

MCEDSV COMMENTS RE: HB 5659

In order to fully close the “gap” in law to ensure that coaches who suspected or knew about the abuse committed by Larry Nassar would have been legally required to report that abuse, MCL 722.622 would also need to be amended. MCEDSV suggests two possible alternatives for consideration ...

Option 1: Add **A LICENSED OR REGULATED MEDICAL PROFESSIONAL** to the definition of child abuse.

MCL 722.622

Sec. 2.

(g) "Child abuse" means harm 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, or any other person responsible for the child's health or welfare or by a teacher, a teacher's aide, or a member of the clergy **OR A LICENSED OR REGULATED MEDICAL PROFESSIONAL.**

Option 2: Add **A LICENSED OR REGULATED MEDICAL PROFESSIONAL** to the definition of person responsible for the child's health or welfare.

MCL 722.622

Sec. 2.

(x) "Person responsible for the child's health or welfare" means a parent, legal guardian, person 18 years of age or older who resides for any length of time in the same home in which the child resides, or, except when used in section 7(2)(e) or 8(8), nonparent adult; or an owner, operator, volunteer, or employee of 1 or more of the following:

- (i) A licensed or registered child care organization.
- (ii) A licensed or unlicensed adult foster care family home or adult foster care small group home as defined in section 3 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.
- (iii) A court-operated facility as approved under section 14 of the social welfare act, 1939 PA 280, MCL 400.14.

(IV) A LICENSED OR REGULATED MEDICAL PROFESSIONAL.

AND Amend HB 5659 , page 5 as follows:

14 or subsequent investigation indicates that the suspected child
 15 abuse or child neglect was committed by an individual who is not a
 16 person responsible for the child's health or welfare, including,
 17 but not limited to, a member of the clergy, a teacher, or a
 18 teacher's aide, **OR LICENSED OR REGULATED MEDICAL PROFESSIONAL**, the
 19 department shall transmit a copy of the allegation or written report and the results
 20 of any investigation to a law enforcement agency in the county in which the
 21 incident occurred.

With either option, consider an addition to HB 5659 requiring reporting to the appropriate licensing / regulatory board if the department believes there is a basis in fact regarding a report of suspected abuse against a licensed or regulated medical professional.

page 7 after line 2:

If an allegation, written report, or subsequent investigation indicates that the individual who committed the suspected child abuse or child neglect is a **LICENSED OR REGULATED MEDICAL PROFESSIONAL** and the department believes that the report has basis in fact, the department shall, within 24 hours of completion, transmit a copy of the written report or the results of the investigation to the **APPROPRIATE STATE LICENSING AND / OR REGULATORY BOARD** with authority over the

For further information, please contact: Kathy Hagenian
MCEDSV Executive Policy Director
kathy.hagenian@mcedsv.org
(517) 347-7000 x15

MCEDSV COMMENTS RE: HB 5659

PROPOSED AMMENDMENT 1:

Many youth sports clubs and some schools employ older age group athletes who are still children to assist professional coaches in instructing younger players. This proposed amendment would clarify that children are not mandated reporters.

1 Sec 3. (1) An individual **WHO HAS ATTAINED THE AGE OF 18 OR OLDER** is required to report
2 under this act as follows:

PROPOSED AMMENDMENT 2:

While MCEDSV supports training on child abuse and neglect for volunteers who work with youth in coaching (or other) capacities, we oppose inclusion of volunteer coaches as mandated reporters. Further, the definition of youth recreational sports activities appears to be quite broad and seems to encompass a wide range of groups including but not limited to well-organized for-profit and not-for profit businesses (i.e. travel clubs), city /twp. parks & rec programs, religious organization youth leagues, and informal parent-organized leagues. MCEDSV is concerned with including volunteers of these organizations, especially parks and rec-type programs (or less organized entities) as such volunteers are typically parents who receive very little training or supervision. MCEDSV suggests an alternative approach to educate and encourage (but not mandate) reporting for this group, which might include ...

- 1) requiring parks and rec departments to include the DHHS Child Protection Booklet (electronically or in writing) in materials provided to all volunteer coaches;
- 2) highlighting that anyone is allowed to report child abuse and / or neglect; and
- 3) highlighting the provisions in law that provide protections for those who report.

It is our understanding that under current law any person volunteering at any level in a professional capacity who is already a mandated reported because of that profession would still be required to report.

For further information, please contact: Kathy Hagenian
MCEDSV Executive Policy Director
kathy.hagenian@mcedsv.org
(517) 347-7000 x15