

GUNSHOT BULLETIN

On June 13, 2005, the *Mandatory Gunshot Wounds Reporting Act, 2005* received Royal Assent. The legislation comes into force on September 1, 2005.

Previously, under the *Personal Health Information Protection Act*, gunshot wounds were not reportable to the police unless the circumstances were such that the healthcare provider believed on reasonable grounds that it was “necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons” – PHIPA, s. 40(1).

Now, after public discussion and debate in the legislature, the law requires hospitals and such other facilities as may be designated to report that treatment is being provided to a patient with a gunshot wound. The preamble to the legislation states: “The people of Ontario recognize that gunfire poses serious risks to public safety and that mandatory reporting of gunshot wounds will enable police to take immediate steps to prevent further violence, injury or death”.

At this time, only Hospitals are required to make reports. The legislation provides that regulations may prescribe what other organizations, clinics or physicians’ offices must also report, but no such regulations have been passed at this time.

The report is to be made orally to the local police force “as soon as it is reasonably practicable to do so without interfering with the person’s treatment or disrupting the regular activities of the facility”. The report is to include “the fact that a person is being treated for a gunshot wound, the person’s name, if known, and the name and location of the facility” - s.2.

We recommend that Hospitals advise Emergency Department staff about this new obligation. A process should be developed to ensure that these reports are made. As the legislation requires reporting “as soon as reasonably practicable”, the process should include how this can be accomplished in the middle of the night and on the weekend. Somebody in a responsible position should be designated as responsible for making the report.

If you have any questions about this legislation, please contact one of our Health Law lawyers including:

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