

# Title X Mandated Reporting Training

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An isometric illustration of a study or work environment. It features several large, colorful books stacked on top of each other. A person is standing on a ladder, reaching for a book on a high shelf. Another person is standing on a lower shelf, looking at a book. A third person is standing on the ground, looking at a large open book. There are also some papers and a pencil scattered around. The background is a dark teal color.

# Disclaimer

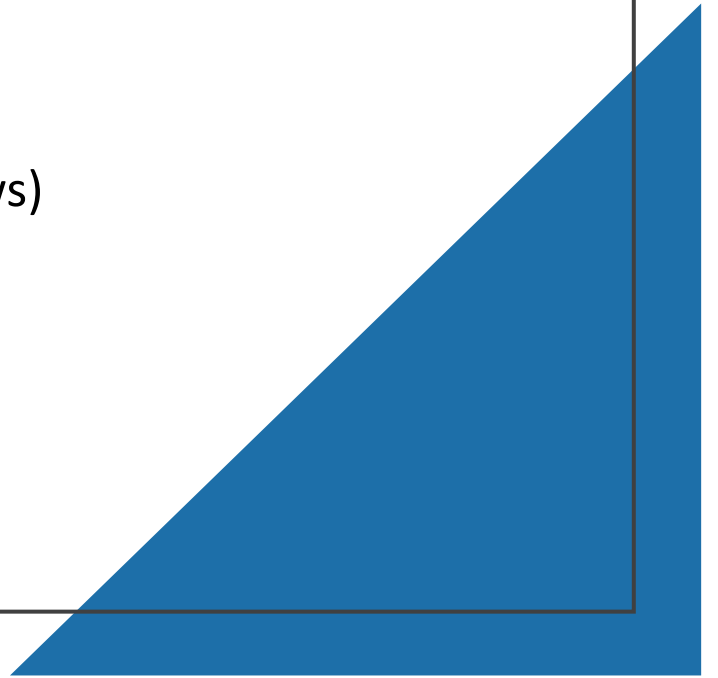
This presentation is intended for informational purposes only and does not constitute legal advice.

The interpretations presented are my own and do not represent the official positions of MDHHS.

Practitioners are encouraged to consult with private legal counsel about these matters and before entering into a delegation agreement.

# Objectives

- Understand confidentiality requirements under Title X
- Identify reporting requirements under Michigan law
  - Michigan's Child Protection Law
  - Michigan's Social Welfare Act (Vulnerable Adult Protection Laws)
- Recognize the role of state and federal law in:
  - Mandatory reporting
  - Minor consent



# Relevant Laws

- **Title X**  
(42 CFR 59.1 – 59.10)
- **Michigan's Child Protection Law**  
(MCL 722.621 – 722.638)
- **Michigan's Social Welfare Act**  
(MCL 400.11 – 400.11f)
  - Vulnerable Adult Protection Law

# Title X - Purpose

## [42 CFR Part 59 Subpart A – Project Grants for Family Planning Services](#)

Programs must "[p]rovide a broad range of acceptable and effective medically approved family planning methods . . . and services."



