



## The Mandatory Reporting Task Force | Meeting 17 April 24, 2024

### *Reporting Processes Subcommittee Meeting Minutes*

Facilitators: Doris Tolliver

Members: See Appendix A

#### Introduction and Review of Previous Directives

- Jordan Steffen welcomed the reporting processes subcommittee. She explained that there were few survey responses regarding professional capacity and reporting requirements. She reminded the subcommittee about the questions regarding this directive. She also shared the survey electronically for subcommittee members to complete. She said that it is important for subcommittee members to complete the survey since it will inform the recommendation language. She listed subcommittee members who did complete the survey. She provided time for subcommittee members to complete the survey.
- Jordan thanked subcommittee members for completing the survey; it will inform recommendation language. She provided an overview of results: 73% of respondents are in favor of limiting the mandate to report to someone's professional capacity. Furthermore, on the question of if the mandate to report should extend for certain professions, there is a more even split; 46% responded yes and 53% responded no. Finally, on the question of if the mandate to report is limited to one's professional capacity, should there be an extension of good samaritan laws for reports made in a personal capacity, 33% responded no and 66% responded yes. Jordan thanked everyone and said that the surveys are helpful to guide the recommendation language she and Bryan will draft.
- She directed the subcommittee to revisit specific areas of the directives. She said that she wants to revisit standard memoranda of understanding (MOU) practices or reporting agreements between agencies, and follow up arrangements for people with the same knowledge of abuse or neglect. She thanked Michelle Dossey for her knowledge on TRAILS. She asked about the subcommittee's priorities for this recommendation about reporters with duplicative knowledge of the same situation. Michelle said that the way the statute is written is that a reporter shall cause a report to be made so this allows for not everyone having to make a report. What is not clear is if the information is the same as someone else's or if there is a new disclosure that requires an additional report. Jordan said that the other aspects are notification that the information has already been reported and cross-reporting MOU standards with other agencies. Michelle said that there should be a way to verify if a report was made, and whether a call fulfills an obligation since they ensured that a report was made rather than forcing the creation of a new report. This would be Michelle's recommendation to save everyone time. Jordan reminded Michelle of a need to address the last aspect about MOUs across different agencies. Michelle said that the county department of human services is only responsible for reports of interfamilial instances of abuse or neglect so this requires careful thought since calling a county department of human services might not alleviate a reporter's responsibility to



call law enforcement. Each county's department of human services must call law enforcement when it's suspected a crime occurred and different counties have different experiences with this. Arapahoe county has 11 different law enforcement agencies and each has different processes. There should be clean up in the statutes around this. Jordan thanked her.

- Jennifer Eyl asked about a reference number to help with duplicative reporters. If all reporters had the number it could make it less burdensome for reporters. Jordan thanked her. She asked if this would go along with what Michelle Dossey mentioned about the report back. Jennifer said yes; it would be to help verify if a report was made and it could be a helpful defense if a failure to report allegation was made. Jordan thanked her.
- Kevin Bishop said he is wondering about the need for multiple reports with subtly different information if one report would be necessary to trigger a department of human services investigation. Michelle Dossey responded that they try to encourage reporting parties to make reports together. It's sometimes different information that can be missed and sometimes the missed information can make or break a report so it's vital to know. Jordan thanked them.
- Gina Lopez asked if a school nurse must make reports in their roles as nurses to fulfill their mandate to report around their credentials. Jordan said she thinks this is a great question and related to the directive for today about delegating reporting. It'll be important to consider overlapping recommendations.
- Cris Menz said that there are many different credentialing and licensing bodies. Her question is who is regulating this and who can ensure the good faith protection is honored. Jordan thanked her and said that she will incorporate this and mentioned that renewal certification is being discussed in the training subcommittee so the full task force can address looping these considerations together.
- Dr. Kathi Wells said that she is unaware of a state licensing requirement other than following the law that is specific to mandated reporting. The practice in a hospital is that the provider would have the social worker on the care team make the report. This is variable in different hospitals who can have their own set of practices and requirements. There would be a value to clarify if the person delegated to report does not make a report due to seeing the circumstance differently. The person with the disclosed information still has a mandate to report. This is an important distinction since right now it is not clear and has created challenges. Jordan thanked her.
- Zane Grant said that he is the former board chair for the licensing body for social workers and the current board chair for psychotherapists. They have sanctioned professionals for not making reports. Two hospital social workers and a few doctors were all sanctioned for a failure to report. The way the statute is written indicates that each person must make their own report and they failed in that respect. Second, in delegating authority, one thing to be clear on is specifying who has delegation authority. Jordan thanked him and said that this is exactly the sort of thing that the directive seeks to address.



