



DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
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8 AUG 2006

MEMORANDUM FOR COMMANDER, NAVY MEDICINE EAST
COMMANDER, NAVY MEDICINE NATIONAL CAPITAL AREA
COMMANDER, NAVY MEDICINE WEST
COMMANDER, NAVY MEDICINE SUPPORT COMMAND

SUBJECT: Restricted Reporting Policy for Incidents of Domestic Abuse

Enclosure: (1) BUMED 072107Z AUG 06

This policy reinforces the policy disseminated by enclosure (1) and provides amplifying guidance on implementation of new DOD restricted reporting policy for domestic abuse incidents.

Navy Medicine is fully committed to ensuring domestic abuse victims are provided high quality health care while protected and treated with dignity and respect. We must also ensure that these patients are provided support and advocacy in our Military Treatment Facilities (MTF).

Previous policy required personnel to report all suspected cases of domestic abuse. However, this requirement presented a barrier for victims who would not seek medical and victim services if command and/or law enforcement notification was mandated. In an effort to assist and encourage domestic abuse victims to seek medical care and victim services, new policy allows confidential, restricted reporting as an option similar to services offered to sexual assault victims. Restricted reporting provides an option for victims of domestic abuse to receive medical treatment and victim advocacy services without requiring notification to law enforcement or the alleged offender's commander when they report abuse to one or more of the following individuals: victim advocate, health care provider or the victim advocate supervisor.

The option of restricted reporting is limited to adult victims of domestic abuse eligible to receive military medical treatment, including civilians and contractors eligible for military health care outside continental United States on a reimbursable basis. Please note that the restricted reporting is available to a different category of victims in cases of domestic abuse than those of sexual assault.

All MTF personnel are required to read and become familiar with this policy. Detailed information is available in enclosure (1). Regardless of reporting status, health care providers will initiate appropriate care and treatment of domestic abuse victims per locally established protocols. Additionally, ensure the victim acknowledges, in writing, his/her election and understanding of the benefits and limitations of the reporting options. For states that require mandatory reporting, healthcare providers are obligated to report the domestic violence to local law enforcement even if the victim chooses the restricted reporting option. It is incumbent on healthcare providers to fully understand requirements that may impinge on implementation of restricted reporting and ensure that victims are fully informed.

Health care providers should verify the victim's reporting choice during each visit related to the domestic abuse and ensure documentation is recorded in the victim's medical record. Records pertaining to restricted reporting should be appropriately marked to reflect their status as covered communications. Providers with AHLTA patient encounters related to domestic abuse should activate the "sensitive" button to enhance privacy. To ensure confidentiality during follow up appointments, victims electing restricted reporting should be counseled to remind the provider when discussing the incident to ensure all parties remain aware of the victim's preference.

Regional Commanders must ensure that all MTF Commanders, Commanding Officers and Officers-in-Charge are informed of this new restricted reporting option for victims of domestic abuse. Ensure MTFs verify state law reporting requirements applicable under this policy and ensure health care providers are knowledgeable on these and other restricted reporting regulations.

My point of contact for this issue is CDR Khin Aungthein at (202) 762-3475 or knaungthein@us.med.navy.mil.


J. M. MATECZUN
Vice Chief

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Sent: Monday, August 07, 2006 5:08 PM
To: M09B172-MSG@US.MED.NAVY.MIL
Subject: RESTRICTED REPORTING POLICY FOR INCIDENTS OF DOMESTIC ABUSE