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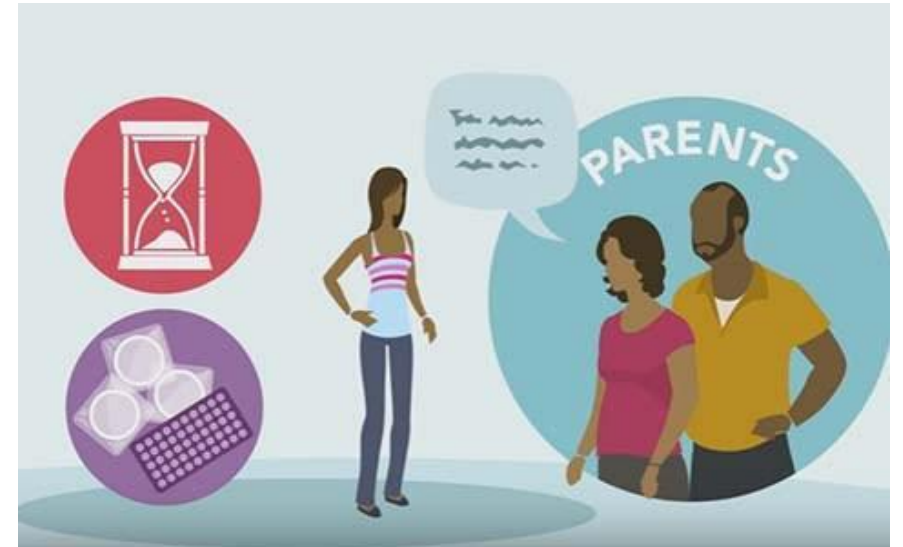
# Title X - Confidentiality

- All personal facts/information must be kept confidential.
- Exceptions:
  - Patient's documented consent
  - Necessary to provide services to the patient
  - Required by law (e.g., mandatory reporting)
- Make "reasonable efforts" to protect confidentiality when collecting charges.
- Must inform patient of risk that their health information may be disclosed to policyholder (if someone other than patient).



# Title X - Minors

- Programs may not:
  - Require parental/guardian **consent** for services to minors.
  - **Notify** parents/guardians at any time about services requested or received.
- Other confidentiality requirements still apply.
  - Must make "reasonable efforts" to protect confidentiality when collecting charges.
  - Must inform of risk of potential disclosure to policyholder.



Planned Parenthood of the Pacific Southwest

# Michigan Minor Consent Laws

Regardless of Title X Funds

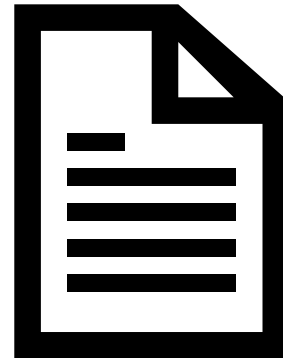
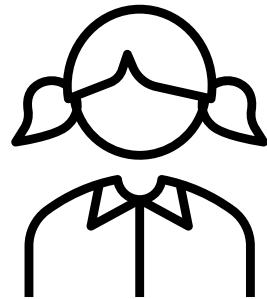
- Minors (under age 18) do not need parental consent for certain services:
  - Emergency care
  - Care for emancipated minors
  - Reproductive health care
    - Contraceptives
    - Pregnancy testing
    - Prenatal care
    - STI testing & treatment
  - Substance abuse treatment
  - Mental health treatment



# Michigan's Child Protection Law - Purpose

[MCL 722.621 – 722.638](#)

- Includes requirements for reporting, investigating, and responding to claims of child abuse and neglect.
- Requires reporting by certain persons ("mandated reporters").



# Children – Definitions

"Child Abuse"

- "[H]arm or threatened harm to a child's health or welfare that occurs
- through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment,
  - **by a parent, a legal guardian, any other person responsible for the child's health or welfare, a teacher, a teacher's aide, a member of the clergy, or an individual 18 years of age or older who is involved with a youth program."**

# Children – Definitions

"Person Responsible for the Child's Health or Welfare"

- Parent/legal guardian;
- Adult (18+) in same home as child (for any period of time); **or**
- Owner, operator, volunteer, or employee of:
  - A licensed or registered child care organization; and/or
  - A licensed or unlicensed adult foster care family home or adult foster care small group home.
- "Nonparent adult"
  - "Has a close personal relationship" with any of the above adults;
  - "Has substantial and regular contact with the child"; **and**
  - "Is not the child's parent or a person otherwise related to the child by blood or affinity to the third degree."

