



Arizona Regulatory Board of Physician Assistants

Alert to Physician Assistants: Reporting Suspected Child Abuse

On April 9, 2007, the Arizona Office of the Attorney General issued a formal interpretation of [A.R.S. § 13-3620](#), regarding the mandatory reporting of suspected child abuse. Because physician assistants fall within the definition of the persons who must make these reports, the Arizona Regulatory Board of Physician Assistants is bringing this interpretation to your attention.

The Attorney General's interpretation is lengthy and detailed, and the Board is only providing a brief summary. The Board encourages all physician assistants who see children to read the entire opinion to determine the extent of the duty to report suspected child abuse and other issues, including denial or deprivation of necessary medical treatment or surgical care or nourishment. The opinion can be found on the Attorney General's Web site, www.azag.gov.

The mandatory reporting statute states that "any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature...shall immediately report or cause reports to be made of this information to a peace officer or to Child Protective Services (CPS) in the Department of Economic Security..." A.R.S. § 13-3620(A). (This law also requires physician assistants to report when they suspect an infant has been deprived of medical treatment and nourishment, but the April 2007 opinion only addresses the infliction of non-accidental injuries.)

This legal and lengthy sentence is difficult to understand, but by breaking the sentence apart, the threshold for the mandatory duty to report can be shown to be very low.

This law has six basic components:

1. Any person
2. Reasonably believes
3. Minor has been the victim (in passive voice)
4. Physical injury, abuse, child abuse, a reportable offense or neglect
5. Non-accidental
6. Immediately report

The first component of the law applies to "any person" who reasonably believes that a minor suffered a non-accidental injury must report. The law makes it clear that physician assistants fall within the category of persons who must make a report.

The second component is "reasonably believes." According to the Attorney General's interpretation, the existence of reasonable belief depends on the specific circumstances,



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which include the child's age, vulnerability, the location and nature of the injury, the seriousness of the injury, whether the injury is isolated or repeated, previous incidents or knowledge of extenuating circumstances. In other words, it is a judgment call for a physician assistant as to whether he/she reasonably believes the injury was not accidental. The best advice is that, when in doubt, make the report; there is immunity for anyone who makes a report in good faith.

The third component is that the "minor has been the victim" of abuse or neglect. This clause is written in the passive voice and begs the question, "victimized by whom?" The answer is: anyone. The Attorney General's interpretation makes it clear that anyone can be the perpetrator of the intentional injury that triggers a mandatory report. This includes other minors, siblings, strangers, as well as people who have care and custody of the minor, such as parents, babysitters and teachers. Therefore, if a sibling intentionally injures a brother or sister, the physician assistant must make the mandatory report.

As an example of the breadth of the Attorney General's interpretation, parents are mandated to report intentional injuries inflicted by one of their children on any of their other children. Furthermore, the perpetrator's ability to control or understand that conduct does not relieve the health practitioner of the mandatory duty to report. Presumably then, the age or mental acuity of the person who caused the non-accidental injury does not control whether a child suffered a non-accidental injury.

The fourth component is "physical injury, abuse, child abuse, a reportable offense or neglect." The term "physical injury" is defined as "the impairment of physical condition and includes any skin bruising, pressure sores, bleeding, failure to thrive, malnutrition, dehydration, burns, fracture of any bone, subdural hematoma, soft tissue swelling, injury to any internal organ or any physical condition that imperils health or welfare." A.R.S. § 13-3623 (F). Again, the Attorney General's interpretation indicates that the State Legislature meant that any non-accidental injury triggers the mandatory report. Non-accidental injuries as minor as bruising, skin abrasions and bleeding are sufficient injuries to trigger the duty for physician assistants to report the incident.

The fifth component is "non-accidental." The Attorney General admits that this can be an extremely difficult factor to determine and that its determination will depend on the circumstances. The Attorney General acknowledges that some injuries will stem from children being children; however, just because the incident can be characterized as "horseplay" or a "schoolyard fight" does not mean that it is not a reportable offense. Here, the Attorney General advises that, when in doubt, the offense should be reported.

The sixth component is an "immediate report." The Attorney General's interpretation makes it clear that "immediate" means immediate – without delay. The law requires the reporting physician assistant to call CPS or law enforcement authorities immediately and



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follow up the telephonic report with a written report within 72 hours. If a physician assistant has actual knowledge that someone else has made the report, then he/she is relieved of the duty. But, it must be emphasized that the physician assistant must have actual knowledge that someone else made the report – not just a belief.

In summary, if a physician assistant has a reasonable belief that anyone – regardless of age, competency or relationship – has inflicted a non-accidental injury on a minor, no matter how slight, then that PA must immediately report the incident to CPS or law enforcement. Failure to report as required is a Class 1 Misdemeanor, but if the failure to report involves certain sexually-related offenses, it is a Class 6 Felony. The failure to make the mandatory report would also constitute a violation of the Physician Assistant Practice Act and subject the licensee to possible disciplinary action by the Arizona Regulatory Board of Physician Assistants. If you see children in your practice, the Board recommends that you closely read the Attorney General's opinion and the law and/or seek legal advice on your reporting obligations.