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PRECEDENCE TO: PRIORITY DTG: 072107Z AUG 06
PRECEDENCE CC: PRIORITY
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FROM PLA: acp-plad=BUMED WASHINGTON DC
FROM D/N: C:US,O:U.S. Government,OU:DoD,OU:NAVY,OU:ORGANIZATIONS(uc),
L:DISTRICT OF COLUMBIA,L:WASHINGTON,OU:BUMED WASHINGTON
DC(uc)
SUBJECT: RESTRICTED REPORTING POLICY FOR INCIDENTS OF DOMESTIC ABUSE
TEXT:
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PASS TO OFFICE CODES
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//N01752//CORRECTED COPY MSGID/GENADMIN/BUMED WASHINGTON DC/M09/AUG06// SUBJ/RESTRICTED
REPORTING POLICY FOR INCIDENTS OF DOMESTIC ABUSE// REF/A/DOC/FY-00 NATIONAL DEFENSE
AUTHORIZATION ACT/19991005// REF/B/DOC/DEPSECDEF DTM/20060122// REF/C/MSG/CNO WASHINGTON
DC/241056ZAPR2006// REF/D/DOC/CNIC FFSP POLICY IMPLEMENTATION DIRECTIVE (FAP-002)/20060512//
REF/E/MSG/CMC WASHINGTON DC/020829ZMAY2006// REF/F/DOC/DOD 6025.18-R/20030124//
REF/G/DOC/OPNAVINST 1752.2 SERIES/19960717/// NARR/REF A, FY-00 NDAA (PL 106-65) MANDATES
IMPLEMENTATION OF A COMPREHENSIVE DOD POLICY ON RESTRICTED REPORTING OF INCIDENTS OF
DOMESTIC ABUSE INVOLVING MEMBERS OF THE ARMED FORCES. REF B, DEPSECDEF MEMORANDUM, SUBJ:
RESTRICTED REPORTING POLICY FOR INCIDENTS OF DOMESTIC ABUSE, ESTABLISHES DOD POLICY
GUIDELINES FOR RESTRICTED REPORTING. REF C, NAVADMIN 113/06, IMPLEMENTS CHANGES TO NAVY
POLICY REGARDING RESTRICTED REPORTING FOR VICTIMS OF DOMESTIC ABUSE. REF D PROVIDES CNIC
IMPLEMENTATION GUIDANCE FOR FLEET AND FAMILY SUPPORT PROGRAM (FFSP) CLINICIANS AND FAMILY
ADVOCACY PROGRAM (FAP) VICTIM ADVOCATES (VA). REF E, MARADMIN 206/06, PROVIDES MARINE CORPS
IMPLEMENTATION GUIDANCE FOR RESTRICTED REPORTING FOR INCIDENTS OF DOMESTIC ABUSE. REF F IS
THE DOD REGULATION ON HEALTH INFORMATION PRIVACY. REF G IS OPNAVINST ON THE FAMILY
ADVOCACY PROGRAM.

POC/M. SAMMONS/CAPT/MED-03/LOC:WASHINGTON DC/TEL:COM:202-762-3034/TEL:DSN 762// RMKS/1. THIS
MESSAGE HAS BEEN COORDINATED WITH THE COMMANDANT OF THE MARINE CORPS (CMC). CMC HAS
AUTHORIZED TRANSMISSION TO MARINE CORPS ACTIVITIES.

2. PURPOSE: PROVIDE AMPLIFYING GUIDANCE ON IMPLEMENTATION OF NEW DOD RESTRICTED REPORTING
POLICY FOR DOMESTIC ABUSE
INCIDENTS IAW REFS A THROUGH C. REF A MANDATES IMPLEMENTATION OF A DOD POLICY FOR DOMESTIC
ABUSE. REF B EXPANDED DOD POLICY TO ALLOW UNRESTRICTED AND RESTRICTED REPORTING DOMESTIC
ABUSE. REF C PROVIDES THE FRAMEWORK FOR CONFIDENTIAL, RESTRICTED REPORTING FOR VICTIMS OF
DOMESTIC ABUSE. REF D IS CNIC IMPLEMENTATION GUIDANCE FOR FLEET AND FAMILY SUPPORT PROGRAM
(FFSP) CLINICIANS AND FAMILY ADVOCACY PROGRAM (FAP) VICTIM ADVOCATES (VA). REF E PROVIDES AN
OPERATING FRAMEWORK AND INTERIM POLICY FOR MARINE CORPS UNITS.
3. POLICY: THE NAVY IS FULLY COMMITTED TO ENSURING DOMESTIC ABUSE VICTIMS ARE PROTECTED,
TREATED WITH DIGNITY AND RESPECT, AND PROVIDED SUPPORT, ADVOCACY AND QUALITY MEDICAL CARE.

