



**House
Legislative
Analysis
Section**

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DOCTOR TO REPORT ABUSE IMMEDIATELY

House Bill 4094 as introduced
First Analysis (6-4-87)

Sponsor: Rep. Joanne G. Emmons
Committee: Social Services & Youth

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THE APPARENT PROBLEM:

Currently, doctors are not among the list of people who must make a report to the Department of Social Services if they suspect abuse of a vulnerable adult. Present law defines a "vulnerable adult" as one who is physically or mentally impaired, or a person who has the frailties and dependencies of old age.

THE CONTENT OF THE BILL:

The Social Welfare Act requires a health care professional other than a physician to immediately make an oral report to the local Department of Social Services when he or she suspects or has reason to believe that an adult has been abused. (Police officers, social workers, and others are subject to the same requirement). A physician is required to make "a report" — not necessarily immediate or oral — when he or she, as a matter of professional judgment, suspects abuse and determines the report to be in the best interest of the adult in question. The bill would eliminate this requirement for physicians and instead make them subject to the same requirement that applies to others. Further, the bill would also provide that reports made by licensed health professionals, in addition to physicians, could not be considered a violation of any legally recognized privileged communication.

MCL 400.11a

FISCAL IMPLICATIONS:

According to the Department of Social Services, the bill would have no fiscal implications to the state. (6-2-87)

ARGUMENTS:

For:

The bill would increase protection for adult victims of abuse, neglect, exploitation, and endangerment through the increased involvement of the Adult Protective Services (APS) program in the Department of Social Services. The bill would also increase prevention of abuse through early detection in suspected cases that come to the attention of licensed health professionals and physicians. In addition, reporting of suspected abuse could be increased due to the extended protection for licensed health care professionals.

Against:

Reporting suspected cases of abuse, neglect, exploitation, and endangerment are important; however, these duties take time from the busy practice of a physician or other licensed health professional, especially if the need would arise for the reporting person to testify in court. Further, some vulnerable adults who are abused or neglected may prefer not to seek medical attention if they know a report would be made to the Department of Social Services, especially if the abuse or neglect was precipitated by a relative who the abused or neglected person wanted to protect.

POSITIONS:

The Department of Social Services supports the bill. (6-2-87)

The Michigan State Medical Society has no position on the bill. (6-3-87)

H.B. 4094 (6-4-87)