	<ul style="list-style-type: none"><li>● Jordan said that there will be a follow-up survey about verifying a report to show that the mandate was fulfilled and cross reporting together..</li><li>● Kathi asked if the training subcommittee will be looking at licensing. Jordan said yes, they are discussing it today.</li></ul>
Delegation	<ul style="list-style-type: none"><li>● Stephanie Villafuerte said that at CPO, they hear questions about delegation all the time, including in high profile cases. In the Olivia Gant case, there were disagreements among the care team and due to this, no reports were made. Social workers wanted to report but doctors and nurses did not want to report. The reports that were made were not in a timely manner. There are other high profile cases involving schools; teachers had a disclosure and principals did not report them. These are the situations that keep rising around delegation and institutional practices. A theme here is accountability. In meetings with Children’s Hospital, she said that she found that in their minds it is about treating the child and creating a relationship to sufficiently do that. Her feeling was that the care team was split by treating families and being cautious working as a team if someone on the team makes a report that not everyone is aware of and it impacts the care. She brings this up to discuss the nuance in these cases. However, there are times when it is intentional and someone was unwilling to report their coworker for a failure to report. Jordan thanked her.</li><li>● Doris Tolliver said that the considerations are all very connected. She directed subcommittee members to the <a href="#">database</a> and the notecatcher documents. Jordan directed subcommittee members to the relevant questions in the database.</li><li>● Doris brought the subcommittee back for discussion and said that the members can add notes to their notecatcher for a few days after today’s meeting. She explained that the focus for the discussion is likes and dislikes from other states’ models.</li><li>● Stephanie said that she struggles with the notion of delegation. It can be more clear if everyone knows that their duty to report is an expectation of them as an individual. She also said that in her conversations with hospitals she comes to see the enormity of problems that come about in big institutions that require a need for delegation. She mentioned an example from Maine which stipulates sizes of institutions in order to allow delegation. She also mentioned that she likes examples that provided that the person delegated to report must provide the person with the disclosed information with a receipt that a report was made. Thirdly, she also liked that if the supervisor did not make the report within 24 hours, the person with the disclosed information still had the right to make a report. There should be protections for those to delegate the responsibility and it should be done narrowly. Doris thanked her and reiterated her points around sizes of an organization allowed to delegate and components such as documentation of a delegation and a responsibility to ensure that a report is made if one is not.</li><li>● Cris said that she agrees with Stephanie. Kansas needs updated language, she thinks. She liked North Dakota’s language about the number of people in an institution or per capita kids to professionals. She also likes language around who</li></ul>



is making the reports to ensure licenses are protected when a report is delegated. She also thinks that the delegated reports should have a standardized process so it is comprehensive and information is not lost in translation. Doris thanked her and asked if she thinks that there should be an articulated policy about these things. Cris said that, to be consistent statewide, it should be the government and they can keep accurate documentation. She also brought up whistleblower protection for people who make different choices than the chain of command. There should be consistency. Doris thanked her.