ADDITIONALLY, THE NAVY STRONGLY SUPPORTS EFFECTIVE COMMAND AWARENESS AND PREVENTION PROGRAMS AND LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES THAT WILL MAXIMIZE ACCOUNTABILITY AND PROSECUTION OF DOMESTIC ABUSE. WHILE NAVY POLICY PREPERS THAT PERSONNEL REPORT ALL SUSPECTED CASES OF DOMESTIC ABUSE, THE REQUIREMENT FOR ALL DOMESTIC ABUSE INCIDENTS TO BE REPORTED CAN PRESENT A BARRIER FOR VICTIMS WHO WOULD NOT SEEK MEDICAL AND VICTIM SERVICES WHEN DOING TO WOULD REQUIRE COMMAND OR LAW ENFORCEMENT NOTIFICATION.

4. REF B PROVIDES NEW CONFIDENTIAL, RESTRICTED REPORTING AS AN OPTION FOR VICTIMS OF DOMESTIC ABUSE SIMILAR TO THAT PREVIOUSLY PROVIDED TO VICTIMS OF SEXUAL ASSAULT. RESTRICTED REPORTING PROVIDES AN OPTION FOR VICTIMS OF DOMESTIC ABUSE TO RECEIVE MEDICAL TREATMENT AND VICTIM ADVOCACY SERVICES WITHOUT REQUIRING NOTIFICATION TO LAW ENFORCEMENT OR THE VICTIM S OR ALLEGED OFFENDER S COMMANDER WHEN THEY REPORT SUCH ABUSE TO ONE OF THE FOLLOWING INDIVIDUALS: VICTIM ADVOCATE (VA), HEALTH CARE PROVIDER (HCP) OR VA SUPERVISOR.
5. THE OPTION OF RESTRICTED REPORTING PROVIDED BY REFS B AND C IS LIMITED TO ADULT VICTIMS OF DOMESTIC ABUSE ELIGIBLE TO RECEIVE MILITARY MEDICAL TREATMENT, INCLUDING CIVILIANS AND CONTRACTORS ELIGIBLE FOR MILITARY HEALTH CARE OUTSIDE CONTINENTAL UNITED STATES ON A REIMBURSABLE BASIS. PLEASE NOTE THAT THE RESTRICTED REPORTING IS AVAILABLE TO A DIFFERENT CATEGORY OF VICTIMS IN CASES OF DOMESTIC ABUSE THAN THOSE OF SEXUAL ASSAULT. RESTRICTED REPORTING OF SEXUAL ASSAULT IS COVERED UNDER SEPCOR.
6. DOMESTIC ABUSE IS DEFINED AS DOMESTIC VIOLENCE OR A PATTERN OF BEHAVIOR RESULTING IN EMOTIONAL/PSYCHOLOGICAL ABUSE, ECONOMIC CONTROL, AND/OR INTERFERENCE WITH PERSONAL LIBERTY DIRECTED TOWARD A PERSON OF OPPOSITE SEX WHO IS: (A) A CURRENT OR FORMER SPOUSE; (B) PERSON WITH WHOM THE ABUSER SHARES A CHILD IN COMMON; OR (C) CURRENT OR FORMER INTIMATE PARTNER WITH WHOM THE ABUSER SHARES OR HAS SHARED A COMMON DOMICILE. CHILD ABUSE OR ELDER ABUSE IS NOT CONSIDERED DOMESTIC ABUSE FOR PURPOSES OF THIS POLICY.
7. HEALTH CARE PROVIDERS. DOD DEFINES HEALTH CARE PROVIDER FOR THE PURPOSE OF THIS POLICY AS INDIVIDUALS EMPLOYED OR ASSIGNED AS HEALTHCARE PROFESSIONALS, OR WHO ARE CREDENTIALLED TO PROVIDE HEALTH CARE SERVICES (INCLUDING CLINICAL SOCIAL WORKERS), AT A MILITARY MEDICAL OR MILITARY DENTAL TREATMENT FACILITY, OR A MILITARY FAMILY SUPPORT CENTER, OR WHO PROVIDE SUCH CARE AT A DEPLOYED LOCATION OR IN AN OFFICIAL CAPACITY. THIS INCLUDES MILITARY PERSONNEL, DOD CIVILIAN EMPLOYEES AND DOD CONTRACTOR PERSONNEL. THERE IS POTENTIAL THAT A VICTIM MAY BE CONFUSED AS TO WHETHER A GIVEN INDIVIDUAL IN THE MEDICAL TREATMENT FACILITY (MTF) MEETS THIS DEFINITIONAL AND CAN OFFER RESTRICTED REPORTING, PARTICULARLY GIVEN THE ROUTINE OVERLAP BETWEEN MEDICAL AND ADMINISTRATIVE ROLES. THE VICTIM S INTENT SHOULD BE DETERMINATIVE AND THE OPTION OF RESTRICTED REPORTING PRESERVED. REF D PROVIDES SIMILAR GUIDANCE IN ORDER TO ACCOMMODATE A VICTIM S ATTEMPT TO SEEK OUT RESTRICTED REPORTING.
