by the state...who, in the normal course of official duties or duties for which a license of certification is required, has direct contact with children".
 - b. This clearly encompasses EMS Providers in the field.
 - c. The duty **cannot** be delegated to others or waived, based on legal "privilege".
3. **These reporting requirements also apply to suspected cases of abuse, neglect or exploitation of the elderly and the mentally or physically disabled (see page 2).**
4. A person who reports abuse/neglect/exploitation in good faith is immune from civil or criminal liability.

WHAT is the UTSW/BioTel reporting procedure for suspected abuse or neglect?

1. UTSW/BioTel EMS Providers shall evaluate and transport to an appropriate receiving hospital Emergency Department ANY patient for whom abuse or neglect is suspected:
 - a. Details of the patient's history, physical examination, environmental factors at the scene, and other relevant observations and evidence shall be clearly and objectively documented in the ePCR (more documentation information [HERE](#)).
2. EMS Providers shall convey directly to hospital E.D. personnel their concern about possible abuse, neglect or exploitation.
3. **EMS Providers ALSO shall directly report as soon as possible ANY suspected child/elderly/disabled abuse/neglect to the following state-designated authorities:**
 - a. Texas Department of Family and Protective Services (DFPS), 24 hours a day, 7 days a week, via secure website [ONLINE](#) (preferred) or 1-800-252-5400; **OR**
 - b. Local Law Enforcement agency; **OR**
 - c. The agency with regulatory oversight over a facility suspected of abuse*; **OR**
 - d. Any agency designated by a court to handle abuse.

4. **The TX state report must include the following minimum information:**
 - a. The patient's name and address; AND
 - b. The name and address of the person(s) responsible for the care, custody or welfare of the patient; AND
 - c. Any other information regarding the possible abuse, neglect or exploitation, especially all available medical or other evidence; AND
 - d. The names of all EMS Providers participating in the EMS incident.

What are "Red Flags" for possible child, elderly, or disabled abuse/neglect/exploitation?

1. [EMS Providers Can Identify Child Abuse – Adapted from JEMS October 2011](#)
2. [What Is Child Abuse and Neglect? Recognizing the Signs and Symptoms](#)
3. [Guide to Reporting Suspected Abuse, Neglect or Financial Exploitation of Adults](#)

What other persons are protected by these reporting requirements?

1. Elderly persons at least 65 years of age;
2. Physically disabled persons;
3. *Mentally ill and mentally disabled persons, including adults and children living in state facilities or who are being helped by programs for people with mental illness or intellectual disabilities.

Summary:

1. Everyone – including EMS Providers – is bound by Texas law to report to an appropriate state-designated authority any case of suspected child/elderly/disabled abuse, neglect or exploitation. The report should be made as soon as possible to:
 - a. Texas Department of Family and Protective Services, 24 hours a day, 7 days a week (secure website [ONLINE](#) or 1-800-252-5400); **OR** local Law Enforcement.
2. EMS Providers should not assume that the hospital staff or "someone else" will do it.
3. Persons submitting good-faith reports are immune from criminal or civil liability.
4. Reporting suspected abuse or neglect makes it possible for a family to get help.
5. Failure to report could mean the difference between life and death for the patient.

Resources (verified/accessed 16 September 2015):

1. [Texas Department of Family and Protective Services \(DFPS\)](#)
 - a. [DFPS Web Site to Report Abuse, Neglect or Exploitation](#)
 - b. [DFPS Secure Online Reporting Form](#)
2. *Abuse Reports/Complaints for Facilities:
 - a. Nursing homes, assisted living facilities, private ICF/MR, and adult day care:
 - i. Texas Department of Aging and Disability Services (DADS): 1-800-458-9858
 - b. Hospitals, psychiatric hospitals (including private psychiatric facilities), and various other medical facilities:
 - i. Texas Department of State Health Services (DSHS): 1-888-973-0022
3. [EMS Providers Can Identify Child Abuse – Adapted from JEMS October 2011](#)
4. [US DHHS What Is Child Abuse and Neglect? Recognizing the Signs and Symptoms](#)
5. [Guide to Reporting Suspected Abuse, Neglect or Financial Exploitation of Adults](#)
6. [Abuse/Neglect EMS Documentation: Describing What Happened \(EMS World 2010\)](#)
7. [Texas Family Code, Section 261](#)
8. [UTSW/BioTel EMS Guidelines for Therapy](#), especially: Pediatric Treatment Overview and Destination Policy

➤ **UTSW/BioTel EMS Providers may contact BioTel or the EMS Medical Direction Team at any time with questions or concerns about this Training Bulletin or its content**