

Common Questions about Mandated Reporting

1. How do I know a professional is at-risk for impairment?

Consider all information available to you. See Symptoms of Impairment. Does the behavior or condition raise a concern that the professional may be unable to practice with skill and safety if the condition or behavior is not managed? The intention is early intervention. The behavior or condition does not need to have displayed in practice setting. You are responsible to intervene prior to direct impact on practice.

2. Am I obligated to make a report?

If you have any information that a professional may be unable to practice with skill and safety and you are a health professional, you are legally obligated to report. If you acquired the information as a treatment provider, you should report if you believe the report is necessary to prevent or lessen risk of harm to the health or safety of other persons, patients, or the public.

3. Where do I make the report?

Visit the DPH website:

www.ct.gov/dph/lib/dph/practitioner_licensing_and_investigations/plis/impairedform.pdf

Call HAVEN at (860) 828-3175, or visit: www.haven-ct.org

4. Will my report be anonymous?

If the report is made to DPH, it will not be anonymous. If the report is made to HAVEN, you must give your name and contact information. However, you may ask that your identity not be disclosed. Referral source will be identified as anonymous in the participant record. In order to satisfy the mandated reporting requirement, HAVEN must document who made the referral. This information is kept in a secure location.

5. Am I protected from retaliation?

If the report is made in good faith and without malice, you are entitled to immunity by law.

6. Will the professional's license be at risk for public discipline?

If the professional is eligible to participate in HAVEN and is compliant with the health plan designed for the professional, his or license will not be subject to discipline. If the professional caused patient harm, was convicted of a felony, or has a history of licensure discipline, the Department of Public Health will determine eligibility for the confidential program or establish a disciplinary track.

7. What happens if the professional refuses to participate with HAVEN?

HAVEN is responsible to notify DPH. The Department will determine if discipline is appropriate or may offer the professional another opportunity to work with HAVEN.

8. Is HAVEN part of the Department of Public Health?

No. HAVEN is a private 501(c)(3) nonprofit organization.

Although established by state law to be an alternative to discipline program, HAVEN is independent from the Department. HAVEN is required by law to notify the Department and to transfer HAVEN records to the Department if a professional is not compliant.

9. If I know a professional has a DUI or other arrest due to a health condition, do I need to make a report?

Yes. A healthcare professional may not rely on the individual professional's obligation to self-report. A health care professional who is aware that another professional has been arrested for a drug related offense is legally obligated to report to HAVEN or to DPH. A healthcare professional who is aware of an arrest for behavior which raises a concern for fitness to practice is also required to make a report, although the professional does not have an obligation to self-report an arrest related to mental health.

10. If the Department of Consumer Protection (Drug Control Division) was notified, do I still need to make a report to DPH or HAVEN?

Yes. A report to Department of Consumer Protection does not satisfy the mandated reporting responsibility. The Department may wait for DCP to complete its investigation. HAVEN will reach out to the professional.

11. May I investigate to confirm or rule out a physical or mental health condition prior to deciding if I am required to make a report?

Although you should confirm that the concern arises from fact, e.g. professional observed slurring words on an identified date and time, you may not coordinate a medical or psychiatric evaluation, require production of medical or mental health records, or require a report whether oral or written from a treatment provider in lieu of making the report. A hospital committee, employee assistance program, or other entity does not satisfy mandated reporting responsibilities. If you have sufficient information to require that a health condition with the potential for impairment must be ruled out, you are mandated to report the concern to the Department or HAVEN.

10. Is the professional referred entitled to due process or a hearing?

If the referral is made to the Department, the professional is entitled to due process and a hearing before the appropriate Board or Commission. If the professional elects to work with HAVEN, the professional is not entitled to due process or a hearing. Working with HAVEN is not disciplinary and is a choice for an eligible professional.

HAVEN
Health Assistance InterVention Education Network

