



Clinical Interdepartmental Policy and Procedure

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| Policy: | Domestic Violence/Sexual Assault |
| Policy Number: | PC-013 |
| Joseph S. Gordy, CEO Flagler Hospital | Signature: |
| Originator: | Social Services |
| Coordinating Departments: | All Departments |
| Original Issue Date: | November 2002 |
| Current Revision Date: | December 22, 2014 February 10, 2016 |
| Last Review Date: | June 7, 2006 January 31, 2012 November 30, 2013 December 12, 2016 |
| Chapter: | Patient Assessment |
| Regulatory References: | Florida State Statutes 415.102, 415.1034 741.28, 790.24, 794.011. Florida Department of Children and Families. Joint Commission PC.01.02.09, RI.01.06.03 |
| Other References: | Betty Griffin Center |

PURPOSE: Educate all health care workers regarding mandated and voluntary reporting laws in Florida with regards to domestic violence and sexual assault.

OBJECTIVES: Understand the assessment, treatment, care and reporting of domestic violence and sexual assault. Differentiate between domestic violence and sexual assault cases that require mandated reporting verses those that are patient choice.

FLORIDA LAW:

1. Any physician, nurse, or employee thereof and any employee of a hospital, sanitarium, clinic, or nursing home knowingly treating any person suffering from a gunshot wound or life-threatening injury indicating an act of violence, or receiving a request for such treatment, shall report to the St. John's County Sheriff's Department (904) 824-8304 TTY (904) 829-6495. Any such person willfully failing to report such treatment or request therefor is guilty of a misdemeanor of the first degree. Florida Statute 790.24
2. Any person who initially treats or is requested to treat a person with second-degree or third-degree burn injuries affecting 10 percent or more of the surface area of his or her body shall immediately report such treatment to St. John's County Sheriff's Department (904) 824-8304 TTY (904) 829-6495 if the treating person determines that the burns were caused by a flammable substance and if the treating person suspects the injury is a result of violence or unlawful activity. The report shall state the name and address of the injured person and the extent of his or her injuries. This section does not apply to burn injuries received by a member of the armed forces, or by a governmental employee, engaged in the performance of his or her duties. Florida Statute 877.155
3. If the patient is a vulnerable adult or a child, mandated reporting laws become effective. Please see abuse/neglect reporting policy. ([P&P - ABUSE & NEGLECT MAY 2016 PC-002](#)) Florida Statute 415.134.

DEFINITIONS:

1. **Domestic violence:** "Any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit." Florida Statute 741.28
2. **Family or household member:** "Spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family, or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time." Florida Statute 741.28

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3. **Sexual assault/battery/rape:** “Sexual battery is the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object.” Florida Statute 794.011
4. **Vulnerable adult:** “Person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging”. Florida Statute 415.102
5. **Mandatory reporting:** Any person, including, but not limited to, any: Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, paramedic, emergency medical technician, health professional or mental health professional or hospital personnel engaged in the admission, examination, care, or treatment of vulnerable adults; who knows, or has reasonable cause to suspect, that a child or vulnerable adult has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse hotline. Florida Statute 415.1034

EDUCATION:

Abuse Assessment: When assessing for abuse, some women may be uncomfortable with the topic and may exhibit some of the following behaviors. (For some women, these behaviors may be suggestive of abuse and disclosure of battering may follow at a later date):

- a. Laughing or tittering (nervous laughter);
- b. Lack of eye contact (if not cultural);
- c. Crying, sighing, minimizing statements;
- d. Searching or engaging eye contact – expressive of fear;
- e. Anxious body language: standing to leave, dropped shoulders;
- f. Depressed, anger, defensiveness;
- g. Comments about emotional abuse;
- h. Comments about a “friend” who is abused.

Domestic Violence Considerations: When one or more of the following circumstances exist, consider possible domestic violence:

- i. Patient admits to abuse;
- j. Unexplained bruises, lacerations, fractures or multiple injuries in various stages of healing;
- k. Presence of injuries to head, neck, chest, breasts, abdomen and genital area;
- l. Extent or type of injury is inconsistent with explanation given;
- m. Patient describes in a hesitant, embarrassed or evasive manner surrounding the alleged “accident”;
- n. Substantial delay occurs between time of injury and presentation for treatment;
- o. Frequent use of emergency room or other medical services;
- p. Untreated old injuries;
- q. History of prior physical abuse;
- r. Psychiatric, alcohol or drug abuse history in patient or spouse;

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- s. Depression regarding family situation, i.e., not wanting to return home, fear of safety of children, flat affect;
- t. Vague complaints or unexplained symptoms;
- u. Complaints of tension, stress, anxiety or insomnia, fatigue, chronic headaches, dizziness or gastrointestinal complaints;
- v. Previous suicide gestures or attempts;
- w. The presence of an overly controlling or solicitous partner, who may insist on joining the victim while being examined. The partner may even answer questions for the victim. The partner should not be allowed in or near the area where the victim is being examined or questioned.

PROCEDURE:

Immediate stabilization of life threatening injuries will be attempted.

All patients entering Flagler Hospital are screened for abuse and sexual assault. In the Emergency Care Center screening is completed in the EMR *triage note* under *risk screen*. If the patient is admitted to the hospital the screening is completed in the EMR *admission adult profile* under *risk screen*. If abuse or sexual assault are suspected or reported, the nurse indicates this by checking a *yes* radial button. The evaluator then receives a *SCM Notice* with contact information for the nurse to report the abuse or sexual assault to the appropriate agency. Further documentation will be completed under *nursing free text note*.