# Children – Definitions

"Child Neglect"

"[H]arm or threatened harm to a child's health or welfare by a **parent, legal guardian, or any other person responsible for the child's health or welfare** that occurs through either of the following:

- (i) Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care, though financially able to do so, or by the failure to seek financial or other reasonable means to provide adequate food, clothing, shelter, or medical care.
- (ii) Placing a child at an unreasonable risk to the child's health or welfare by failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk."

# Children – Mandated Reporters

If there is "reasonable cause to suspect child abuse or child neglect"

- Athletic trainer
- Audiologist
- Dentist
- Friend of the court professionals
- Law enforcement officer
- Licensed emergency medical care providers (EMTs, paramedics, first responders)
- Licensed professional counselor
- Marriage/family therapist
- Medical examiner
- Member of the clergy
- Nurse
- Occupational therapist
- Physical therapist
- Physical therapist's assistant
- Physician
- Physician's assistant
- Psychologist
- Registered dental hygienist
- Registered social service technician
- Regulated child care provider
- School administrator
- School counselor or teacher
- Social service technician
- Social worker

# Children – Definitions

"Reasonable Cause"

Law says "reasonable cause to suspect child abuse or child neglect" always exists in the following circumstances:

- Pregnancy of a child less than 12 years of age
- STI in a child who is between 1 month old and 12 years old

Anything else is a judgement call.

- Consult attorney or colleagues



# Children – Mandated Reporters

## Protections

### **Civil & Criminal Immunity**

If acting in good faith when:

- Making a report
- Cooperating in an investigation
- Assisting in other requirements under the CPL

This does not extend to a negligent act that causes personal injury or death.

### **Anonymity/Confidentiality**

Identity is confidential except:

- Consent of reporter
- Judicial process
- Investigators (i.e., police, CPA)
- Office of Children's Ombudsman

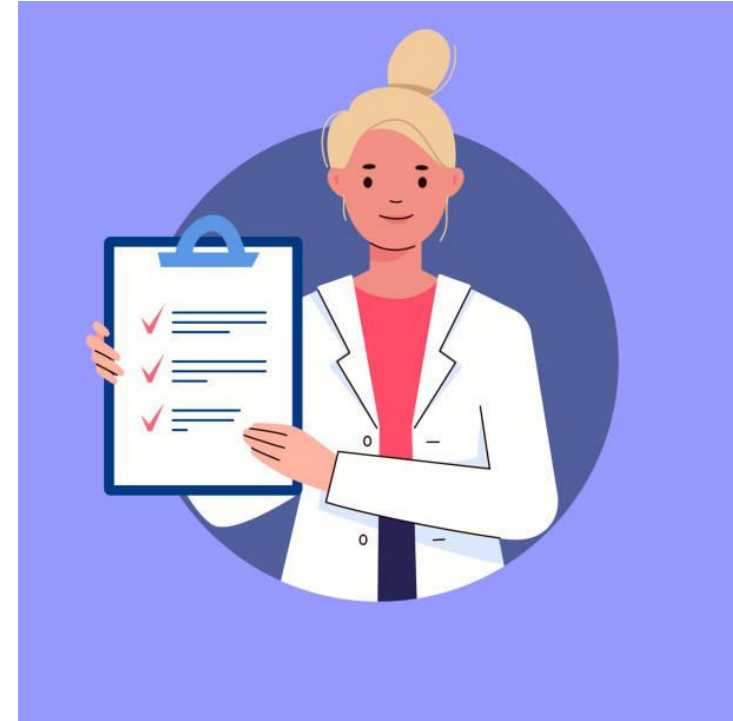
# Children – Mandated Reporters

## Protections

### **Job Security**

Hospitals, agencies, and schools cannot retaliate for:

- Making a required report
- Cooperating in an investigation



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# Children – Mandated Reporters

