

# HOUSE BILL No. 5187

July 14, 2009, Introduced by Reps. Neumann, Meadows, Byrnes, Liss, Scripps, Roberts, Haase, Womack, Kennedy, Slavens, Haugh, Kandreas, Constan, Durhal, Polidori, Terry Brown, Leland, Valentine, Segal, Spade, Miller, Geiss, Roy Schmidt, Bauer, Tlaib, Dean, Ebli, Gregory, Robert Jones, Donigan, Gonzales, Mayes, Sheltroun, McDowell, Lahti, Lisa Brown and Jackson and referred to the Committee on Senior Health, Security, and Retirement.

A bill to amend 1939 PA 280, entitled  
 "The social welfare act,"  
 by amending section 11a (MCL 400.11a), as amended by 1990 PA 122.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 11a. (1) ~~A~~**EXCEPT AS OTHERWISE PROVIDED IN THIS**  
 2 **SUBSECTION, A** person who is employed, licensed, registered, or  
 3 certified to provide health care, educational, social welfare,  
 4 mental health, ~~or~~ other human services, **OR FINANCIAL SERVICES**; an  
 5 employee of an agency licensed to provide health care, educational,  
 6 social welfare, mental health, or other human services; a law  
 7 enforcement officer; **A FINANCIAL INSTITUTION**; or an employee of the  
 8 office of the county medical examiner who suspects or has  
 9 reasonable cause to believe that an adult has been abused,

1 neglected, ~~or~~ exploited, **OR FINANCIALLY EXPLOITED** shall make  
2 immediately, by telephone or otherwise, an oral report to the  
3 county department ~~of social services~~ of the county in which the  
4 abuse, neglect, or exploitation is suspected of having or believed  
5 to have occurred. **A FINANCIAL INSTITUTION IS REQUIRED TO REPORT**  
6 **ONLY CASES OF SUSPECTED FINANCIAL EXPLOITATION.** After making the  
7 oral report, the reporting person may file a written report with  
8 the county department. A person described in this subsection who is  
9 also required to make a report ~~pursuant to~~ **UNDER** section 21771 of  
10 the public health code, ~~Act No. 368 of the Public Acts of 1978, as~~  
11 ~~amended, being section 333.21771 of the Michigan Compiled Laws 1978~~  
12 **PA 368, MCL 333.21771,** and who makes that report is not required to  
13 make a duplicate report to the county department ~~of social services~~  
14 under this section.

15 (2) A report made by a physician or other licensed health  
16 professional ~~pursuant to~~ **UNDER** subsection (1) shall not be  
17 considered a violation of any legally recognized privileged  
18 communication or a violation of article 15 of the public health  
19 code, ~~Act No. 368 of the Public Acts of 1978, being sections~~  
20 ~~333.16101 to 333.18838 of the Michigan Compiled Laws 1978 PA 368,~~  
21 **MCL 333.16101 TO 333.18838.**

22 (3) In addition to those persons required to make an oral  
23 report under subsection (1), any person who suspects that an adult  
24 has been abused, neglected, or exploited may make a report to the  
25 county department ~~of social services~~ of the county in which the  
26 abuse, neglect, or exploitation is suspected of having occurred.

27 (4) A report made under this section shall contain the name of

1 the adult and a description of the abuse, neglect, or exploitation.  
2 If possible, the report shall contain the adult's age and the names  
3 and addresses of the adult's guardian or next of kin, and of the  
4 persons with whom the adult resides, including their relationship  
5 to the adult. The report shall contain other information available  
6 to the reporting person that may establish the cause of the abuse,  
7 neglect, or exploitation and the manner in which the abuse,  
8 neglect, or exploitation occurred or is occurring. The county  
9 department shall reduce to writing the information provided in an  
10 oral report received ~~pursuant to~~ **UNDER** this section.

11 (5) The county department shall report to a police agency any  
12 criminal activity that it believes to be occurring, upon receipt of  
13 the oral report.

14 (6) This section shall not be construed as limiting the  
15 responsibilities of the police agency of a local unit of government  
16 to enforce the laws of this state or as precluding the police  
17 agency from reporting and investigating, as appropriate, alleged  
18 criminal conduct.