

Legislative Analysis



ACCESS TO CONFIDENTIAL CHILD CARE RECORDS

Phone: (517) 373-8080
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House Bill 4549 as reported from committee
Sponsor: Rep. Kathy Crawford
1st Committee: Families, Children and Seniors
2nd Committee: Ways and Means
Complete to 6-4-19

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 4549 would amend 1973 PA 116 (commonly known as the child care licensing act) to specify that certain confidential records kept by a child care organization must be made available under certain circumstances to an agency, bureau, division, or other entity in the Department of Health and Human Services (DHHS), a child caring institution or child placing agency contracted with DHHS, or a national accreditation program.

FISCAL IMPACT: The bill would have no fiscal impact on the state or local units of government.

THE APPARENT PROBLEM:

The child care licensing act currently provides that records and information compiled by a child care organization about children and their parents and relatives must be kept confidential and limits the entities that can have access to those records (for example, committees or subcommittees of the legislature with jurisdiction over protective services matters for children, or the Children's Ombudsman established by the Children's Ombudsman Act). Assigned foster care staff in DHHS have access to the records, which includes important medical information, but it is believed that it would be helpful if it were available to other DHHS staff and contracted child care institutions or child placing agencies to better service children in the system and ensure that their needs are being met. Access to this information would allow responsible parties to know the health care needs of children when they come into and leave the system. Legislation was introduced to address this concern.

THE CONTENT OF THE BILL:

House Bill 4549 would amend 1973 PA 116 (commonly known as the child care licensing act) to specify that certain confidential records kept by a child care organization must be available to the following:

- An agency, bureau, division, or other entity in DHHS, or a child caring institution or child placing agency contracted with DHHS, with authorization from the director of the agency responsible for child welfare services or his or her designee to individuals whose purpose is directly connected with the administration of child welfare services.
- A national accreditation program, only while on-site, for the purpose of review and accreditation of a child welfare program, agency, or organization.

The bill would take effect 90 days after enactment.

MCL 722.120

ARGUMENTS:

For:

Supporters argued that the bill will allow caseworkers to better understand concerns, particularly health and safety concerns, regarding the children they must look after. Caseworkers must have the resources and information they need to do their jobs—and protect children—to the best of their ability. The bill makes it clear that relevant DHHS staff, and other appropriate parties, could have access to confidential information, including relevant medical records in the Michigan Statewide Automated Child Welfare Information System. Supporters also argued that allowing peer reviewers from national accreditation organizations to have access to unredacted case files when evaluating the standards and quality of care of a child welfare program or organization would help to ensure that those standards are being met and the required level of quality is being provided.

Against:

No arguments opposing the bill were offered in committee.

POSITIONS:

Representatives of the following entities testified in support of the bill (5-8-19):

Department of Health and Human Services
D.A. Blodgett–St. John’s

The Michigan Federation for Children and Families indicated support for the bill. (5-8-19)

Legislative Analyst: E. Best
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