

HB 751 -- Redline

CHAP0766 to HB751ER2 -- Suspected abuse; mandated reporters.

Deletions ~~struck~~ · Insertions underlined

~~RECONVENED SESSION REENROLLED~~ VIRGINIA ACTS OF ASSEMBLY ~~--- 2022 RECONVENED SESSION CHAPTER 766R~~ An Act to amend and reenact Sec. 63.2-1509 and 63.2-1606 of the Code of Virginia, relating to mandated reports of suspected abuse.

E N [H 751] Approved April 27, 2022. ~~Be it enacted by the General Assembly of Virginia:~~

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L A.

The following persons who, in their professional or official capacity, have reason to ~~suspect~~susEect that a child is an abused or neglected child, shall report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have ~~occurred~~ocDurred or to ~~1- the Department's toll-free child abuse and neglect hotline:~~

~~Any person licensed to practice medicine or any of the healing arts;~~

Any person providing full-time or part-time child care for pay on a regularly planned ~~basis;~~basHs;

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~~Any law-enforcement officer or animal control officer;~~

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1 10.

Any professional staff person, not previously enumerated, employed by a private or ~~state-~~operatedstateRoperated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment;

Any person who is designated a court-appointed special advocate pursuant to Article 5 (Sec. 9.1-151 et seq.) 13. ~~of Chapter 1 of Title 9.1;~~

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~~16- volunteering with a public or private sports organization or team; e or older employed by or~~ 17.

~~Any athletic coach, director or other person 18 years of age or older employed by or volunteering with a public or private sports organization or team;~~

~~17-~~

Any minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or ~~denomination usually referred to as a church, unless the information supporting the suspicion of child~~ abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) would be subject to Sec. 8.01-400 or 19.2-271.3 if offered as evidence in court;

~~If an employee of the local department is suspected of abusing or neglecting a child, the report shall~~ be made to the court of the county or city where the abuse or neglect was discovered.

Upon receipt ~~of~~ofhall such a report by the court, the judge shall assign the report to a local department that is not the of 4 employer of the suspected employee for investigation or family assessment.

~~of 4~~ If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith.

In cases evidencing acts of rape, sodomy, or object sexual penetration as defined in Article 7 (Sec. 18.2-61 et seq.) of Chapter 4 of Title 18.2, a person who knowingly and intentionally fails to make the report required pursuant to this section shall be guilty of a Class 1 misdemeanor.

of 4 1.

R 2.

~~3-~~ E Sec. 32.1-111.5, unless such provider immediately reports the suspected abuse, neglect or exploitation directly to the attending physician at the hospital to which the adult is transported, who shall make such report forthwith;

~~AnyN emergency4- medical services provider certified by the Board of Health pursuant to Sec. 32.1-111.5, unless such provider immediately reports the suspected abuse, neglect or exploitation of 4 directly to the attending physician at the hospital to which the adult is transported, who shall make such report forthwith;~~

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0 6.

Any person providing full, intermittent or occasional care to an adult for compensation, including, ~~but not limited to, companion, chore, homemaker, and personal care workers; and 7.~~

~~and homemaker, and 8. personal care workers;~~

~~and L 8.~~

~~L B.~~

The report shall be made in accordance with subsection A to the local department of the ~~county~~ Eunty or city wherein the adult resides or wherein the adult abuse, neglect or exploitation is believed to have occurred or to the adult protective services hotline.

If a person required to report under this section receives information regarding abuse, neglect or exploitation while providing ~~professional services in a hospital, nursing facility or similar institution, then he may, in lieu of~~ reporting, notify the person in charge of the institution or his designee, who shall report ~~such~~ such ~~of~~ information, in accordance with the institution's policies and procedures for reporting such matters, immediately upon his determination that there is reason to suspect abuse, neglect or exploitation.

Any person required to make the report or notification required by this subsection shall do so either orally or in writing and shall disclose all information that is the basis for the suspicion of adult ~~abuse, abus~~ H, neglect or exploitation.

Upon request, any person required to make the report shall make available to the ~~adult~~ 7dult protective services worker and the local department investigating the reported case of adult ~~abuse, ab~~ 1se, ~~neglect persons or required exploitation to any report information, suspected records adult or abuse, reports neglect which or document exploitation the shall basis cooperate for with the Rhet. report.~~

All ~~persons required to report suspected adult abuse, neglect or exploitation shall cooperate with the~~ investigating adult protective services worker of a local department and shall make information, records and reports which are relevant to the investigation available to such worker to the extent permitted by state and federal law.

such reports may, however, be disclosed to the Adult Fatality Review Team as provided in Sec. 32.1-283.5 or to a local or regional adult fatality review team as provided in Sec. 32.1-283.6 and, if reviewed by the Team ~~or a local or regional adult fatality review team, shall be subject to applicable confidentiality requirements of the Team or a local or regional adult fatality review team.~~ team.icable confidentiality C.

~~C.~~

Any person other than those specified in subsection A who suspects that an adult is an abused, neglected or exploited adult may report the matter to the local department of the county or city wherein ~~the adult resides protective or services wherein~~ hotline.buse, the abuse, neglect or exploitation is believed to have occurred or to the ~~adult~~ E, ~~protective services hotline.~~

~~E.~~ Any person who makes a report or provides records or information pursuant to subsection A, C, or D, or who testifies in any judicial proceeding arising from such report, records or information, or who takes or causes to be taken with the adult's or the adult's legal representative's informed consent photographs, video recordings, or appropriate medical imaging of the adult who is subject of a report shall be immune from any civil or criminal liability on account of such report, records, information, photographs, video recordings, appropriate medical imaging or testimony, unless such person acted in bad faith or with a malicious purpose.

~~Any person who makes a report or provides records or information pursuant to subsection A, C, or D, or who testifies in any judicial proceeding arising from such report, records or information, or who takes or causes to be taken with the adult's or the adult's legal representative's informed consent photographs, video recordings, or appropriate medical imaging of the adult who is subject of a report shall be immune from any civil or criminal liability on account of such report, records, information, photographs, video recordings, appropriate medical imaging or testimony, unless such person acted in bad faith or with a malicious purpose.~~

~~F.~~

Any person who fails to make a required report or notification pursuant to subsection A shall be ~~subject to a civil penalty of not more than \$500 for the first failure and not less than \$100 nor more than \$1,000 for any subsequent failures.~~

Civil penalties under subdivision A 7 shall be determined by a of 4 court of competent jurisdiction, in its discretion.

Any mandated reporter who has reasonable cause to suspect that an adult died as a result of abuse or neglect shall immediately report such suspicion to the appropriate medical examiner and to the appropriate law-enforcement agency, notwithstanding the existence of a death certificate signed by a ~~of 4~~ 4-licensed physician.