

# REQUIREMENTS FOR REPORTING ABUSE AND NEGLECT

|                                                                                        | Section 723, Public Act 258 of 1974<br>as amended<br>(Mental Health Code-Recipient Abuse)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Public Act 238 of 1975<br>(Child Protection Law)                                                                                                                                                                                            | Public Act 519 of 1982<br>(Adult Protective Services Law)                                                                                                                                                                     | Section 723, Public Act 258 of 1974<br>as amended<br>(Mental Health Code-Criminal Abuse)                                                                                                                                                                                  |
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| <b>WHERE is the report made?</b>                                                       | <b>To the MDHHS, CMHSP, or Hospital OFFICE OF RECIPIENT RIGHTS</b><br><br>A list of local rights offices can be found at: <a href="https://tinyurl.com/CALL-ORR">https://tinyurl.com/CALL-ORR</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>To the MDHHS Office of Childrens Protective Services</b><br><br><b>ADULT OR CHILDRENS PROTECTIVE SERVICES HOTLINE 855-444-3911</b>                                                                                                       | <b>To the MDHHS Office of Adult Protective Services</b>                                                                                                                                                                       | <b>To the Michigan State Police, Local Sheriff or Local Police Department</b><br><br><b>Contact your local police or sheriff department</b>                                                                                                                               |
| <b>WHAT must be reported?</b>                                                          | Sexual, Physical, Emotional or Verbal Abuse, Neglect, Serious Injury, Death, Retaliation or Harassment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Sexual, Physical or Mental Abuse, Neglect, Sexual Exploitation                                                                                                                                                                              | Sexual, Physical or Mental Abuse, Neglect, Maltreatment, Exploitation                                                                                                                                                         | Assault (other than patient-patient assault/battery), Criminal Sexual Abuse, Homicide, Vulnerable Adult Abuse, Child Abuse                                                                                                                                                |
| <b>WHO is required to report?</b>                                                      | All employees, contract employees, or volunteers of Michigan Department of Health and Human Services, Community Health Services Programs, Licensed Private Psychiatric Hospitals                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Physicians, nurses, coroners, medical examiners, dentists, licensed emergency care personnel, audiologists, psychologists, social workers, school administrators, teachers, counselors, law enforcement officers, and child care providers. | Any person employed by an agency licensed to provide, anyone who is licensed, registered, or certified to provide health care, education, social, or other human services, law enforcement officers and child care providers. | All employees, contract employees of: Michigan Department of Health and Human Services, Community Mental Health Services Programs, Licensed Private Psychiatric Hospitals; All mental health professionals.                                                               |
| <b>WHAT is the CRITERIA for reporting?</b>                                             | <b>You must report if you:</b><br>Suspect a recipient has been abused or neglected or any allegations of abuse or neglect made by a recipient.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>You must report if you:</b><br>Have reasonable cause to suspect a child has been abused, neglected, or sexually exploited.                                                                                                               | <b>You must report if you:</b><br>Have reasonable cause to suspect or believe an adult has been abused, neglected, exploited or maltreated.                                                                                   | <b>You must report if you:</b><br>Suspect a recipient or vulnerable adult has been abused or neglected, sexually assaulted, or if you suspect a homicide has occurred. You do not have to report if the incident occurred more than one year before your knowledge of it. |
| <b>WHEN must the report be made and in what format?</b>                                | A verbal report must be made immediately. A written report on an incident report form must be made before the end of your shift.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | A verbal report must be made immediately. A written report on DHS form 3200 must be made within 72 hours.                                                                                                                                   | A verbal report must be made immediately. A written report at the discretion of the reporting person.                                                                                                                         | A verbal report must be made immediately. A written report must be made within 72 hours of the oral report (330.1723)                                                                                                                                                     |
| <b>TO WHOM are reports made?</b>                                                       | To your immediate supervisor <b>and</b> to the Recipient Rights Office at your agency or hospital                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Report to Protective Services Reporting Hotline 855-444-3911                                                                                                                                                                                | Report to Protective Services Reporting Hotline 855-444-3911                                                                                                                                                                  | The law enforcement agency for the county or city in which the alleged violation occurred or the State Police. A copy of the written report goes to the chief administrator of the agency responsible for the recipient.                                                  |
| <b>If there is more than one person with knowledge must all of them make a report?</b> | Not necessarily. Reporting should comply with the policies and procedures set up by each agency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Someone who has knowledge must report or cause a report to be made in the case of a school, hospital or agency, one report is adequate.                                                                                                     | Everyone who has knowledge of a violation or an alleged violation must make a report. MDHHS has typically accepted one report from agencies.                                                                                  | Someone who has knowledge must report or cause a report to be made.                                                                                                                                                                                                       |
| <b>Is there a penalty for failure to report?</b><br><b>YES</b>                         | Disciplinary action may be taken and you may be held civilly liable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | You may be held civilly liable. Failure to report is also a criminal misdemeanor.                                                                                                                                                           | You may be held civilly liable and have to pay a \$500 fine.                                                                                                                                                                  | The law states that failure to report or false reporting is a criminal misdemeanor.                                                                                                                                                                                       |
| <b>Is it necessary to report to more than one agency?</b><br><b>YES</b>                | Each of these laws requires that the designated agency be contacted, if an allegation is suspected to have occurred which falls under its specific jurisdiction. There are several references in each law indicating that reporting to one agency does not absolve the reporting person from the responsibility of having to report to other agencies, as statutorily required.                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                           |
| <b>Are there other agencies to which a report can be made?</b><br><br><b>YES</b>       | <p><b>The Bureau of Community and Health Systems (LARA)</b> is responsible for investigating abuse and neglect in <b>Nursing Homes, Hospitals and Home Health Care</b>. Call the <b>NURSING HOME ABUSE HOTLINE 800-882-6006</b></p> <p><b>The Michigan Attorney General's Office</b> has an <b>Abuse Investigation Unit</b> which may also investigate abuse in <b>Nursing Homes</b>. Call the <b>ATTORNEY GENERAL 24 hour HEALTH CARE FRAUD HOTLINE 800-24-ABUSE/ 800-242-2873</b></p> <p><b>The LARA-BCHS Adult Foster Care and Camps Licensing Division</b> is responsible for investigating abuse or neglect in a licensed foster care home. Call <b>The Bureau of Community and Health Systems (LARA) COMPLAINT INTAKE UNIT 866-856-0126</b></p> |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                           |

