

DISCLOSURE OF CERTAIN CONFIDENTIAL INFO

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 1041-1044 as passed the Senate

Sponsor: Sen. Judy K. Emmons

House Committee: Families, Children, and Seniors

Senate Committee: Families, Seniors and Human Services

Complete to 11-29-16

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

SUMMARY:

The package of bills would amend various statutes to allow certain confidential information possessed by the Department of Health and Human Services (DHHS) or the Department of Licensing and Regulatory Affairs (LARA) to be disclosed as necessary for the "proper functioning" of the departments or another state department, regardless of confidentiality provisions. A detailed explanation of each bill follows.

Senate Bill 1041

Under the Adult Foster Care Facility Licensing Act (MCL 400.724), a complaint regarding an alleged violation of the act or associated rule or a record published, released, or otherwise disclosed to a facility, may not disclose the name of the complainant or an adult resident named in the complaint unless the complainant or resident consents or the investigation results in an administrative hearing or judicial proceeding, or unless LARA considers disclosure essential to an investigation.

Senate Bill 1041 would amend the act so that information or records that LARA possessed could be disclosed to the extent necessary for the proper functioning of the department or another state department.

Senate Bill 1042

Under the Social Welfare Act (MCL 400.11c), certain people who suspect or have reasonable cause to believe that an adult has been abused, neglected, or exploited must report to the county department of social services. In addition, any person who suspects that an adult has been abused, neglected, or exploited may report that suspicion. The identity of a person making a report must be kept confidential, subject to disclosure only with that person's consent or by judicial process.

Senate Bill 1042 would amend the Social Welfare Act to say that, notwithstanding that provision and any other confidentiality provisions of the act, information or records that the DHHS possessed could be disclosed to the extent necessary for the proper functioning of the department or another state department

Senate Bill 1043

Except as otherwise provided in the Child Protection Law (MCL 722.625), the identity of a reporting person is confidential and subject to disclosure only with his or her consent or by judicial process. The act requires certain people who have reasonable cause to suspect

child abuse or neglect to report to the DHHS. Further, any person who has reasonable cause to suspect child abuse or neglect may report to the DHHS or a law enforcement agency.

The bill would amend the Child Protection Law to specify that, notwithstanding that provision and other confidentiality provisions in the CPL, information or records that the DHHS possessed could be disclosed to the extent necessary for the proper functioning of the department or another state department.

Senate Bill 1044

Under the Child Care Licensing Act (MCL 722.120), the Department of Health and Human Services (DHHS) is allowed to investigate and examine conditions of a child care organization in which a licensee receives, maintains, or places out children, and to investigate and examine a licensee's books and records.

Except as otherwise provided in the act, records regarding children and facts compiled about children and their parents and relatives are confidential and disclosure of that information must be properly safeguarded by the child care organization, the DHHS, and any other entity in possession of the information.

Senate Bill 1044 would amend the act to say that, notwithstanding the act's confidentiality provisions, information or records that the department possessed could be disclosed to the extent necessary for the proper functioning of the department or another state department.

Each bill would take effect 90 days after being enacted.

FISCAL IMPACT:

Senate Bills 1041–44 would have no fiscal impact on the state of Michigan or local units of government.

Legislative Analyst: E. Best
Fiscal Analyst: Viola Bay Wild
Marcus Coffin

■ 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.