

Legislative Analysis



CHILD WITH SPECIAL HEALTH CARE NEEDS: ELIMINATE TERM "CRIPPLED CHILDREN"

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**House Bill 4203 as enrolled
Public Act 89 of 2015
Sponsor: Rep. Mike Callton, D.C.**

**House Bill 4204 as enrolled
Public Act 90 of 2015
Sponsor: Rep. Joseph Graves**

**House Bill 4205 as enrolled
Public Act 91 of 2015
Sponsor: Rep. Andy Schor**

**Senate Bill 113 as enrolled
Public Act 93 of 2015
Sponsor: Sen. Jim Marleau**

**Senate Bill 112 as enrolled
Public Act 92 of 2015
Sponsor: Sen. Curtis Hertel, Jr.**

**Senate Bill 114 as enrolled
Public Act 94 of 2015
Sponsor: Sen. Margaret E. O'Brien**

**House Committee Health Policy
Senate Committee: Families, Seniors, and Human Services
Complete to (9-14-15)**

BRIEF SUMMARY: The bills would amend various acts to remove all references to the term "crippled children" and replace them with the term "children and youth with special health care needs."

FISCAL IMPACT: These bills should not have a fiscal impact on the state or local units of government.

THE APPARENT PROBLEM:

In 1944 Dr. and Mrs. James T. Pardee, co-founder of the Dow Chemical Company, granted Dow Chemical stock to establish a special private fund whose purpose was to help children crippled by polio and other diseases. The fund accepted contributions from individuals, businesses, and organizations. For over 70 years, the fund has successfully helped thousands of Michigan families to pay for specialty medical bills.

The fund—now known as the Children's Special Health Care Services Program—continues today; it is managed by the Michigan Department of Community Health and staffed by state employees. In partnership with local health departments, the fund serves children statewide who have chronic and debilitating diagnoses. See ***Background Information***, below.

Originally, the program was known as the Michigan Crippled Children's Fund. Consequently, several Michigan statutes use the term "crippled children" or "crippled child" to refer to children with special health care needs. The terms are also used to establish program eligibility.

While the word "crippled" was once widely and acceptably used to describe a variety of maladies, over time it has acquired a narrow and negative connotation. Legislation has been introduced to remove the term from Michigan's Public Health Code, and other statutes.

THE CONTENT OF THE BILLS:

The bills would amend various acts to remove all references to the term "crippled children" and replace them with the term "children and youth with special health care needs." All of the House and Senate bills are tie-barred to House Bill 4205, so that none of the bills could go into effect unless House Bill 4205 also were enacted into law.

A description of each bill follows.

House Bill 4205 would amend the Public Health Code of 1978 (MCL 333.5801, et al.) to re-title Part 58 so that it would be called "Children and Youth with Special Health Care Needs," and not "Crippled Children." This chapter of the Code describes the state programs and services for children suffering from an array of debilitating conditions, with the intent of improving their quality of life, and where possible enabling them to be self-sufficient.

Now within Part 58 of the Public Health Code, a "crippled child" is defined as *a single or married individual under 21 years of age whose activity is or may become so restricted by disease or deformity as to reduce the individual's normal capacity for education and self-support.* House Bill 4205 would eliminate the term "crippled child," and replace the word "deformity."

Instead and under House Bill 4205, the term "child or youth with special health care needs" would be defined to mean *a single or married individual under 21 years of age whose activity is or may become so restricted by disease or specified medical condition as to reduce the individual's normal capacity for education and self-support.*

Further, throughout the chapter, the terms "crippled child" and "crippled children" would be replaced by term "child or youth with special health care needs." The word "deformity" would be replaced by "specified medical condition."

Also, the bill would repeal Section 5811 of the Public Health Code which calls for the creation of a five-person Crippled Children's Advisory Committee appointed by the governor. And, it eliminates the requirement that the Department of Treasury keep money in a special fund known as the Crippled Children's Fund.

Finally, the bill was amended in the Senate to prohibit an individual from serving as a pharmacy technician, unless licensed or otherwise authorized by the Public Health Code,

beginning October 1, 2015. Currently the law prohibits that practice beginning June 1, 2015.

House Bill 4203 would amend Public Act 327 of 1931 (MCL 450.157), which concerns hospitals and asylums, to replace the term "crippled children" with the term "children and youth with special health care needs."

House Bill 4204 would amend the Social Welfare Act of 1939 (MCL 400.55), which allows county officials to administer a public welfare program, to replace the term "crippled children" with the term "children and youth with special health care needs."

Senate Bill 112 would amend Public Act 29 of 1957 (MCL 720.551), which provides for the disposition of certain files and records in the probate court, to refer to a "child or youth with special health care needs" rather than "crippled or afflicted children."

Public Act 29 of 1957 allows a probate court to order the destruction of certain files and records if more than six years have passed since the court's last order in the case. The provision applies to proceedings taken for the hospitalization of crippled or afflicted children. Under the bill, it instead would apply to proceedings taken for the hospitalization of a "child or youth with special health care needs" under Part 58 of the Public Health Code.

Senate Bill 113 and **Senate Bill 114** would both amend Public Act 137 of 1921 (MCL 722.501 & 722.503), which authorizes counties to contract for the care and treatment of children, so the law would refer to a child or children with "special health care needs" rather than to a "crippled" child or children.

More specifically, Public Act 137 of 1921 allows a county board of commissioners to enter into agreements for up to one year with one or more agencies, institutions, or hospitals to receive aid, care for, support, maintain, treat, cure, or relieve any poor, sick, distressed, abandoned, needy, or crippled child or children living within the county who may be referred by a judge of the family division of circuit court (family court). **Senate Bill 113** would amend this provision to replace the term "crippled child" or "crippled children" with the term "child" or "children with special health care needs."

Also under PA 137, if a county enters into a contract described above, a family court judge must refer the poor, sick, distressed, abandoned, needy, or crippled child or children to the proper agency, institution, or hospital with which the county has contracted. **Senate Bill 114** would amend this provision of the law to substitute "crippled child" and "crippled children" with the phrase, "child or children with special health care needs."

BACKGROUND INFORMATION:

For more information about Children's Special Health Care Services, located in the Michigan Department of Community Health, visit www.michigan.gov/cshcs

ARGUMENTS:

For:

The bills would modernize language that many consider derogatory. The term "crippled," like the word "deformity," carries a stigma, implying a physical or mental inability or shortcoming. Children who have disabilities or are ill should no longer be referred to in that manner. The appropriate way to refer to children whose health conditions may warrant special treatment is "children and youth with special health care needs."

Our use of the words "crippled" and "deformity" also falls short of our current and much broader and more inclusive standard of care. For example, the Public Health Code's definition of "crippled child" refers to a child restricted by disease or deformity; these outdated terms "crippled" and "deformity" imply paralysis or physical deformity. However, children who deserve special treatment may qualify for services because of a rare illness or developmental delay. That need for special care, and not a child's debilitating condition, should be what is emphasized in statute, and what determines eligibility for state programs and services.

Some argue a change in the language of a statute is largely symbolic. But as committee testimony makes clear, removing these terms and replacing them with kinder words now in current usage, is a welcome and meaningful change for clients, patients who are children, their families, health care providers, and fund donors.

People should be recognized in Michigan statutes in respectful and accurate ways. Since many people believe these words to be offensive and pejorative descriptors, Michigan's laws should instead refer to children or youth as having "specified medical conditions," and as children "with special health care needs."

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