8. REGARDLESS OF REPORTING STATUS, HEALTH CARE PROVIDERS WILL INITIATE APPROPRIATE CARE AND TREATMENT OF DOMESTIC ABUSE VICTIMS PER LOCALLY ESTABLISHED PROTOCOLS. HEALTH CARE PROVIDERS WILL NOTIFY THE ON-CALL VICTIM ADVOCATE (VA) OR VA SUPERVISOR. FOR DON, VA SUPERVISOR INCLUDES FAP VA COORDINATOR, WHERE AVAILABLE, AND FFSP CLINICIANS WHO FUNCTION IN GOVERNMENT OVERSIGHT AND/OR A SUPERVISORY CAPACITY. PER REFS D AND G, THE DESIGNATED VA WILL RESPOND, OFFER ADVOCACY AND SUPPORT AND PROVIDE THE VICTIM INFORMATION AND CLARIFICATION ON RESTRICTED AND UNRESTRICTED REPORTING OPTIONS. THE VICTIM SHOULD ACKNOWLEDGE IN WRITING HIS/HER ELECTION AND UNDERSTANDING OF THE BENEFITS AND LIMITATIONS OF THE REPORTING OPTIONS.
9. DOD GUIDELINES FOR FORENSIC EVIDENCE COLLECTION AND PRESERVATION UNDER THE RESTRICTED REPORTING OPTION ARE UNDER DEVELOPMENT.
10. WHEN A VICTIM DISCLOSES DOMESTIC ABUSE TO SOMEONE NOT DESIGNATED OR ACTING AS AN INSTALLATION VA SUPERVISOR, RESPONSIBLE DOMESTIC ABUSE VA OR HEALTH CARE PROVIDER, DISCLOSURE MAY RESULT IN COMMAND NOTIFICATION AND INVESTIGATION OF THE ALLEGATIONS. WHEN DOMESTIC ABUSE IS DISCLOSED TO A COMMAND OR TO LAW ENFORCEMENT FROM A SOURCE OTHER THAN INDIVIDUALS AUTHORIZED TO RECEIVE RESTRICTED REPORTS, THE COMMAND WILL REPORT THE INCIDENT TO NAVY CRIMINAL INVESTIGATIVE SERVICES (NCIS), WHICH MAY INITIATE INDEPENDENT INVESTIGATION OF THE COMPLAINT.
11. WHEN AN ADULT VICTIM ELECTS RESTRICTED REPORTING, VA AND HEALTH CARE PROVIDERS MAY NOT DISCLOSE COVERED COMMUNICATIONS EITHER TO VICTIM S OR ALLEGED OFFENDER S COMMANDER OR TO LAW ENFORCEMENT, EXCEPT AS OUTLINED BELOW. VICTIMS MAY ALSO REPORT DOMESTIC ABUSE TO A CHAPLAIN AND BE AFFORDED PRIVILEGED COMMUNICATION WHICH IS NOT ALTERED OR AFFECTED BY THIS NEW GUIDANCE.
12. EXCEPTIONS TO CONFIDENTIALITY AND RESTRICTED REPORTING AND LIMITATIONS OF APPLICABILITY. WHEN A VICTIM ELECTS RESTRICTED REPORTING, THE PROHIBITIONS ON DISCLOSING COVERED COMMUNICATIONS TO THE FOLLOWING PERSONS OR ENTITIES ARE SUSPENDED WHEN:
 - A. DISCLOSURE TO NAMED INDIVIDUALS IS AUTHORIZED BY VICTIM IN WRITING.
 - B. IN THE JUDGMENT OF THE HCP OR VA, DISCLOSURE TO COMMAND OFFICIALS OR LAW ENFORCEMENT IS

NECESSARY TO PREVENT OR LESSEN A SERIOUS AND IMMINENT THREAT TO THE HEALTH OR SAFETY OF THE VICTIM OR ANOTHER PERSON. REF D ENUMERATES A NUMBER OF FACTORS THAT MAY BE CONSIDERED IN DETERMINING WHETHER SUCH AN EXCEPTION APPLIES.

