

Domestic Violence & Health Laws

**NYS Office for the Prevention of Domestic Violence
Health Care Program**

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Objectives

- As a result of this webinar, you will be better able to:
 - List the major laws that govern health care response to domestic violence
 - Identify the basic recommendations under all the laws
 - Implement specific recommendations and requirements when working with victims of domestic violence

Outline

- 1) Title 10 - Federal Law
- 2) Article 28 - State Law
- 3) Victim's Rights Notice
- 4) Legal Reporting Requirements
- 5) NYS Domestic Violence Health Laws
- 6) Screening Recommendations



Title 10 – Federal Law

- Title 10 of the Public Health Service Act enacted in 1970.
- Provides individuals with comprehensive family planning and preventive health services.



Article 28 – State Law

- Under consultation with the Office for the Prevention of Domestic Violence and statewide organizations and community-based organizations, hospitals are required to develop a protocol for the identification and screening of victims of domestic.

N.Y. PBH. LAW § 2137 : NY Code - Section 2137



Victim's Rights Notice

- The Victim's Rights Notice was prepared to inform victims of domestic violence, of their legal rights and remedies available under the law.
- If you are a victim of domestic violence you are encouraged to request to speak privately with a social worker or someone who can help you.
- You should be interviewed privately out of eyesight or earshot of anyone who accompanies you.
- Your rights as a patient will be violated if hospital staff asks if you are a victim of domestic violence in front of any accompanying partner or family member.



Legal Reporting Requirements

- In NYS, DV is NOT a reportable offense. However, NYS CLS Penal §265.25 requires the following to be reported to law enforcement:
 - Bullet wounds or power burns
 - Stab wounds (e.g., knife, ice pick, etc.)
 - Injuries serious enough to result in death.

Legal Reporting Requirements

- NYS CLS Penal §265.26 requires the following to be reported to the NYS Office of Fire Prevention and Control who will notify the proper investigatory agency:
 - Burn injury or wound, 2nd or 3rd degree to more than 5% of the body.
 - Burns to upper-respiratory tract.
 - Burns that are likely or may result in death.



NYS DV Health Laws

- **Medical Providers and Facilities Public Health Law §2803-p: Disclosure of Information Concerning Family Violence**



NYS DV Health Laws

- **HIV/AIDS Testing, Reporting, and Confidentiality, Public Health Law: §2137
Domestic Violence Recognition**

Screening Recommendations

- Health care providers, both professionals and paraprofessionals, could be central in improving the outcomes of survivors of violence if they screened, educated and referred patients in a variety of potential settings including emergency rooms, primary health care facilities, and family planning services.



Screening Recommendations

Professionals

Several health organizations and associations endorse screening as a meaningful response to domestic violence:

The Institute of Medicine (IOM), Joint Commission, American Medical Association (AMA), World Health Organization (WHO), American College of Obstetricians & Gynecologists, American Academy of Pediatricians, American Nurses Association.



Screening Recommendations

Paraprofessionals

- **The Affordable Care Act** ensures that women and children receive preventive health care Domestic violence screening and counseling is now covered. These guidelines were based upon the Institute of Medicine's (IOM) report: "Clinical Preventive Services for Women: Closing the Gaps".
- **Article 28**

Thank You

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