

British Columbia Gunshot and Stab Wound Disclosure Requirements

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Introduction

The purpose of this document is to provide information on the *Gunshot and Stab Wound Disclosure Act*. Effective February 1, 2011, health care facilities and emergency medical assistants are required to notify local police when an individual presents for treatment of a gunshot or stab wound.

All gunshot wounds are required to be disclosed regardless of origin. The reporting of stab wounds is limited to those *not* reasonably believed to be accidental or self-inflicted.

This new legislation will enhance public safety by increasing the consistency of reporting these violent injuries, thereby enabling police more timely responses to potentially high risk incidents involving firearms or knives.

Any policy or procedures developed regarding the mandatory disclosure of certain information relating to a gunshot or stab wound should be consistent with the requirements of the *Gunshot and Stab Wound Disclosure Act*.

Questions and Answers

What information must be reported to police?

The legislation requires that every health care facility or emergency medical assistant who treats a person with a gunshot or stab wound to verbally report the following information to local police:

1. The injured person's name, if known;
2. The fact that the person is being treated, or has been treated; and
3. The name and location of the health care facility or where an emergency medical assistant treated the individual.

How is the information to be reported?

The information is to be conveyed verbally to local police.

When is the information to be reported?

Disclosure is to be made as soon as reasonably practicable without interfering with the injured person's treatment or disrupting the activities of the facility or emergency medical assistant.

Who is required to report?

The legislation requires health care facilities and/or emergency medical assistants who treat a person for a gunshot or stab wound to report the specified information. Health care facilities are: facilities operated by a regional health board designated under the *Health Authorities Act*; organizations or institutions that provide health care services; clinics that provide health care services; and offices of medical practitioners/doctors.

The legislation only requires reporting is done *on behalf of* a health care facility but does not require that the treating medical practitioner or any specific position be responsible for reporting. Reporting could be done by anyone associated with the health care facility. Health care facilities may choose to establish policy regarding reporting procedures including the person or position responsible for reporting.

Emergency medical assistants are required to report *unless* they deliver the injured person to a health care facility (in which case, the facility is required to report).

What types of wounds are required to be reported?

All gunshot wounds are required to be reported. Reportable stab wounds are wounds caused by a knife or other sharp or pointed instrument or a prescribed wound, however; it is not the intent of the legislation to capture stab wounds that have been self-inflicted or are accidental.

Do health care professionals have to determine if the wound is criminal in nature?

Health care professionals and facility staff will not have to make any determination of a wound being criminal in nature – that is the responsibility for the police and other components of the criminal justice system. A report makes police aware that a person has suffered a gunshot or stab wound and enables police to respond in various ways, as the facts may require. The police will decide whether further investigative lines of inquiry need to be pursued.

What if the wound is suspected to be related to domestic violence?

Reporting a gunshot or stab wound will give victims the supports and interventions needed to be protected from further harm. Not only will reporting give police information about a suspected crime but also will engage victim service programs that can provide additional support and safety planning. Under the *Victims of Crime Act* police are required to inform victims about victim services and there are protocols in place to ensure victims are connected with the appropriate supports and services. Victims of domestic violence can and do access services through the health care system as well but it is important to ensure that a victim of domestic violence is protected by both the health and justice systems. Health care facilities should ensure staff are informed of policy and procedures regarding suspected domestic violence, including procedures for referring potential victims to victim services programs.

Does this infringe doctor-patient confidentiality?

The information that is to be disclosed to police by the health facility or emergency medical assistant is limited and is only to be provided orally. This balances the interests of effective and timely law enforcement and privacy protection for both the police and health care providers. As well, the legislation contains protection from liability to ensure that those disclosing the required information in good faith are not placed in a position of conflict with their respective Code of Ethics or confidentiality legislation; and are protected from any legal proceeding for damages because of anything done or omitted in the performance of any duty under this Act.

If a gunshot or stab wound is reported to police, does this absolve other reporting requirements, such as for suspected child abuse or neglect or elder abuse?

No. Health care facilities still have other statutory duties to report: including suspected child abuse; elder abuse; health-care fraud; sexual abuse by a health professional; communicable diseases; and reporting of lost or stolen drugs, among others. This new legislation pertains to information sharing between health care and police relating only to gunshot and stab wounds.

In smaller clinics, what if the doctor is the only one there to report an incident and he or she isn't comfortable reporting?

The intent of the legislation is to require reporting because it is in the public interest to do so. The Act does not set out to punish those who do not report due to safety concerns.