

Mandatory and Permissive Reporting

Physicians, nurses and other healthcare professionals have a legal and professional obligation to maintain the confidentiality of patient information. There are certain circumstances, however, where physicians are either legally required or allowed to disclose patient information. Physicians should consult a comprehensive guide to reporting obligations in their respective jurisdictions.

Mandatory Reports

Mandatory reports are legally required and considered necessary in the public interest. Mandatory reporting obligations may arise in circumstances of: child abuse or neglect, elder abuse or neglect, impaired driving ability, sexual abuse of a patient, births, stillbirths, deaths, communicable and reportable diseases, under certain circumstances abuse of controlled drugs and substances, and gunshot wounds. This is not an exhaustive list of physicians' mandatory reporting obligations. Depending on the origin of the mandatory reporting duty, physicians should be prepared to provide specific information and, at times, medical opinions in mandatory reports.

Permissive Reports

Permissive reports are legally permitted in certain circumstances, and leave the decision to make a permissive report to the physician's discretion. Physicians should rely on their professional and ethical obligations to determine whether to report. Physicians might, for example, disclose health information if they have reasonable grounds to believe that it would reduce the risk of serious bodily harm or death. Physicians might also consider reporting when they have reasonable grounds to believe that another physician or healthcare professional is impaired or incompetent. The appropriate action will vary with each circumstance, as will the amount and type of information that the physician can provide.

In both circumstances, physicians are generally protected from legal, disciplinary, or other proceedings if they comply in good faith with the respective reporting obligations. Physicians are also encouraged to tell patients about their reporting duties to facilitate a trusting physician-patient relationship.

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