## Liability & Penalties

### **Failure to Report**

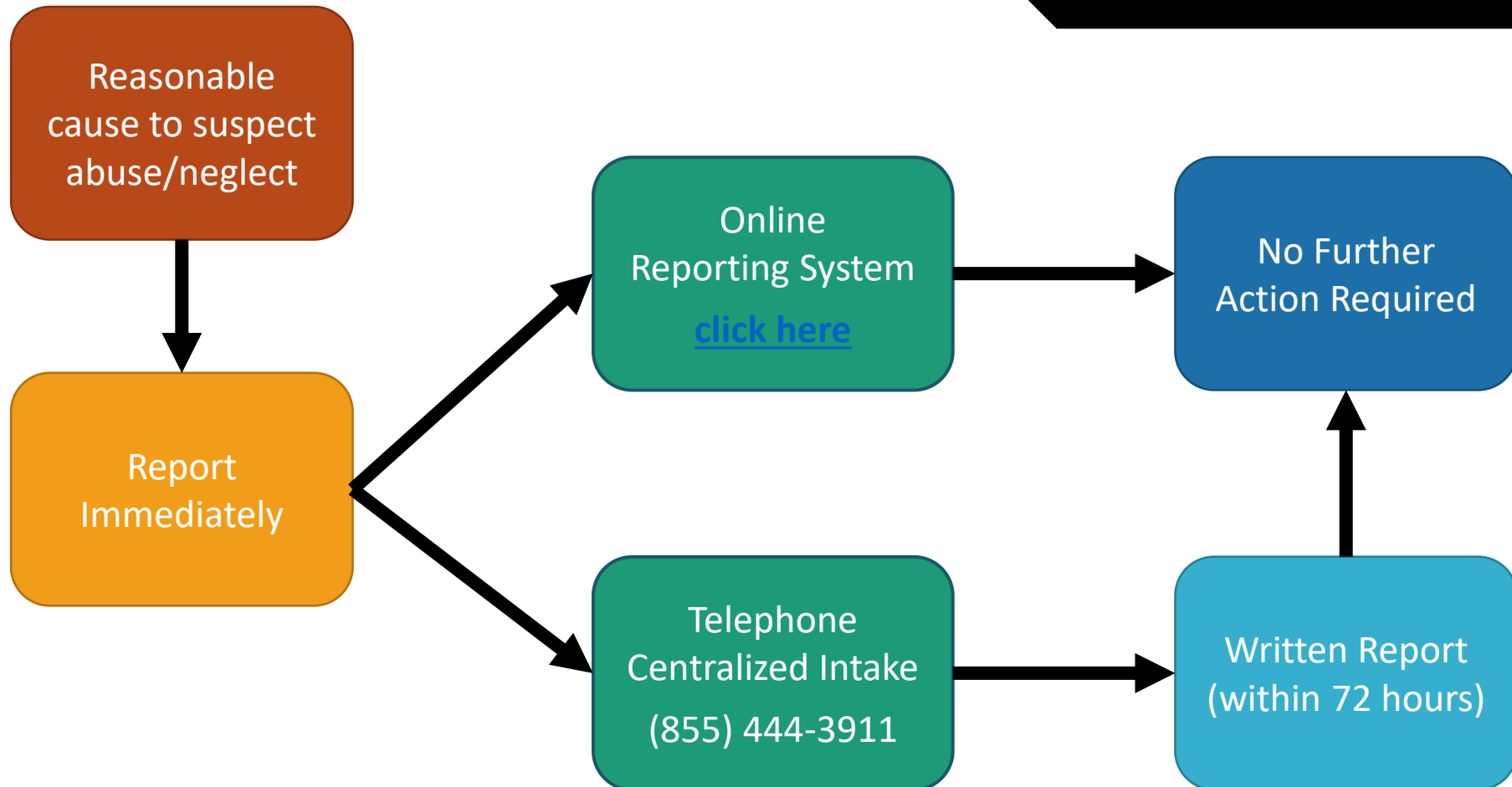
- Civil liability for damage caused
- Guilty of misdemeanor
  - 93 days of imprisonment and/or
  - \$500 fine

### **False Report**

- “Intentional”
- Misdemeanor or felony
  - Depends on severity of false allegations

# Children – How to Report

In addition to state reporting requirements, staff members at hospitals, agencies, and schools must notify those in charge.

