

RESOURCE LIST

New Mexico Domestic Violence
Leadership Commission

505-827-4694

www.nmdvlc.org

New Mexico Legal Aid

505-243-7871

www.nmlegalaid.org

New Mexico Coalition
Against Domestic Violence

505-246-9240

www.nmcadv.org

New Mexico Coalition of
Sexual Assault Programs

505-883-8020

www.swcp.com/nmcsaas/

New Mexico Crime Victims
Reparation Commission

800-306-6262

<http://www.cvrc.state.nm.us/>


UNM
SCHOOL of MEDICINE
Department of Emergency Medicine
MSC10 5560
1 University of New Mexico
Albuquerque, NM 87131-0001



New
Legal Requirements
for
**DOMESTIC
VIOLENCE
DOCUMENTATION
BY HEALTHCARE
PROVIDERS**



 American College of
Emergency Physicians®

NEW MEXICO
DEPARTMENT OF
HEALTH



Medical documentation is very important for legal proceedings. Good documentation can reduce your risk of needing to testify in person. This new law requires all licensed health care providers to document domestic violence. This is NOT mandatory reporting.

PURPOSE:

- To provide domestic violence victims with a tool to be used in court, especially when requesting Orders of Protection.
- To facilitate in the successful prosecution of domestic violence cases.

MEDICAL PERSONNEL MUST:

- Document all subjective and objective findings related to domestic violence in the medical record.
- Document name of alleged perpetrator in the medical record.
- Provide all identified or suspected domestic violence victims with referral for services (at least a phone number).

PLEASE NOTE:

- Reporting to law enforcement is NOT mandatory, unless:
 - Victim requests, or
 - Otherwise mandated by law such as in suspected child or elder abuse.
- Documents are confidential.
- Documents can ONLY be released with patient's written consent or court order.

- Identify the perpetrator by name
- Use direct quotations when possible
- Document a diagnosis of domestic abuse as well as provision of services
- In cases of suspected domestic abuse, document your suspicions
- If the history and physical exam findings don't match, document your concerns
- Document provision of services

DOCUMENTATION EXAMPLES:

- S: GG is a 43 yo woman who complains of neck pain and bruising after a fight with her husband, Jose Smith. The incident occurred at 10 pm at her apartment. She states that "he choked me with his hands until I passed out." He stated to her that "I'm going to kill you." She does not want to call the police.
- O: Vital signs are normal. Patient is anxious and tearful. Her voice is hoarse. There is a 1.5 cm red, tender thumb-like ecchymosis over her right anterior neck, between the sternocleidomastoid muscle and the laryngeal prominence.
- A: Strangulation, domestic violence. Her injuries are consistent with her history.
- P: Observation, resources provided, safety plan discussed.
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- S: MM is a 26 yo woman who states she was hit on her head and face several times with a 2 x 4 at 6 pm tonight. She does not know who hit her. She does not endorse a history of domestic violence. She complains of facial pain and epistaxis that has since spontaneously stopped...
- O: Vital signs normal, except for heart rate at 110. There is a 3 x 5 cm tender abrasion/contusion above the right eye. There is a 2 cm superficial laceration over the dorsum of the nose. There is dried blood in the right nare...
- A: Facial abrasions and contusions, nasal laceration, assault. A review of her recent emergency department visits show that the patient has been seen twice in the past year for assault by unknown persons. The pattern of her injuries and her repetitive presentations are concerning for possible domestic violence.
- P: Wound care, pain medication. Patient was provided with information on domestic violence resources.

THE LAW

N.M. Stat. Ann. § 40-13-7.1 (2006)

§ 40-13-7.1. Medical personnel; documentation of domestic abuse

A. When medical personnel who are interviewing, examining, attending or treating a person:

- (1) receive a report from the person of an act of domestic abuse, the medical personnel shall document the nature of the abuse and the name of the alleged perpetrator of the abuse in the person's medical file and shall provide the person with information and referral to services for victims of domestic abuse; or
- (2) may have reason to believe or suspect that the person is a victim of domestic abuse, the medical personnel shall provide the person with information and referral to services for victims of domestic abuse.

B. Medical and other health care related information or communications concerning domestic abuse of a person obtained by or from medical personnel during the course of an interview, examination, diagnosis or treatment are confidential communications unless released:

- (1) with the prior written consent of the person;
 - (2) pursuant to a court order; or
 - (3) when necessary to provide treatment, payment and operations in accordance with the federal Health Insurance Portability and Accountability Act [of 1996 (HIPAA)] [42 USCS § 300gg et seq.].
- C. As used in this section, "medical personnel" means:
- (1) licensed health care practitioners;
 - (2) licensed emergency medical technicians;
 - (3) health care practitioners who interview, examine, attend or treat a person and who are under the guidance or supervision of licensed health care practitioners; and
 - (4) residents and interns.

Questions About The Law?
 Contact the New Mexico Governor's
 Domestic Violence Coordinator,
 at **505 827-4694**