



# Mandatory Reporting

## **Background**

An investigator who knows of, or reasonably suspects, neglect or abuse of a child, elder, or dependent adult while engaged in University approved research may need to report the information. In Arizona, there are mandatory reporting laws related to reporting abuse, neglect, endangerment, and other forms of mistreatment, for minors as well as vulnerable adults. These laws outline various categories of individuals who are considered mandatory reporters.

In the context of clinical trials, please be aware that there may be additional Banner policies and procedures that may be applicable.

Note: Mandatory Reporting pursuant to state law is distinct from the mandatory reporting obligations of University employees set forth under University policy. University faculty and supervising employees are obliged to report incidents of discrimination or harassment to the Office of Institutional Equity. More information is available at <https://equity.arizona.edu/reporting>.

## **Mandatory Reporters**

Generally, these individuals are those who are in some way responsible for, care for, or are responsible for the care of (e.g., treatment) minors and/or vulnerable adults. There are mandatory reporting requirements, including but not limited to:

- Any physician, nurse, psychologist, counselor, social worker, long-term care provider, or other health professional who develops the reasonable belief in the course of treating a patient;
- Any peace officer, child welfare investigator, child safety worker, or clergy member;
- Parents, stepparents, guardians, or conservators;
- School personnel and domestic violence/sexual assault victim advocates who develop reasonable belief in the course of their employment; or
- Any other person who has responsibility for the care or treatment of a minor or vulnerable adult.

Please see the statutory provisions cited below for more information.

## **Discretionary Reporters**

Discretionary reporters are individuals that may not have a mandate to report but choose to do so anyway. Regardless of whether your research team falls into this category, researchers may have the ethical duty to report suspected abuse and neglect. Arizona state laws have provisions that protect people who report in good faith from civil and criminal liability.

## **Mandatory vs. Discretionary Reporters**

Whether or not members of a research team are mandatory reporters (or discretionary reporters) under Arizona state law involves a fact-specific analysis. Additionally, there may be



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instances where Banner Health policies and procedures related to mandatory reporting are relevant, especially with respect to clinical trials or other clinical research activities.

## ***Investigator Responsibilities***

As an investigator, you should:

- Understand what policies, procedures, rules, and regulations apply to your research;
- Assess whether there is a reasonable possibility that mandatory reporting circumstances or events will be encountered during the research;
- Identify any mandatory reporters on the research team;
- Create a process for a discretionary reporter, who intends to report; or
- Provide research participants with information about the possibility of mandatory reporting when appropriate.

## ***Consent Process***

If a reportable observation or revelation of suspected harm to a child, or other vulnerable person, might occur during the research, consider adding language to the consent form and/or assent form warning of the limits to research confidentiality. The language should advise research participants of the investigator's duty to report known or suspected incidents of abuse or neglect to appropriate authorities. This provides investigators with the flexibility to report, in the case of being a mandatory reporter, but also on a discretionary basis.

The confidentiality section of the informed consent and assent form should include a description and examples of the types of information which the research team may report to authorities.

## **Examples:**

- **Consent form (for investigators who are mandatory reporters):**  
*Under Arizona law, we must report information about known or reasonably suspected incidents of abuse or neglect of a child [substitute elder or vulnerable adults as appropriate to study] including physical, sexual, emotional, and financial abuse or neglect. If any investigator has or is given such information, he or she may be required to report such information to the appropriate authorities.*
- **Consent form (for investigators who are discretionary reporters):**  
*We may need to report information about known or reasonably suspected incidents of abuse or neglect of a child [substitute elder or vulnerable adults as appropriate to study] including physical, sexual, emotional, and financial abuse or neglect. If any investigator has or is given such information, he or she may report such information to the appropriate authorities.*
- **Assent Form:**  
*We will not tell anyone what you tell us without your permission unless there is something that could be dangerous to you or someone else. If you tell us that someone is*



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*or has been hurting you, we may have to tell that to people who are responsible for protecting children so they can make sure you are safe.*

## **IRB Responsibility**

If the IRB believes that a reportable observation or revelation of suspected harm to a child or other vulnerable persons, such as a dependent adult or elder, might occur during the research, it may require that the informed consent statement include a warning of the limits to research confidentiality and advise research participants of the investigator's duty to report known or suspected incidents of abuse or neglect to appropriate authorities. In such a case, the IRB will:

- Ask researchers about whether subjects should be provided with information about possible mandatory reporting when it seems appropriate based on the nature of the subject population and the circumstances of the research.
- Review and assist with the language used to inform research participants about the possibility of mandatory reporting.
- Ensure that IRB requirements and consent information do not override state reporting requirements.

## **Applicable Arizona State Law**

- [A.R.S. §13-3620](#) Duty to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors;
- [A.R.S. §46-454](#) Duty to report abuse, neglect and exploitation of vulnerable adults.

## **Definitions**

- *Child* means a person less than 18 years of age.
- *Vulnerable adult* means an individual, including an incapacitated person, who is 18 years of age or older, and who is unable to protect himself or herself from abuse, neglect or exploitation by others because of a physical or mental impairment.
- *Abuse* means intentional infliction of physical harm, injury caused by negligent acts or omissions, unreasonable confinement, sexual abuse/assault, or emotional abuse.
- *Neglect* means the deprivation of food, water, medication, medical services, shelter, supervision, cooling, heating or other services necessary to maintain minimum physical or mental health.
- *Exploitation* means the illegal or improper use of a vulnerable person or their resources for another's profit or advantage.

## **Resources**

- [Arizona Adult Protective Services \(APS\)](#)
- [Arizona Department of Child Safety](#)
- [Arizona Child Abuse Hotline](#)
- [National Institute on Aging - Elder Abuse](#)