C. AS A RESULT OF THE VICTIM S DISCLOSURE, THE VA OR HCP HAS A REASONABLE BELIEF THAT CHILD ABUSE ALSO OCCURRED. HOWEVER, DISCLOSURE WILL BE LIMITED ONLY TO INFORMATION RELATED TO THE SUSPECTED CHILD ABUSE.

D. DISCLOSURE BY A HCP TO DISABILITY RETIREMENT BOARDS AND OFFICIALS AS REQUIRED FOR FITNESS FOR DUTY OR FOR DISABILITY RETIREMENT DETERMINATIONS IS LIMITED TO ONLY THAT INFORMATION NECESSARY TO PROCESS THE DISABILITY RETIREMENT DETERMINATION.

E. DISCLOSURE IS REQUIRED FOR SUPERVISION OF DIRECT VICTIM TREATMENT OR SERVICES.

F. A MILITARY, FEDERAL OR STATE JUDGE ISSUES A SUBPOENA FOR THE COVERED COMMUNICATION TO BE PRESENTED TO A MILITARY OR CIVILIAN COURT OF COMPETENT JURISDICTION OR OTHER OFFICIALS OR ENTITIES.

G. DISCLOSURE IS REQUIRED BY FEDERAL OR STATE STATUE OR APPLICABLE U.S. INTERNATIONAL AGREEMENT. FOR STATES THAT REQUIRE MANDATORY REPORTING, SPECIFIED HEALTHCARE PROVIDERS ARE OBLIGATED TO REPORT THE DOMESTIC VIOLENCE TO LOCAL LAW ENFORCEMENT EVEN IF THE VICTIM OPS FOR RESTRICTED REPORTING. IT IS INCUMBENT ON HEALTHCARE PROVIDERS TO FULLY UNDERSTAND REQUIREMENTS THAT MAY IMPINGE ON IMPLEMENTATION OF RESTRICTED REPORTING AND ENSURE THAT VICTIMS ARE FULLY INFORMED.

13. HEALTH CARE PROVIDERS MAY ALSO CONVEY TO THE VICTIM S COMMANDER, IF APPLICABLE, ANY POSSIBLE ADVERSE DUTY IMPACT RELATED TO AN ACTIVE DUTY VICTIM S MEDICAL CONDITION AND PROGNOSIS PER REF F. SUCH CIRCUMSTANCES, HOWEVER, DO NOT OTHERWISE WARRANT AN EXCEPTION TO POLICY, AND THEREFORE THE SPECIFIC DETAILS OF THE DOMESTIC ABUSE INCIDENT WILL STILL BE TREATED AS COVERED COMMUNICATIONS AND MAY NOT BE DISCLOSED.

14. IN ALL CASES WHERE A DISCLOSURE IS MADE PURSUANT TO ONE OF THE IDENTIFIED EXCEPTIONS, THE DISCLOSURE WILL BE LIMITED TO ONLY THAT INFORMATION NECESSARY TO SATISFY THE PURPOSE OF THE DISCLOSURE. FURTHER DISCLOSURES WILL NOT BE MADE UNLESS THE VICTIM AUTHORIZES THE DISCLOSURE IN WRITING.

