

MANDATORY REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT BY PHYSICAL THERAPIST OR PHYSICAL THERAPIST ASSISTANT

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House Bill 4108 as reported from committee
Sponsor: Rep. Roger Hauck
1st Committee: Families, Children and Seniors
2nd Committee: Judiciary
Complete to 6-5-19

BRIEF SUMMARY: House Bill 4108 would amend the Child Protection law to add physical therapists and physical therapist assistants to the list of professionals required to report suspected child abuse or child neglect.

FISCAL IMPACT: House Bill 4108 would extend reporting requirements to physical therapists and physical therapist assistants. Due to the possibility of additional investigations, the bill's provisions may increase costs to the Department of Health and Human Services (DHHS) Children's Protective Services (CPS) program, which investigates allegations of abuse or neglect by a caretaker of a child under the age of 18. (See **Fiscal Information**, below, for further discussion.)

THE APPARENT PROBLEM:

Currently, under the Child Protection Law, certain professionals who have reasonable cause to suspect child abuse or child neglect are required to make an immediate report. The act includes a detailed method for reporting the abuse and notifying DHHS. Reports are confidential, and a person making a report in good faith is immune from liability for making the report or cooperating with a subsequent investigation. The act currently applies to law enforcement officers, members of the clergy, school counselors or teachers, school administrators, physicians, nurses, physician's assistants, licensed providers of emergency medical care, dentists, registered dental hygienists, medical examiners, audiologists, psychologists, licensed professional counselors, marriage and family therapists, social workers, licensed master's or bachelor's social workers, social service technicians, registered social service technicians, persons employed in a professional capacity in any office of the Friend of the Court, and regulated child care providers.

Except for those classified as teachers in a school system, physical therapists and physical therapist assistants are not currently mandated reporters. Some feel that their professional duties, their expertise, and their direct contact with children under their care provide them with an enhanced capacity to identify signs of child abuse and neglect. Legislation has been offered to bring them under the mandatory reporting provisions of the Child Protection Law.

THE CONTENT OF THE BILL:

House Bill 4108 would add physical therapists and physical therapist assistants to the list of professionals who are required to report suspected child abuse or child neglect under the Child Protection Law. The bill would take effect 90 days after enactment.

MCL 722.623

FISCAL INFORMATION:

House Bill 4108 would extend reporting requirements to physical therapists and physical therapist assistants. Due to the possibility of additional investigations, the bill's provisions may increase costs to the DHHS Children's Protective Services (CPS) program, which investigates allegations of abuse or neglect by a caretaker of a child under the age of 18. A caretaker is defined as any person responsible for the child's health or welfare. Currently within the CPS program, DHHS has 1,605 investigators who each carry a caseload of 12 cases for each investigator. Ongoing CPS caseworkers each carry a caseload of 15 cases for each worker. The amount of any increase in costs to the department would depend upon the number of additional complaints to be investigated.

If a neglect or abuse allegation is against a child's caretaker, then DHHS has investigatory authority. If the allegation is against anyone else other than a caretaker, then law enforcement agencies would have the responsibility to investigate, which could, in some instances, increase costs to local governments.

In FY 2016-17, the CPS investigated 92,440 cases of child abuse or neglect. Of those investigations, 68.7%, or 63,485 cases, were reported by a mandatory reporter, and 31.3%, or 28,955 cases, were reported by non-mandatory reporters. After investigations were performed, approximately 28% of these cases, almost 26,000, were substantiated for evidence of abuse and/or neglect.

ARGUMENTS:

For:

According to DHHS, "Reports made by mandated reporters are confirmed at nearly double the rate of those made by non-mandated reporters." Mandated reporters are professionals in health, education, and other fields whose expertise and contact with children place them in a position to spot indications of abuse or neglect. Proponents of the bill argued that physical therapists and physical therapist assistants meet these criteria and also should be mandated reporters.

Against:

No arguments opposing the bill were offered in committee.

POSITIONS:

Representatives of the following entities testified in support of the bill:

- Department of Health and Human Services (4-10-19)
- Michigan Physical Therapy Association. (5-21-19)

The following entities indicated support for the bill:

- Michigan Council for Maternal and Child Health (4-10-19)
- Michigan Catholic Conference (5-21-19)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.