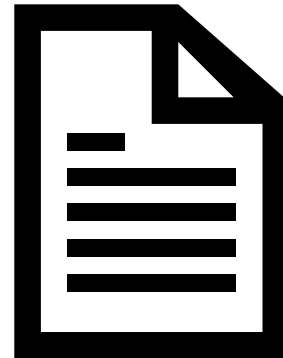
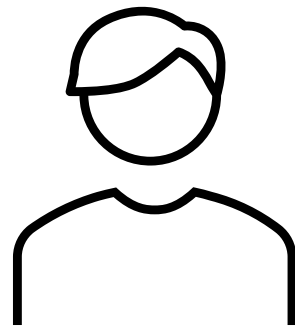




# Michigan's Social Welfare Act - Purpose

[MCL 400.11 – 400.11f](#) (Vulnerable Adult Protection Laws)

- Includes requirements for reporting, investigating, and responding to claims of abuse, neglect, or exploitation of vulnerable adults.
- Requires the reporting by certain persons ("mandated reporters").



# Vulnerable Adults – Definitions

"Adult in Need of Protective Services"

"'Adult in need of protective services' or 'adult' vulnerable person not less than 18 years of age who is suspected of being or believed to be abused, neglected, or exploited."

"'Protective services' includes, but is not limited to, remedial, social, legal, health, mental health, and referral services provided in response to a report of alleged harm or threatened harm because of abuse, neglect, or exploitation."

"'Vulnerable' means a condition in which an adult is unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or because of advanced age."

# Vulnerable Adults – Definitions

"Abuse" & "Exploitation"

"'Abuse' means harm or threatened harm to an adult's health or welfare caused by another person. Abuse includes, but is not limited to, nonaccidental physical or mental injury, sexual abuse, or maltreatment."

"'Exploitation' means an action that involves the misuse of an adult's funds, property, or personal dignity by another person."

# Vulnerable Adults – Definitions

"Neglect"

"'Neglect' means harm to an adult's health or welfare caused by the inability of the adult to respond to a harmful situation or by the conduct of a person who assumes responsibility for a significant aspect of the adult's health or welfare.

Neglect includes the failure to provide adequate food, clothing, shelter, or medical care.

A person shall not be considered to be abused, neglected, or in need of emergency or protective services for the sole reason that the person is receiving or relying upon treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, and this act shall not require any medical care or treatment in contravention of the stated or implied objection of that person."

# Vulnerable Adults – Mandated Reporters

If "suspects or has reasonable cause to believe that an adult has been abused, neglected, or exploited"

- health care, educational, social welfare, mental health, or other human services;
- an employee of an agency licensed to provide health care, educational, social welfare, mental health, or other human services;
- a law enforcement officer; or
- an employee of the office of the county medical examiner

# Vulnerable Adults – Mandated Reporters

## Protections

### **Civil Immunity**

If acting in good faith when:

- Making a report
- Assisting in other requirements under the laws

This does not extend to a negligent act that causes personal injury or death.

### **Anonymity/Confidentiality**

Identity is confidential except:

- Consent of reporter
- Judicial process
- Investigators
- LARA & MDHHS

# Vulnerable Adults – Mandated Reporters

## Liability & Penalties

### **Failure to Report**

- Civil liability for damage caused
- Civil fine - \$500
  - No criminal penalties



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# Vulnerable Adults – What to Include