15. IF A HCP BELIEVES THAT DISCLOSURE IS WARRANTED OR REQUIRED PURSUANT TO ONE OF THESE EXCEPTIONS, THE HEALTH CARE PROVIDER SHALL FIRST CONSULT WITH HIS/HER SUPERVISOR OR SERVICING LEGAL OFFICE PRIOR TO DISCLOSURE. WHEN THERE IS UNCERTAINTY OR DISAGREEMENT ON WHETHER AN EXCEPTION APPLIES, THE MATTER WILL BE BROUGHT TO THE INSTALLATION COMMANDER FOR FINAL DECISION. EVERY REASONABLE EFFORT MUST BE MADE TO PROVIDE VICTIM WITH ADVANCE NOTICE OF THE INTENTION TO DISCLOSE A COVERED COMMUNICATION. THIS ADVANCE NOTICE INCLUDES A DESCRIPTION OF THE INFORMATION TO BE DISCLOSED, BASIS FOR DISCLOSURE, AND THE INDIVIDUAL, GROUP, OR AGENCIES TO WHOM IT WILL BE DISCLOSED.

16. HEALTH CARE PROVIDERS SHOULD VERIFY THE VICTIM S REPORTING CHOICE DURING EACH VISIT RELATED TO THE DOMESTIC ABUSE AND ENSURE DOCUMENTATION IN THE VICTIM S MEDICAL RECORD. RECORDS PERTAINING TO RESTRICTED REPORTING SHOULD BE APPROPRIATELY MARKED TO REFLECT THEIR STATUS AS COVERED COMMUNICATIONS. PROVIDERS WITH AHLTA PATIENT ENCOUNTERS RELATED TO DOMESTIC ABUSE SHOULD ACTIVATE THE SENSITIVE BUTTON TO ENHANCE PRIVACY. TO ENSURE CONFIDENTIALITY DURING FOLLOW UP APPOINTMENTS, VICTIMS ELECTING RESTRICTED REPORTING SHOULD BE COUNSELED TO REMIND THE HCP WHEN DISCUSSING THE INCIDENT TO ENSURE ALL PARTIES REMAIN AWARE OF THE VICTIM S PREFERENCE.

17. REGARDLESS OF WHETHER THE VICTIM CHOOSES RESTRICTED OR UNRESTRICTED REPORTING, PROTECTED HEALTH INFORMATION MAY ONLY BE USED AND DISCLOSED IN ACCORDANCE WITH REF F. IMPROPER DISCLOSURE OF COVERED COMMUNICATIONS, IMPROPER RELEASE OF MEDICAL INFORMATION, AND OTHER VIOLATIONS OF THIS POLICY ARE PROHIBITED AND MAY RESULT IN DISCIPLINE UNDER THE UCMJ, LOSS OF PRIVILEGES, AND/OR OTHER ADVERSE PERSONNEL OR ADMINISTRATIVE ACTIONS.

18. COMMANDERS, COMMANDING OFFICERS AND OFFICERS-IN-CHARGE WILL ENSURE THAT ALL HEALTH CARE PROVIDERS, HOSPITAL CORPSMAN, AND OTHER PERSONS INVOLVED IN DIRECT PATIENT CARE ARE INFORMED OF THIS NEW RESTRICTED REPORTING OPTION FOR VICTIMS OF DOMESTIC ABUSE. EACH MTF WILL VERIFY THE EXISTENCE AND SCOPE OF ANY MANDATORY STATE LAW REPORTING REQUIREMENTS APPLICABLE UNDER THIS POLICY AND ENSURE HEALTH CARE PROVIDERS ARE KNOWLEDGEABLE ON THESE AND OTHER RESTRICTED REPORTING EXCEPTIONS.

19. MTFs WILL EXAMINE DOMESTIC ABUSE PROTOCOLS TO ASSURE THAT VICTIMS OF DOMESTIC ABUSE GET THE BEST CARE AND SUPPORT POSSIBLE CONSISTENT WITH THE REQUIREMENTS OF THIS POLICY. PREVENTION OF DOMESTIC ABUSE AND APPROPRIATE CARE OF VICTIMS OF DOMESTIC ABUSE REQUIRES COORDINATION WITH LOCAL COMMANDS, CHAPLAINS, SOCIAL SERVICES, FLEET AND FAMILY SERVICE CENTERS AND MTFs.

20. RELEASED BY RADM J. M. MATECZUN, VICE CHIEF, BUMED.//

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ORIGINAL TO RECIPIENTS:

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7783(UC)
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OTHER TO RECIPIENTS:

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AIG 11251 @ AL 11251(uc)

AIG 13776 @ AL 13776(uc)

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