- Ashley Chase said that she did not like the states where a duty to report ended when someone told their supervisor about it. This makes reports less reliable and it's problematic. She agrees with Stephanie's points that the idea of delegation is uncomfortable. She mentioned that she liked the states that have guidance on two or more people with the same information; this would increase efficiency and avoid the problems discussed. It's middle ground delegation which she liked the most. Doris thanked her.
- Jennifer said that her thoughts are similar to others. The size of the agency can be thought about differently since there can be a small agency but everyone is a mandated reporter. There could be language to include smaller agencies like percentages of mandated reporters. She did not like the language about only reporting to a supervisor. She liked Maine's example. She did not like North Dakota's mention of the size of the agency. She said that the only part missing from Maine's example was a need to mention law enforcement anywhere it mentioned the department. Doris thanked her.
- Jessica Dotter said that she agrees with Ashley Chase and Stephanie; she thinks that it should not be delegated. She prefers language like California or Texas that was really clear that the reporting duty is individual and someone cannot delegate a report. She said she also liked Alaska's language that included that just because someone reports to a supervisor does not relieve them of the duty to report. The clearest is best and that would be Texas's language. She did not like Idaho's language which included that someone "shall" notify a supervisor. In the same vein, she did not like South Dakota's language which requires notifying a supervisor since this seems opposite of the conversations of the task force. She said that North Dakota was overly- complex. Relying on the simpler the better, "should not be delegated" but if two or more people have the same information, then just one person should report to balance out the efficiency consideration. Doris thanked her.
- Kathi said that she likes Delaware's law about two or more people having information not resulting in a report with less information. She is also inclined to not support institution size stipulations since smaller health care facilities might struggle with taking the time to make a report more than a larger one. She did not like anything that designates a supervisor to make a report. She was more open to delegating if the other person has a better understanding of making a report or more information about a situation. She likes language such as "not relieving of individual duty" and "does not exempt". She also liked the receipt to have clear documentation. Doris thanked her.



	<ul style="list-style-type: none"> <li>• Zane said that he agrees with everything shared. He mentioned that the current statute requires follow up in writing so he wants this clarified on what this means and if it goes to law enforcement or a county department of human services. Not every county is built the same. There are major issues in rural Colorado around taking liberties with reports. There should be reciprocity built into the process to give reporters comfort. Doris thanked him.</li> <li>• Michelle Murphy said that she represents rural school districts. They have not historically opposed or supported delegation. Many schools do not have social workers or counselors or positions built just for reporting. Delegation will not alleviate anything. She wonders about the liability of the secondary reporter so now it becomes two reporters. It gets complicated in small systems. She also wonders about delegation creating an institutional liability which is something they have always opposed. Lastly, written records that can be subpoenaed can create a problem with people being called to testify, so clarifying privacy measures or nondisclosures would be helpful. Victim advocates have also asked for this. Doris thanked her.</li> <li>• Kathi said that she likes the language that employers shall ensure that an employee has unrestricted access because, in a school, there is someone who can take over the reporter's responsibilities for a moment while they make the report. This might not be a fair assumption in really small schools. Doris thanked her.</li> </ul>
<p>Institutional, internal policies</p>	<ul style="list-style-type: none"> <li>• Doris asked if any subcommittee members had any additional thoughts about institutional policies, as there had been comments around this topic throughout the discussion.</li> <li>• Gina mentioned internal policy about the sexual assault nurse examiner/sexual assault forensic examiner (SANE/SAFE) programs in advocacy programs. If there is a disclosure of child sexual abuse, what should the nurse do? There is a lot of conflict about this aspect and maybe there could be internal policy regarding this. Doris said that there might need to be more time to tease out recommendations about specific components of an internal policy. She likes the nuance regarding different contexts. The subcommittee will dive deeper into this next time. Doris asked Ashley Chase to put her comments in the electronic notecatcher.</li> </ul>
<p>Conclusion</p>	<ul style="list-style-type: none"> <li>• Jordan directed the subcommittee to the large task force. She reiterated that the electronic notecatcher documents are very helpful in drafting language, as are the upcoming surveys.</li> </ul>

**Appendix A:**  
Carlos Castillo  
Ashley Chase



Jill Cohen  
Jessica Dotter  
Stephanie Villafuerte  
Jennifer Eyl  
Zane Grant  
Kathi Wells  
Kevin Bishop  
Michelle Dossey  
Michelle Murphy  
Gina Lopez  
Cris Menz  
Ashley Prow  
Kathi Wells