Human Trafficking and Health Care Providers: Legal Requirements for Reporting and Education

The majority of trafficked persons in the United States access health care at some point during their exploitation. Health care providers who treat victims of human trafficking are subject to a patchwork of sometimes inconsistent laws regarding their reporting obligations. Which patients should or must be reported and to whom vary from state to state and are often not congruent with federal law obligations. In addition, an increasing number of states impose education requirements for health care providers related to human trafficking.

As part of the American Hospital Association's Hospitals Against Violence initiative, the AHA, Jones Day, and HEAL Trafficking have come together to provide resources to health care providers across the nation who are fighting the global scourge of human trafficking. To support that initiative, Jones Day has prepared the attached tool to help providers navigate the complex roadmap of their reporting and education obligations. With the increased role of telehealth and multistate practitioners, the need for this type of resource is growing. AHA, HEAL Trafficking, and Jones Day are pleased to be able to provide this tool as a resource for use without charge.

The tool covers, for the federal government and each of the 50 United States, a summary of the applicable laws on the following topics: reporting of child abuse; reporting of sex and/or labor trafficking; and required regulation of anti-trafficking education of health care providers. In the minority of states that require reporting of adult (rather than child) trafficking victims, those additional reporting laws are designated in special blue font.[1]

The attached tool outlines the federal and state statutes and corresponding regulations for mandatory reporting and education requirements for health care providers. The tool does not address the many other considerations for medical professionals regarding trafficking, including confidentiality, decision-making capacity of trafficking victims, and appropriate protocols for care of the victim.

The law in this area is rapidly evolving. Jones Day may consider making periodic updates of the tool, but health care providers should always verify the current state of applicable laws before acting on this information.[2]

Jones Day is pleased to be able to contribute to the AHA's Hospitals Against Violence initiative with this tool. Jones Day has a long history of, and commitment to, pro bono work, public service, and community involvement in all of our locations around the world. http://www.jonesdayprobono.com.[3]

Endnotes

1 The authors wish to thank Holly Atkinson, who published a comprehensive guide on this topic in 2016. *See U.S. State Laws Addressing Human Trafficking: Education of and Mandatory Reporting by Health Care Providers and Other Professionals*, Journal of Human Trafficking, 2:2 at 111-138 (2016).

2 This publication and the attached tool should not be construed as legal advice on any specific facts or circumstances, nor as a legal opinion. Distribution of this publication and the attached tool or its content is not intended to create, and receipt of it does not constitute, an attorney-client relationship. The views set forth are the personal views of the authors and do not necessarily reflect those of Jones Day. The contents are intended for general information purposes only, and may not be quoted or referred to in any presentation, publication, or proceeding without the prior written consent of Jones Day, to be given or withheld at Jones Day's discretion. To request reprint permission, please use our "Contact Us" form, which can be found on our website at www.jonesday.com.

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