

Legislative Analysis



ACCESS TO CONFIDENTIAL CHILD CARE RECORDS

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

House Bill 4549 as enacted
Public Act 94 of 2019

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

1st House Committee: Families, Children and Seniors
2nd House Committee: Ways and Means
Senate Committee: Families, Seniors and Veterans
Complete to 5-22-20

BRIEF SUMMARY: House Bill 4549 amends 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 include important medical information, but some believe that it would be helpful if the information 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 amends 1973 PA 116 to provide that certain confidential records kept by a child care organization must be available to the following:

- An employee of an agency, bureau, division, or other entity in DHHS, or an employee of a child caring institution, or a child placing agency contracted with DHHS, but in each case only the extent necessary to administer child welfare services. The director of the agency responsible for child welfare services or his or her designee is responsible for authorizing an employee to have access to the records and for ensuring that access is given only to the extent necessary.
- 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 took effect January 22, 2020.

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 House committee.

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