1. Domestic violence

a. Non-life threatening domestic violence:

- i. Survivor under 18 years of age or a vulnerable adult: Medical professionals are **mandated reporters** and will consult the St. Johns County Sherriff's Department (904) 824-8304, TTY (904) 829-6495 and the Department of Children and Family Services 1-800-96-ABUSE, TDD 1-800-453-5145, Fax: 1-800-914-0004, or <http://www.dcf.state.fl.us/abuse/report/>
- ii. Survivor 18 years of age and older: **If the patient consents**, medical professional can assist patient in calling; Betty Griffin Center, Safety Shelter of St. Johns County, Inc. 24 hour crisis hotline (904) 824-1555, Florida State Crisis Line 1-800-500-1119 (TDD Line 1-800-621-4202), National Hotline 1-800-799-7233, **and/or** law enforcement; St. Johns County Sherriff's Department (904) 824-8304, TTY (904) 829-6495.

b. Life threatening, gun shot wound or burns from domestic violence:

- i. Survivor under 18 years of age or a vulnerable adult: Medical professionals are **mandated reporters** and will consult the St. Johns County Sherriff's Department (904) 824-8304, TTY (904) 829-6495 and the Department of Children and Family Services 1-800-96-ABUSE, TDD 1-800-453-5145, Fax: 1-800-914-0004, or <http://www.dcf.state.fl.us/abuse/report/>

- ii. Survivor 18 years of age and older: Medical professionals are mandated reporters and need to consult the St. Johns County Sherriff's Department (904) 824-8304, TTY (904) 829-6495. **If the patient consents**, medical professional can assist patient in calling; Betty Griffin Center, Safety Shelter of St. Johns County, Inc. 24 hour crisis hotline (904) 824-1555, Florida State Crisis Line 1-800-500-1119 (TDD Line 1-800-621-4202), National Hotline 1-800-799-7233.

2. Sexual Assault

In the Emergency Care Center all patients who present with a sexual assault complaint will be triaged immediately. If the patient is already in the hospital their primary care physician will be notified. If appropriate, an expedited sexual assault examination will be performed. Our healthcare providers will offer a physical and social environment conducive to private, empathetic, safe and unbiased care.

Nursing staff will work with the survivor and physician to preserve any evidence that will be collected further by a SANE if forensic exam is to take place (i.e. deter patient from showering until exam is conducted, gather belongings).

a. **Non- life threatening sexual assault**:

- i. Survivor under 18 years of age or a vulnerable adult: Medical professionals are **mandated reporters** and will report to the St. Johns County Sherriff's Department (904) 824-8304, TTY (904) 829-6495 and the Department of Children and Family Services 1-800-96-ABUSE, TDD 1-800-453-5145, Fax: 1-800-914-0004, or <http://www.dcf.state.fl.us/abuse/report/>, and Betty Griffin Center, Safety Shelter of St. Johns County, Inc. 24 hour sexual assault crisis hotline (904) 824-1555.
- ii. Survivor 18 years of age and older: **If the patient consents**, notify the Betty Griffin Center, Safety Shelter of St. Johns County, Inc. Rape Crisis Hotline (904) 824-1555. **If the patient consents**, notify St. Johns County Sherriff's Department (904) 824-8304, TTY (904) 829-6495. Betty Griffin Center staff will contact Law enforcement and the Sexual Assault Nurse Examiner (SANE). SANE will meet with survivor and/or Law Enforcement and accompany them to Rape Crisis Unit to conduct the forensic exam (if initiated in the Emergency Care Center). RN will document in patients' medical record their wish to report and consent for Law Enforcement involvement. **If the patient does not consent** to Law Enforcement the Betty Griffin Center can still provide the patient with advocacy and resources. RN will document in patients' medical record their wish to /not to report or involve Law Enforcement.

b. **Life threatening sexual assault:**

- i. Survivor under 18 years of age or a vulnerable adult: Medical professionals are **mandated reporters** and will consult the St. Johns County Sherriff's Department (904) 824-8304, TTY (904) 829-6495 and the Department of Children and Family Services 1-800-96-ABUSE, TDD 1-800-453-5145, Fax: 1-800-914-0004, or <http://www.dcf.state.fl.us/abuse/report/>, and Betty Griffin Center, Safety Shelter of St. Johns County, Inc. 24 hour sexual assault crisis hotline (904) 824-1555. Betty Griffin Center staff will contact the Sexual Assault Nurse Examiner (SANE). SANE will meet with survivor and Law Enforcement and accompany them to Rape Crisis Unit at Flagler Hospital to conduct the forensic exam (if initiated in the Emergency Care Center). RN will document in patients' medical record.
- ii. Survivor over 18 years of age: **If the patient consents**, notify the Betty Griffin Center, Safety Shelter of St. Johns County, Inc. Rape Crisis Hotline (904) 824-1555. **If the patient consents**, notify St. Johns County Sherriff's Department (904) 824-8304, TTY (904) 829-6495. Betty Griffin Center staff will contact Law enforcement and the Sexual Assault Nurse Examiner (SANE). SANE will meet with survivor and/or Law Enforcement and accompany them to Rape Crisis Unit to conduct the forensic exam (if initiated in the Emergency Care Center). RN will document in patients' medical record their wish to report and consent for Law Enforcement involvement. **If the patient does not consent** to Law Enforcement the Betty Griffin Center can still provide the patient with advocacy and resources. RN will document in patients' medical record their wish to /not to report or involve Law Enforcement.

Follow up from Department of Children and Family Services and/or Law Enforcement please see Policies IM-048 Disclosure of PHI to Law Enforcement [P&P - DISCLOSURE OF PHI TO LAW ENFORCEMENT APRIL 2017 IM-048](#) and IM-020 Uses and Disclosure of Protected Health Information [P&P - USES AND DISCLOSURE OF PROTECTED HEALTH INFORMATION AUG 2016 IM-020](#).

[Domestic Violence Flowchart](#)