

# IMPROVING KENTUCKY'S DOMESTIC VIOLENCE RESPONSE REQUIREMENTS

**M**edical professionals in Kentucky are required to make a report to the Cabinet for Health and Family Services (CHFS) if they know or suspect that a patient is a victim of domestic violence. However, this requirement can be problematic, potentially leading to a violation of patient confidentiality and even dangerous consequences if an offender learns that a partner has reached out for help. The Kentucky Medical Association has joined victims' rights advocates in supporting commonsense reforms that will reduce risks to victims and provide a more effective role for medical professionals.

## THE ISSUE

**The current domestic violence reporting system, which requires health care providers and others to report suspicion of abuse, can create unintended consequences.**

- Health care provider action in the face of potential domestic violence is critically important to victims.
- The current reporting system, studies show, can unintentionally put victims in further danger.
- Health care providers are uniquely positioned to assess the mental and physical health of their patients and are trained to detect signs of domestic violence, even if the patient doesn't disclose the abuse.

## THE PROBLEM

**The existing reporting requirement has three major flaws that must be addressed.**

- Data from CHFS show that mandatory reports of domestic violence rarely result in protective services being provided to a victim.
- Mandatory reporting laws can be a barrier for individuals who want to reach out for services. Research from the University of Kentucky found that if women who know in advance that their case would be reported, they are significantly less like to report abuse or contact a domestic violence shelter.
- Victims can face increased risk by reports of domestic violence being made. A University of Louisville study found that abusive partners intercepted CHFS' attempt to contact the victim 23 percent of the time.

## THE SOLUTION

**Statutory revisions are needed to reduce risks to victims and provide a clear, simple, yet more effective role for medical professionals.**

- The proposed legislation supported by the KMA and the Kentucky Coalition Against Domestic Violence would modify the role of the physician from completing an administrative task to one of referral and education.
- The measure would:
  - ♦ *Require medical professionals to confidentially provide their patients with resources detailing how and where they can get help, such as regional domestic violence programs and rape crisis centers, and through protective orders;*
  - ♦ *Allow physicians to report the abuse of their patient by a spouse or intimate partner if the victim requests or approves that report; and*
  - ♦ *Stipulate three circumstances where mandatory reporting is still required under current state law: known or suspected child abuse, abuse of the elderly or persons with disabilities or upon the death of a patient if the physician has reasonable cause to believe the death was due to abuse.*

***Please Support Senate Bill 86***