

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1182

SPONSOR: Senator Silver

SUBJECT: Medical Treatment of Violent Wounds

DATE: March 24, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Currently, s. 790.24, F.S., requires health care providers to report to the sheriff's department, "a gunshot wound or other wound indicating an act of violence." Failure to report as required is punished as a first degree misdemeanor.

The phrase "other wound" in the section is undefined, and as a result, health care providers have indicated that it is difficult to determine exactly which injuries must be reported. In order to resolve this ambiguity, the bill amends the section to provide that the "other wound" which triggers the reporting requirement must be life-threatening.

This bill substantially amends the following section of the Florida Statutes: s. 790.24.

II. Present Situation:

Pursuant to s. 790.24, F.S., any employee of a medical facility, i.e., a doctor's office, hospital, sanitarium, clinic, or nursing home, is required to report to the sheriff's department any patient treated by the employee who has suffered a gunshot wound or other wound indicating an act of violence. The phrase "other wound" is not defined, and as a consequence, confusion has resulted in the medical community concerning exactly what type of injuries are embraced by the phrase. For example, the phrase could be construed to include bruises.

III. Effect of Proposed Changes:

The bill amends s. 790.24, F.S., to provide that the "other wound" which triggers the reporting requirement must be life-threatening, and thereby, lessens current law's ambiguity concerning the exact types of wounds which must be reported.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to a report from the national Family Violence Prevention Fund, mandatory reporting requirements, particularly broad requirements like Florida's current law, can have the result of hindering or even physically injuring a domestic violence victim. *See* "Mandatory Reporting of Domestic Violence by Health Care Providers: A Misguided Approach," Family Violence Prevention Fund, 1995. For example, mandatory reporting can cause a domestic violence victim: (1) to fail to seek medical care or to be candid with his or her doctor about the cause of injury, because the victim fears that the doctor will report the abuse; and (2) to be physically abused again due to retaliation by the person reported. The report explains that state mandatory reporting requirements should be limited only to very serious violent injuries and that such a limitation would result in:

- ▶ making health care providers more comfortable when treating domestic violence victims because doctor/patient confidentiality could be maintained in a great number of situations;
- ▶ facilitating open and honest communication between the patient and doctor by eliminating the patient's fear that his or her abuser will be reported; and
- ▶ avoiding the violent repercussions which sometimes occur due to premature police intervention in a domestic violence situation.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
