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| **MONTCALM CARE NETWORK PROCEDURE 611 North State Street, Stanton, MI 48888** |
|
| SUBJECT: Abuse and Neglect Reporting Standards and Requirements | Section: 8905B |
| Effective Date: April 30, 2002 | Revised Date:  |
|  Version: 1 |  Status: Current |

Suspected abuse or neglect of children or vulnerable adults is reported anytime there are verbal allegations of abuse or neglect, or reasons to suspect abuse or neglect such as the presence of unexplained injuries, malnourishment, poor hygiene to the extent that health is threatened, untreated or uncared for injuries or illnesses, medical reports of repeated injuries, or of illnesses related to malnutrition, exposure, or poor hygiene, or any other care related circumstances adversely affecting health or safety.

**SUMMARY OF ABUSE AND NEGLECT REPORTING REQUIREMENTS**

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| **LAW** | **Section 722, Public Act 258 of 1974, as amended** | **Public Act 238 of 1975** | **Public Act 519 of 1982** | **Section 723, Public Act****258 of 1974, as amended** |
|  | (Mental Health Code-Recipient Abuse) | (Child Protection Law) | (Adult Protective Services Act) | (Mental Health Code - Criminal Abuse) |
| ***Where is the report made?*** | **The Office of Recipient Rights**Michigan Department of Health & Human ServicesAnd/orCommunity Mental Health Service ProgramsOrLicensed Private Psychiatric Hospitals/Units | **Child Protective Services**Michigan Department of Human Services | **Adult Protective Services**Michigan Department of Human Services | **State Police****Local Police****County Sheriff** |
| ***What must be reported?*** | Physical Abuse, Verbal Abuse,Emotional Abuse, Sexual Abuse,Neglect, Serious Injury or Death | Physical Abuse, Mental Abuse, Sexual Abuse, Neglect, Sexual Exploitation | Physical Abuse, Mental Abuse, Sexual Abuse, Maltreatment,Neglect, Exploitation | Assault (other than patient assault), Criminal Sexual Abuse, Criminal Homicide, Vulnerable Adult Abuse, Child Abuse |
| ***Who is required to report?*** | All employees, contract employees, or volunteers of:Michigan Department of Health & Human Services;Community Mental Health Services Programs; licensed private psychiatric hospitals or units. | 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 & Human Services;Community Mental Health Services Programs; licensed private psychiatric hospitals or unit; all mental health professionals. |
| ***What is the criteria for reporting?*** | You must report: You must report:If you suspect a recipient has been If you have reasonable cause to abused or neglected or any allegations suspect a child has been  | You must report:If you have reasonable cause to suspect or believe an adult has  | You must report:If you suspect a recipient or vulnerable adult has been  |

Section: 8905B Subject: Abuse and Neglect Reporting Standards and Requirements Page: 2

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|  | of abuse or neglect made by a recipient. | abused, neglected, or sexually exploited. | been abused, neglected, exploited or maltreated. | 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.*** |
| ***When must the report be made and in what format?*** | 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 oral report. |
| ***To whom are reports made?*** | To your immediate supervisor and to the Recipient Rights Office. | Children’s Protective Services in the county in which the alleged violation occurred. | Adult Protective Services in the county in which the alleged violation occurred. | The law enforcement agency for the county or city in which the alleged violation occurred: a Recipient copy of the written report to the responsible mental health authority. |
| ***If there is more than one person with knowledge must all of them make a report?*** | 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. DHS has typically accepted one report from agencies. | Someone who has knowledge must report or cause a report to be made. |
| ***Is there a penalty for failure to report?*** | Yes.Disciplinary action may be taken and you may be held civilly liable. | Yes.You may be held civilly liable. Failure to report is also a criminal misdemeanor. | Yes.You may be held civilly liable and have to pay a $500 fine. | Yes.The law states that failure to report or false reporting is a criminal misdemeanor. |
| ***Is it necessary to report to more than one agency?*** | Yes.Each of these laws requires that the designated agency be contacted if an allegation suspected to have occurred 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 to report to other agencies as statutorily required. |  |  |  |
| ***Are there other agencies to which reports can be made?*** | The Michigan Department of Consumer and Industry Services is responsible for investigating alleged abuse and neglect in nursing homes. The Michigan Attorney General’s Office has an abuse investigation unit which may also investigate abuse in nursing homes. typically, licensing laws under which care facilities operate mandate that the provider must notify the licensing agency when complaints of abuse or neglect arise. |  |  |  |