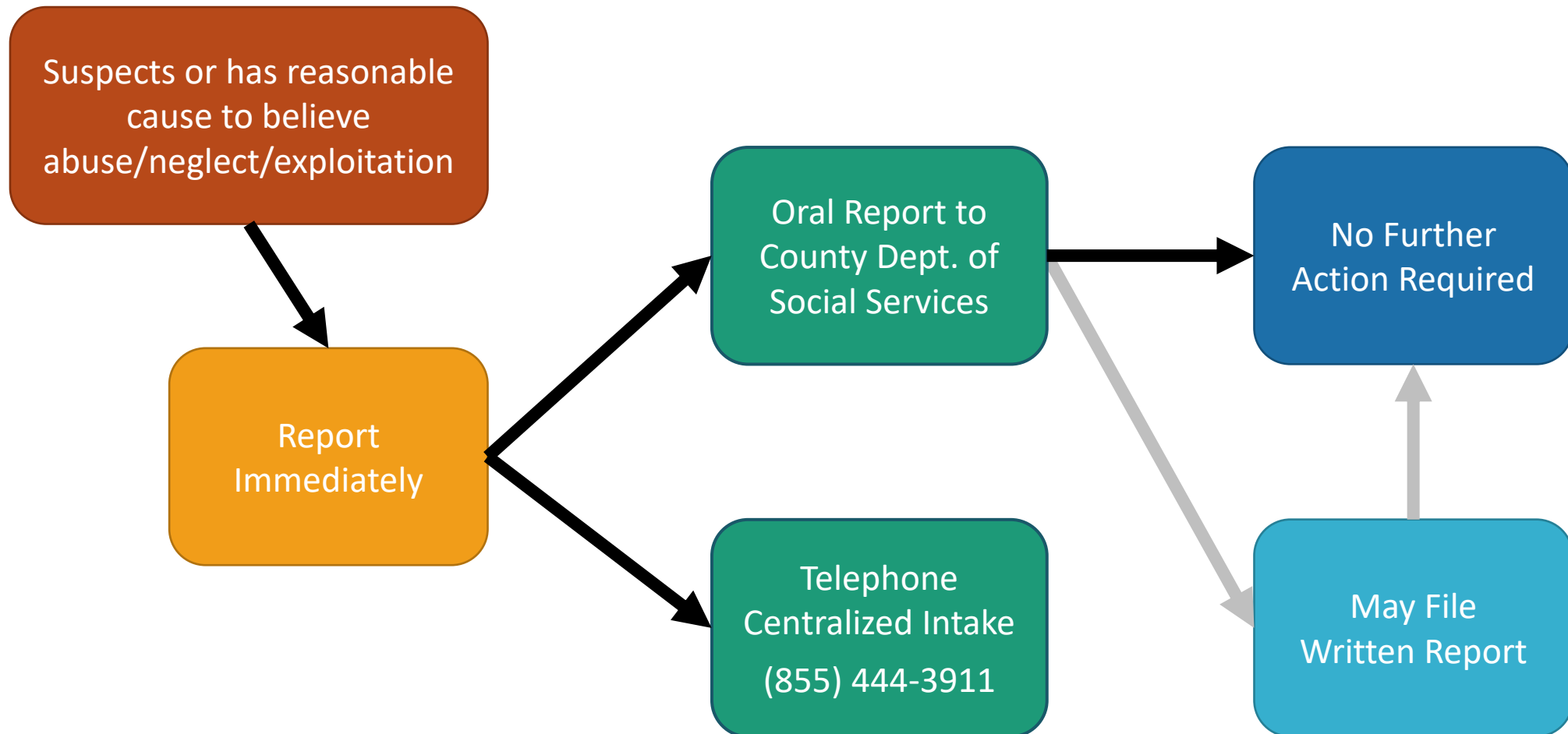
## Verbal Report

- Name of the adult
- Description of the alleged abuse, neglect, or exploitation
- Guardians/next of kin:
  - Name
  - Address
- Other household members:
  - Names and identifying information (relationship to adult)

## Written Report

- "The **county department** shall reduce to writing the information provided in an oral report received pursuant to this section."

# Vulnerable Adults – How to Report



# Thank you!

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