

Mandatory Reporting and HIPAA Compliance

If screening a patient leads to the disclosure of traumatization such as child abuse or domestic violence, state and federal laws may require you to disclose the information to the proper authorities.

Many federal laws, such as the Trafficking Victims Protection Act (TVPA) and the Preventing Sex Trafficking and Strengthening Families Act, also require you to report certain information to protect individuals who have experienced trafficking or those who are at risk of trafficking.

Required reporting laws vary by state, so it is important to know the law in the state where you work, your responsibility as a mandated reporter, and your obligations to protect patient privacy.

The resources outlined below can help you navigate federal, state, and local laws related to mandatory reporting and HIPAA compliance.

Legend



Federal Requirement



State Requirement

Human Trafficking



Mandatory Reporting of Human Trafficking: Potential Benefits and Risks of Harm (English, 2017)

<https://journalofethics.ama-assn.org/article/mandatory-reporting-human-trafficking-potential-benefits-and-risks-harm/2017-01>

This article uses states' experiences implementing child abuse laws to assess the potential risks and benefits of mandatory reporting of human trafficking.



Polaris Policy and Legislation

<https://polarisproject.org/policy-legislation>

Polaris offers a variety of federal and state resources on anti-trafficking laws and legislation.



Trafficking Victims Protection Act

<https://www.congress.gov/bill/115th-congress/senate-bill/1312>

The TVPA requires federal, state, or local officials to notify the U.S. Department of Health and Human Services (HHS) within 24 hours of discovering a child who may be a foreign victim of trafficking. If you are a federal, state, or local official, contact an HHS Child Protection Specialist at ChildTrafficking@acf.hhs.gov or 202-205-4582.

Child Abuse or Neglect



Immunity for Reporters for Child Abuse and Neglect

<https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/immunity>

This factsheet summarizes State laws on immunity from prosecution for persons who in good faith report suspected instances of child abuse or neglect

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Justice for Victims of Trafficking Act of 2015

<https://www.congress.gov/bill/114th-congress/senate-bill/178>

Mandated reporters should report suspected trafficking of a minor as they would abuse and neglect in accordance with the protocols in their state.



Mandatory Reporters of Child Abuse and Neglect

<https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/manda>

This factsheet discusses laws related to specific professionals that are required to report cases of suspected child abuse and neglect.



Preventing Sex Trafficking and Strengthening Families Act



<https://www.congress.gov/bill/113th-congress/house-bill/4980>

This federal law requires public child welfare agencies to identify and serve minors who have experienced sex trafficking or who are at risk of sex trafficking. Additionally, state child welfare agencies must report any missing children to law enforcement and the National Center for Missing & Exploited Children (NCMEC) within 24 hours. If you work for a state child welfare agency, you can report a missing child to NCMEC by calling 1-800-843-5678.

Domestic Violence or Sexual Assault



Compendium of State Statutes and Policies on Domestic Violence and Health Care

<https://www.futureswithoutviolence.org/compendium-of-state-statutes-and-policies-on-domestic-violence-and-health-care/>

The Compendium includes state-specific information on fatality review, mandatory reporting to law enforcement by health providers, insurance discrimination, health care protocols, screening, and training.



Rape and Sexual Assault Reporting Laws

<https://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=571>

The National Center for the Prosecution of Violence Against Women offers a list of state statutes pertaining to mandatory reporting of rape, injuries that may include rape, reporting requirements for other crimes or injuries that may impact victims of rape and sexual assault, and payment for forensic sexual assault examinations.

Health Insurance Portability and Accountability Act (HIPAA)



Department of Health and Human Services: HIPAA for Professionals

<https://www.hhs.gov/hipaa/for-professionals/index.html>

The HIPAA Privacy Rule sets national standards for protecting the confidentiality, integrity, and availability of electronic protected health information.



HIPAA and Health Care Professionals

<https://healtrafficking.org/wp-content/uploads/2018/10/Human-Trafficking-and-HIPAA-What-the-Health-Care-Professional-Needs-to-Know.pdf>

This article outlines key questions and answers to assist health care professionals caring for individuals who have experienced trafficking while complying with HIPAA.



NATIONAL HUMAN TRAFFICKING
TRAINING AND TECHNICAL
ASSISTANCE CENTER

For free training and technical assistance, contact info@NHTTAC.org. To learn more about how to identify and respond to trafficking, check out our [SOAR eGuide](#).