

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2338*

Short Title: Hospital Report Child Injuries. (Public)

Sponsors: Representatives Weiss, Clary, Earle (Primary Sponsors); Alexander, Brisson, Coleman, Faison, Glazier, Harrison, Insko, Pierce, and Wainwright.

Referred to: Children, Youth and Families, if favorable, Judiciary II.

May 21, 2008

A BILL TO BE ENTITLED

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2 AN ACT TO REQUIRE HOSPITALS AND PHYSICIANS TO REPORT SERIOUS,
3 NON-ACCIDENTAL TRAUMA INJURIES IN CHILDREN TO LAW
4 ENFORCEMENT OFFICIALS, AS RECOMMENDED BY THE CHILD
5 FATALITY TASK FORCE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 90-21.20 reads as rewritten:

8 "Article 1C.

9 Physicians and Hospital Reports.

10 **§ 90-21.20. Reporting by physicians and hospitals of wounds, injuries and**
11 **illnesses.**

12 (a) Such cases of wounds, injuries or illnesses as are enumerated in subsection
13 (b) shall be reported as soon as it becomes practicable before, during or after completion
14 of treatment of a person suffering such wounds, injuries, or illnesses. If such case is
15 treated in a hospital, sanitarium or other medical institution or facility, such report shall
16 be made by the Director, Administrator, or other person designated by the Director or
17 Administrator, or if such case is treated elsewhere, such report shall be made by the
18 physician or surgeon treating the case, to the chief of police or the police authorities of
19 the city or town of this State in which the hospital or other institution, or place of
20 treatment is located. If such hospital or other institution or place of treatment is located
21 outside the corporate limits of a city or town, then the report shall be made by the proper
22 person in the manner set forth above to the sheriff of the respective county or to one of
23 his deputies.

24 (b) Cases of wounds, injuries or illnesses which shall be reported by physicians,
25 and hospitals include every case of a bullet wound, gunshot wound, powder burn or any
26 other injury arising from or caused by, or appearing to arise from or be caused by, the
27 discharge of a gun or firearm, every case of illness apparently caused by poisoning,

1 every case of a wound or injury caused, or apparently caused, by a knife or sharp or
2 pointed instrument if it appears to the physician or surgeon treating the case that a
3 criminal act was involved, and every case of a wound, injury or illness in which there is
4 grave bodily harm or grave illness if it appears to the physician or surgeon treating the
5 case that the wound, injury or illness resulted from a criminal act of violence.

6 (c) Each report made pursuant to subsections (a) and (b) above shall state the
7 name of the wounded, ill or injured person, if known, and the age, sex, race, residence
8 or present location, if known, and the character and extent of his injuries.

9 (c1) In addition to the reporting requirements of subsection (b) of this section,
10 cases involving recurrent illness or serious physical injury to any child under the age of
11 18 years where the illness or injury appears, in the physician's professional judgment, to
12 be the result of non-accidental trauma shall be reported by the physician as soon as it
13 becomes practicable before, during, or after completion of treatment. If the case is
14 treated in a hospital, sanitarium, or other medical institution or facility, the report shall
15 be made by the Director, Administrator, or other person designated by the Director or
16 Administrator of the medical institution or facility, or if the case is treated elsewhere,
17 the report shall be made by the physician or surgeon treating the case to the chief of
18 police or the police authorities of the city or town in this State in which the hospital or
19 other institution or place of treatment is located. If the hospital or other institution or
20 place of treatment is located outside the corporate limits of a city or town, then the
21 report shall be made by the proper person in the manner set forth above to the sheriff of
22 the respective county or to one of the sheriff's deputies. This reporting requirement is in
23 addition to the duty set forth in G.S. 7B-301 to report child abuse, neglect, dependence,
24 or the death of any juvenile as the result of maltreatment to the director of the
25 department of social services in the county where the juvenile resides or is found.

26 (d) Any hospital, sanitarium, or other like institution or Director, Administrator,
27 or other designated person, or physician or surgeon participating in good faith in the
28 making of a report pursuant to this section shall have immunity from any liability, civil
29 or criminal, that might otherwise be incurred or imposed as the result of the making of
30 such report."

31 **SECTION 2.** This act is effective when it becomes law.